

EPWORTH FOREST

PIER ADMINISTRATION POLICY

The Trustees of the Northern Indiana Conference of the United Methodist Church, Inc (“Conference”) are responsible for establishing regulations regarding the placement of piers along the Lake Webster shoreline within the Epworth Forest community limits. This authority and responsibility is provided through a court judgment entered by the Circuit Court of Kosciusko County on August 2, 1994 and supplemental Pier Policy approved in 1995. It is the intent to carry out the court’s decision in an organized and efficient manner with the hope that all may enjoy the lake and together foster a better sense of community in Epworth Forest.

The Trustees of the Conference have delegated a portion of that task to the Pier Administration Committee (“Committee”) who will act as a designee of the Conference and whose authority derives solely by delegation from the Trustees of the Conference. The Trustees may engage a managing agent to oversee and carry out directives for day to day operations and maintenance related to the pier administration.

DEFINITIONS

Community Pier – Shared Pier that is owned by the Conference.

Easement – The Easement was reserved for the purpose of maintaining a promenade for the enjoyment of all residents of the plat, their guests, the Conference and its guests and attendees. The scope of the Easement includes only a right of the off-shore owners and the Conference acting for them and for itself to maintain upon the lands laying between the on-shore lots and the lakeshore, that is the littoral, of a walk way upon which landowners in the plat of Epworth Forest, their guests, and the guests and attendees of the Conference may promenade, and to permit access to such persons for fishing from the shore and to maintain upon the lakefront piers at which boats may be docked.

Lakefront Owner – An owner of a platted lot within Epworth Forest that is located directly adjacent to the Lake Webster shoreline.

Non-Lakefront Owner – An owner of a platted lot within Epworth Forest that is *not* located directly adjacent to the Lake Webster shoreline.

Pier Assignment – An allotted space along the Lake Webster shoreline that is assigned to an owner. All piers are privately owned and shall not be accessed without the permission of the owner.

Pier Administration Committee - A committee composed of five members: two members owning lakefront property, two members owning non-lake front property, one member selected by the Trustees to represent the interests of the Conference.

PIER ADMINISTRATION COMMITTEE

TERMS AND RESPONSIBILITIES

Appointed Committee members shall fill a term of three years with no limit for consecutive terms. The terms shall be staggered so the term of only one member from lakefront and non-lakefront shall expire in any one year. Upon expiration of terms, the Community owners with pier access shall be solicited for volunteers to fill the open positions. The volunteer statements shall be presented to the Trustees for appointment to the Committee.

The Committee shall:

- A. Administer the rules and regulations adopted by the Trustees of the Conference.
- B. Record pier locations of lakefront property owners.
- C. Determine and record available pier locations for non-lakefront property owners.
- D. Arbitrate disputes related to pier administration.
- E. Designate an individual or entity to be the contact in regard to pier administration matters.

RULES AND REGULATIONS

The Trustees of the Conference adopt the following rules and regulations for the administration of piers in Epworth Forest. These Rules and Regulations are not intended to be all encompassing and are in addition to any codes or laws enacted by government agencies. These rules apply to all property owners. Cooperation between all who own property within Epworth Forest is essential in fostering a sense of community in Epworth Forest.

1. PIER ASSIGNMENT ELIGIBILITY

Lot owners located in Epworth Forest with a residence located on them, or that own a lot that is buildable as a residence by Kosciusko County building standards, are eligible to apply for a pier assignment.

2. ALLOWABLE WIDTH

The maximum allowable width* for a shoreline pier space assigned to a lakefront property owner is 24 feet. Lakefront owners who own at least 24 feet or more of shoreline frontage shall be allotted a pier assignment up to 24 feet. Lakefront owners owning less than 24 feet of shoreline frontage shall be allotted a pier assignment up to the limited frontage owned (i.e. if 22 feet is owned the lakefront assignment shall be up to 22 feet wide.) If a lakefront owner owns less than 16 feet of shoreline, that lakefront owner shall be allotted at least 16 feet for their pier assignment. The maximum allowable width for a shoreline pier space assigned to a non-lakefront property owner is 16 feet. Piers shall be placed a safe and reasonable distance apart from each other with a minimum distance between pier assignments of two feet.

