

STATE OF INDIANA	)	IN THE KOSCIUSKO CIRCUIT COURT
	)SS:	
COUNTY OF KOSCIUSKO	)	CAUSE NO. 43C01-1710-PL-000105
KOKOMO GRACE UNITED	)	
METHODIST CHURCH, INC.	)	
Plaintiff,	)	
	)	
	)	
EPWORTH FOREST ADMINISTRATION	)	
COMMITTEE, INC.,	)	
Defendant.	)	

**MOTION TO ENFORCE ORDER**

Defendant, by counsel, hereby respectfully submits their Request to Enforce Court Order and in support thereof states the following:

1. Plaintiff's Complaint for Declaratory Judgment and Damages requests that this Court order the removal of the EFAC Community Pier from the Plaintiff's riparian area.
2. Defendant hereby requests that the Court enforce paragraph (j) of this Court's Order issued on April 15, 2014, under Cause No. 43C01-9109-CP-0032, which states that the "onshore owner's pier assignments will continue from year to year and be presumed permanent." Plaintiff has asserted that they are an on-shore pier owner. As such their "pier assignment" which is currently on the Community Pier is "presumed permanent."
3. Further, Exhibit E attached to the January 21, 2014 Order of this Court under Cause No. 43C01-9109-CP-0032 (the "January 21, 2014 Order") , specifically assigns Kokomo Grace to the Community Pier at pier location "64".
4. Currently, the January 21, 2014, Order, controls the location of the Community Pier and places it on property adjacent to the shoreline owned by the Plaintiff.

5. There is no factual dispute that Exhibit E of the January 21, 2014, Order assigns the Plaintiff to the Community Pier. There is also no factual dispute that the January 21, 2014, Order is still binding upon the parties until this court enters a judgment in the instant case.

6. There is no factual dispute that the community pier has been maintained in front of the Kokomo Grace property for in excess of ten (10) years.

7. In an attempt to resolve this dispute, counsel for the Defendant requested that EFAC be allowed to install the Community Pier in front of the Plaintiff's property this summer. Plaintiff denied this request and informed the Defendant that the placement of the Community Pier on the shoreline adjacent to their property would be considered a trespass and in bad faith. As a result, the Defendant is seeking the Court's guidance with respect to the location of the Community Pier for the summer of 2018.

8. Defendant has been informed by the installation company for the Community Pier that they are ready to install the Community Pier.

9. Denying the Defendant the right to place the Community Pier in its long-standing location will eliminate the ability of the occupants of the Community Pier to have a pier assignment for this summer while this litigation is pending.

WHEREFORE, Defendant moves the Court for an Order allowing the Community Pier to be in its long standing location until this litigation is resolved and for all other just and proper relief in the premises.

Respectfully submitted,

BLOOM GATES SHIPMAN & WHITELEATHER, LLP

/s/ Matthew R. Shipman

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**CERTIFICATE OF SERVICE**

I certify that on May 9, 2018, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on May 9, 2018, the foregoing document was served upon the following persons(s) via IEFS:

Richard K. Helm  
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/s/ Matthew R. Shipman

Matthew R. Shipman