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Mail 1/21/15  
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January 20, 2015

Dear Judge Reed –

*Ann Carpy*  
CLERK KOSCIUSKO CIRCUIT COURT

This letter serves as an overview of the Epworth Forest (Pier) Administration Board of Directors' current situation and an introduction to the additional letters you will receive/have received from Board members regarding this matter.

The April 14, 2014 Findings and Orders of the Courts review of the "Pier Administration Policy and assigned maps" ordered that in #14-C-3 "1 director whose initial appointment is to be made by this Court and thereafter will be made by the unanimous consent of the 4 elected directors and if unanimous vote of the Directors cannot be reached then by appointment by the Kosciusko Circuit Court on petition of any lot owner in Epworth Forest."

As of today, January 20, 2015, the current four board members representing offshore and onshore residents cannot reach an agreement as to who that member should be. We are now asking that you/the Court appoint our 5<sup>th</sup> member. To capture the effort put forth by the Board to identify a potential 5th member, our actions over the last 6 months are summarized below:

1. Board members discussed the desired qualifications of a 5<sup>th</sup> member
2. Board members sought out candidates and asked for community input
3. Board members approached various individuals about their interest, and in several cases, the individuals declined
4. The Board identified two individuals that had interest and were willing to discuss the position further
5. All four members of the Board participated in interviews of both candidates
6. Upon the Board discussing and voting for the preferred 5<sup>th</sup> member, it was a split decision between the two candidates

Because of the split decision (two offshore members preferred the same candidate, as the on-shore members preferred the other candidate), you will be receiving two additional letters from the Board (offshore and onshore) asking for your selection of one of the two candidates or, if necessary, appoint another individual altogether.

We appreciate your assistance with our decision as we establish the new governing body for the Epworth Forest (Pier) Association.

Respectfully,

Kara Lusby and Sharon Anson, OffShore Board members for the Epworth Forest (Pier) Administration  
12231 Valley View Circle  
Indianapolis, IN 46229  
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January 20, 2015

Dear Judge Reed –

The agreed Order, April 15, 2014, creates the position of a 5th Director but does not clarify the role and responsibility. The four Directors interpret the position to be that of a neutral, nonaligned tie breaker who will attend meetings only when needed. It is not the intent the 5th Director becomes a managing director/partner.

The two Offshore Directors, Sharon Anson and Kara Lusby, sought input from their Epworth Forest neighbors. They asked for key qualifications, as well as potential individuals to be considered for the 5<sup>th</sup> Director position. Qualifications that were identified as being important to this position are as follows: fair, ethical, professional, organized, strong facilitation skills, the ability to interpret legal documentation, and a true understanding of shared access. As we discussed these qualifications, it was very clear that given the ongoing conflict of opinions and desires of Onshore and Offshore residents, a mediator would be the ideal candidate for the 5<sup>th</sup> role on our Board of Directors.

Finding an individual to meet the qualifications proved daunting. Neighbors had recommended Sue Ann Mitchell and Ken Brehob. Both of these individuals turned the position down. We then contacted the Office of Courts in Kosciusko County and were given the names of several mediators. We spoke with Dave Cates and Thomas Earheart. Both Mr. Cates and Mr. Earheart turned us down as well, but provided us a good suggestion to look outside of Kosciusko County to find a mediator. Mr. Earheart referred us to Whiteleather Law Firm in Columbia City. We then met with Lindsey Grossnickle from Whiteleather. Before confirming her interest in the position, Ms. Grossnickle thoroughly reviewed the numerous court documents, guidelines, and rulings. She asked questions in the interview, sought out opinions of the current situation in the Epworth Forest community from her peers and then determined that she was interested in serving in the Board position.

On 12/13/14, the four Board Members had a meeting to interview both Ms. Grossnickle and the other candidate, John Sullivan. Both candidates are articulate and intelligent people from different professional backgrounds, however it was evident that both candidates had radically different ideas of the role of the 5th Director. Ms. Grossnickle talked about the role of the mediator with legal experience and the importance of understanding and following the judgment. Additionally she's had experience serving on other types of governance boards.

Our concerns about former DNR representative John Sullivan as a candidate include the following:

1. Did not demonstrate understanding of or appreciation for the specific shared access situation in Epworth Forest that exists due to court rulings. The ideas he shared from his past experience simply did not apply to our community's situation.

3. Mr. Sullivan seemed to want to serve in a very 'hands-on' manner (as opposed to a neutral member needed only in 'tie-breaking' situations). Such a 'hands on' nature is not only not what is desired, but could become expensive for the community as more hours potentially means more fees.
4. Mr. Sullivan was brought into the process by on-shore member Dick Presser, initially without any input from off-shore members. On 8-16-14, Mr. Presser stated to off-shore member Sharon Anson "Let me have Sullivan for a year and then you can have whomever you want - someone more touchy-feely'. This left us questioning what Mr. Presser's intentions would be involving Mr. Sullivan.

We sincerely believe that Ms. Grossnickle meets the qualifications we have identified. We also believe that because she has no previous ties or experience with our Epworth Forest community or Webster Lake, she could truly be neutral. With Ms. Grossnickle's professional dispute mediation experience, she will be comfortable handling the many sensitive and personal issues regarding property easements and pier placement in our difficult neighborhood. It was clear that she understands the role and responsibilities and indicated she would be committed to the position on our Board of Directors.

Below is a summary of the Offshore Directors' assessment of the two candidates:

<b>Qualifications</b>	<b>Sullivan</b>	<b>Grossnickle</b>
Ethical	Yes	Yes
Fair	Unclear	Yes
Non-N.Webster Resident	Yes	Yes
Mediation, Facilitation, and Organization	No	Yes
Legal Background and Interpretation	DNR Rules Only	Yes
Accepts/Understands Community Shared Access	Unclear/Never answered directly	Yes

In conclusion, we believe that Ms. Grossnickle best fulfills the qualifications necessary for a 5th Director position for Epworth Forest. We ask for your support in appointing Lindsey Grossnickle to our Board and look forward to hearing your feedback on this important matter.

Respectfully,

Sharon Anson and Kara Lusby, Offshore Board Members of the Epworth Forest (Pier) Administration  
 12231 Valley View Circle  
 Indianapolis, IN 46229  
 (317)414-7854 and (281)794-6263

and