

STATE OF INDIANA)
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COUNTY OF KOSCIUSKO)

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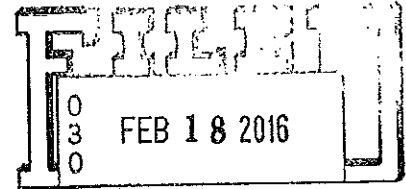
IN THE KOSCIUSKO CIRCUIT COURT
CAUSE NO. 43C01-1602-MI-47

GERRY LEE POWELL AND)
PATRICIA ANN POWELL)

Plaintiffs,)
v.)

EPWORTH FOREST ADMINISTRATION)
COMMITTEE, INC.,)

Defendant.)
)
)



Ann Jorpy
CLERK KOSCIUSKO CIRCUIT COURT

COMPLAINT FOR JUDICIAL REVIEW

Plaintiffs, for cause against Defendant, say:

1. Plaintiffs are the owners of the following described real estate located in Kosciusko County, Indiana:

Lot 12 in Block C in the Plat of Epworth Forest;

which property does not front on Webster Lake.
(*"Powell Lot"*).

2. Defendant is an Indiana corporation established pursuant to Order of the Court dated April 15, 2014 in Cause No. 43C01-9109-CP-00732.

3. Since 1941 and during the ownership of the Powell Lot by Plaintiffs and Plaintiffs' predecessors, there has been a pier maintained at a location on the waterfront of Lot 48 Block C in the Plat of Epworth Forest (now owned by Robert J. Miller and Debra S. Miller) (*"Lakefront Lot"*) approved by this Court in Order entered January 21, 2014 in Cause No. 43C01-9109-CP-00732.

4. Defendant has demanded relocation of Plaintiffs' pier to a location different than that previously approved by this Court and by the prior pier committee.

5. Plaintiffs have appealed the determination of Defendant and all appeals have been denied as shown by Exhibit A attached hereto.

EFAC

Powell Appeal 1/26/16

On 1/26/16 EFAC heard the appeal of Gerry Powell regarding the decision to remove pier 34A as there is not sufficient space for that pier. At the hearing the Powells were represented by their attorney, Steve Snyder. On 1/27/16 Mr. Snyder provided EFAC with the Memorandum in Support of the Appeal.

After a review of the documents, the Directors voted electronically on 2/15 & 16/16.

The vote on requiring the Powells to remove their pier because Pier 34 is allotted 24 ft. and the Millers are entitled to the same w/o moving their assignment. The vote of S. Montovani, R. Presser, and L .Grossnickle were for this position.

K. Lusby and S. Anson voted against the motion as there was no historical evidence of where the Millers' 24 ft began and ended along their property shoreline. The location of the 16 ft offshore assignment was defined as in compliance and has documented evidence of being assigned many years ago. Therefore is intended to be permanent.

With this action EFAC is placing the Powells on the displaced list awaiting assignment.