*Width refers to space used by an assigned owner for pier sections, watercraft, or any other personal property that takes up space in the water or along the shoreline. Measurement is the total width taken from the far left item to the far right item (for example, pier, boat, jet ski, securing pole/auger, etc.).

3. LAKEFRONT PROPERTY OWNERS

Lakefront property owners were given the right to select their shoreline pier placement first. This selection took place in the spring and summer of 1995. That lakefront property owner's shoreline pier placement shall be considered permanent unless the lakefront property owner agrees to a change in writing that has been approved by the Committee in writing. The lakefront owners shall allow the Conference and the non-lakefront owners to establish piers at reasonable intervals along the shoreline.

4. NON-LAKEFRONT PROPERTY OWNERS

Non-lakefront property owners' shoreline pier locations are assigned by the Committee on a first-come, first-served basis. Once the shoreline locations are assigned and approved in writing by the Committee, the locations are intended to be permanent; however, non-compliance may cause the Committee to consider a change.

5. PIER ACCESS

In placing a pier along the lakefront, property owners accept the limited uses of the easements and agree to abide by them. Non-Lakefront property owners and guests are asked to respect the privacy of others and refrain from traversing between Lakefront Homes to access the shoreline. Pier Assignments may be accessed by fire lanes and easements. In addition, Seawalls and adjacent shoreline property are owned and maintained by Lakefront property owners and should not be altered or damaged in any way by Non-Lakefront property owners.

6. PIER INSTALL AND REMOVAL

Shoreline piers shall be labeled by each owner with the pier location number and may be maintained in the water during normal periods that shoreline piers are in the water in Lake Webster; however, shoreline piers shall be removed from the water prior to freezing.

7. COMMUNITY PIER ASSIGNMENTS

Community Pier slots are assigned each year by the Committee. Community Pier slots shall be offered first to those Epworth Forest property owners that maintained a slot the prior year and second to those owners that have requested to be on the Community Pier waiting list by February 1st. All costs associated with the operation of the Community Piers are supported solely by funds received from Community Pier assignments.

8. PIER ADMINISTRATION FEE

A reasonable fee to cover the costs of pier administration shall be divided among owners with assigned pier locations. Such fee shall be no greater than the amount required to fund the cost of such administration and shall be determined by separate Shoreline and Community Pier budgets established by the Committee for each year and approved by the Trustees of the Conference. These budgets shall include items such as postage, printing, meeting costs, legal fees*, costs for service retained, and costs associated with the development and operations of the rules and regulations.

*The Trustees will make every effort to collect legal fees from individual(s) involved in legal action. The Kosciusko County Circuit Court, by approving this Pier Administration Policy, will uphold the decision of the Pier Administration Committee unless the Court determines that the decision of the Pier Administration Committee was arbitrary, unreasonable or capricious. If the Committee’s decision is upheld, the Court will award the Committee its reasonable attorney’s fees and expenses incurred in the enforcement of its decision.

9. OWNER REQUESTS – CHANGES – TRANSFER

Requests for Changes or New Pier Assignments: No changes to pier locations shall be made without prior written Committee approval. New pier locations are assigned on a first-come first served basis and are not guaranteed. Any request for changes to an assigned pier location must be submitted in writing to the Committee no later than February 1st of the year in which the change is requested effective utilizing the “APPLICATION/CHANGE FOR PIER ASSIGNMENT” form.

Pier Transfers: In the event of a change of ownership of a property with assigned pier access, the new owner shall apply to the Committee for a transfer of the pier assignment utilizing the “APPLICATION/CHANGE FOR PIER ASSIGNMENT” form. Pier assignments are not deeded with the property nor are all non-lakefront property owners guaranteed a pier assignment. However, it is the intent to retain the original assignments where possible as long as such assignments are in compliance with current guidelines. As it is the understanding that lakefront property pier transfers shall be

considered automatic, lakefront owners are reminded to submit updated contact information as a lakefront property ownership changes.

10. ENFORCEMENT PROCEDURES

The Committee maintains an enforcement policy and procedure related to delinquent pier fee payments and/or pier locations not in compliance with these guidelines. Such methods of enforcement may include, but are not limited to, fines, late fees, interest, and suspension of pier privileges and/or legal action if deemed necessary.