

STATE OF INDIANA)
) SS:
COUNTY OF KOSCIUSKO)

IN THE KOSCIUSKO CIRCUIT COURT
WARSAW, INDIANA

DOROTHY V. BARNES,) CAUSE NO. 43C01-9109-CP-00732
))
Plaintiff,)
) Honorable Michael Reed
vs.)
))
NORTH INDIANA ANNUAL)
CONFERENCE OF THE UNITED)
METHODIST CHURCH,)
FRED AND JOYCE PHANEUF, and)
NUMEROUS INTERVENING)
DEFENDANTS,)
))
Defendants.)

REPLY TO JANUARY 20, 2015 LETTER

In Sharon Anson’s letter of January 20, 2015, she felt the need to quote me along with other statements. For the benefit of the court, I would like to correct her statements.

Point 4) Concerning the DNR representative. In our first meeting as a board, July 26, 2014, the minutes state: “It was unanimous that DNR consultation will be needed in order to truly know the laws around individual pier and group pier spacing and lengths.” In the meeting of August 16, 2015, the minutes state: “On Friday, August 15, Dick and Sharon met with a potential 5th member of the EF Pier Board of Directors. They “toured” the shoreline and discussed the Board position and responsibilities. This particular candidate is a retired DNR employee and is knowledgeable about general pier related topics”. In the meeting of August 23, 2014, the minutes state: “One candidate they are considering has DNR experience and after speaking again with him, is interested in the position.” The Agenda for the September 1, 2014 meeting has as the first item on the Agenda: “Pick 5th member – John Sullivan – DNR – Sam St Clair – Conservation officer”. The Agenda for the September 5, 2015 meeting has as the first item on the Agenda: “Pick 5th member – John Sullivan – DNR – Sam St Clair – Conservation officer”. It was not until December that the off-shore members brought another name into consideration. To state “Mr Sullivan was brought into the process by the on-shore member Dick Presser, initially without any input from off-shore members.” is not a correct statement.

Point 3) Mr Sullivan did NOT want to serve in a “hands on manner”. He repeatedly asked for assurance that he would only be brought in as a tie breaker. His rate was \$100 per hour, Ms. Grossnickle’s was \$150, so Ms. Grossnickle would be the one “expensive for the committee”.

Point 4) Concerning Mr. Presser's quote of 8-6-14. What I correctly stated was: John Sullivan only wanted to serve for a year and then he and the Board could review his future involvement. My feeling was that we (The Board) needed someone that knew the law concerning piers and pier placement. This included the Indiana Code, the DNR regulations, rules and guidelines, and the Court orders. John has been testifying in court as an expert in these matters for the last 15 years. He knows the law. After we (The Board) have defined the rules, then we can in year two have someone that is "touchy-feely" to help enforce the rules and work with Epworth Forest residents.

Ms Grossnickle, by her own admission during our December meeting, is not familiar with the Indiana Code concerning Piers, and certainly not with the DNR regulations, rules, and guidelines. She had reviewed the Court orders prior to our meeting.

I believe Sharon Anson's and the on-shore owner's real concern is that following the law is not to their benefit. The current pier placements violate these regulations. They would rather "mediate" the law instead of following the law (Indiana Code, DNR Regulations, rules and guidelines, and the Court's rulings).

Respectfully submitted,

Richard Presser
President, EFAC
5710 Coventry Lane
Fort Wayne, IN 46804
Phone 260-402-5077

Richard Presser
5710 Coventry Lane
Fort Wayne, In 46804
260-402-5077

February 10, 2015

Clerk, Kosciusko Circuit Court
Kosciusko County Courts
121 N. Lake Street
Warsaw, IN 46580

Re: Barnes v. North Indiana Annual Conference of the United Methodist Church, et al.,
Kosciusko Circuit Court, Cause No. 43C01-9109-CP-00732

Dear Clerk:

Enclosed is a petition to the court requesting the assignment of the 5th director for the EFAC and clarification of the Judgment.

Thank you for your assistance in this matter. Should you have questions, please do not hesitate to call.

Very truly yours,

Richard Presser
President EFAC