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* Estate Planning & Administration Specialist - Certified by
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Also Licensed in Ohio

March 8, 2016

Stephen Snyder
200 West Main Street
Syracuse, Indiana 46567

Matthew R. Shipman
119 S. Main Street
P.O. Box 807
Columbia City, Indiana 46725

RE: *Gerry and Patricia Powell v. Epworth Forest Administration Committee, Inc.
Kosciusko Circuit Court, Cause No. 43C01-1602-MI-47*

Dear Gentleman:

Please be advised that this firm represents Robert J. Miller and Deborah S. Miller. Enclosed please find a copy of the letter, my Appearance, Motion to Intervene, and Proposed Order granting Motion to Intervene that was sent to the Clerk of Kosciusko County for filing.

Once I have obtained file stamped copies, I will forward them onto you. In the meantime, should you have any questions or concerns, please do not hesitate to contact me.

Yours truly,


John B. Powell

E-mail: JPowell@skbw.com

JBP/tlw
enclosures

cc: Robert J. and Deborah S. Miller
P:\WORK\JBP\Miller, Robert&Deborah\Opposing Counsel-ltr01=03-08-16.frm

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March 8, 2016

Clerk of Kosciusko County
121 N Lake St
Warsaw, IN 46580

**RE: *Gerry and Patricia Powell v. Epworth Forest Administration Committee, Inc.
Kosciusko Circuit Court, Cause No. 43C01-1602-MI-47***

Dear Sir or Madam:

Please find enclosed for filing with the Court in the above matter, the original and three (3) copies of my Appearance, Motion to Intervene, Proposed Order granting Motion to Intervene

We would appreciate your showing the filing of the enclosed pleadings and returning a file-marked copy of each to our office in the envelope enclosed for that purpose. Thank you for your assistance, and should you have any questions, please do not hesitate to contact our office.

Yours truly,



Tiffany L. Woodward
Legal Assistant to John B. Powell
E-mail: twoodward@skbw.com

JBP/tlw
enclosures

cc: Robert J. and Deborah S. Miller
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STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)
GERRY LEE POWELL, and)
PATRICIA ANN POWELL)
 Plaintiffs,)
vs.)
EPWORTH FOREST ADMINISTRATION)
COMMITTEE, INC.)
 Defendant.)

IN THE KOSCIUSKO CIRCUIT COURT

CAUSE NO. 43C01-1602-MI-47

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating _____ Responding _____ Intervening x

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

Robert J. Miller-Intervenor

Deborah S. Miller-Intervenor

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

John B. Powell, #6402-02
229 West Berry Street, Suite 400
P.O. Box 11648

Fort Wayne, IN 46859-1648

Telephone: (260) 423-1430

E-mail Address: JPowell@skbw.com

Facsimile: (260) 422-9038

Courthouse Mailbox No. 60

3. There are other party members: Yes _____ No X (If yes, list on continuation page.)

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): MI

5. I will accept service by FAX at the above noted number: Yes _____ No X

6. This case involves support issues. Yes _____ No X (If yes, supply social security numbers for all family members on continuation page.)

7. There are related cases: Yes _____ No X (If yes, list on continuation page.)

8. This form served on all other parties. Cert. of Service attached: Yes _____ No X

9. Additional information required by local rule:



John B. Powell


Attorney information shown above

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent, by United States Mail, postage prepaid, or by some other means accepted by this Court, to the individuals listed below on the 8th day of March, 2016.

Stephen Snyder
200 West Main Street
Syracuse, IN 46567

Matthew R. Shipman
119 S. Main Street
P.O. Box 807
Columbia City, Indiana 46725



John B. Powell

STATE OF INDIANA)
) SS:
COUNTY OF KOSCIUSKO)

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.)

MOTION TO INTERVENE

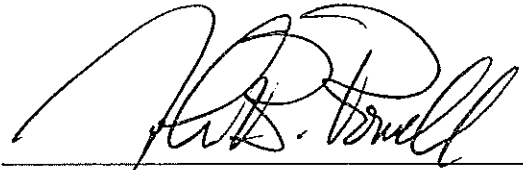
COMES NOW the proposed Intervenors, Robert J. Miller and Deborah S. Miller, by counsel, pursuant to Rule 24 of the Indiana Rules of Trial Procedure, and move the Court for permission to intervene in the above matter. In support of this Motion, the following is respectfully shown to the Court:

1. Proposed Intervenors, Robert J. Miller and Deborah S. Miller, are the owners of the "Lakefront Lot" located at Lot 48 Block C of the Plat of Epworth Forest referred to in paragraph 3 of Plaintiffs' Complaint for Judicial Review and maintain a pier at this location on the waterfront.
2. Given their current status as non-parties, the ability of Robert J. Miller and Deborah S. Miller to protect their interest in the placement of the pier on the waterfront of the above mentioned lot is impaired.
3. There is a question as to whether the interests of the Proposed Intervenors, Robert J. Miller and Deborah S. Miller, will be adequately represented by the

existing parties.

4. Counsel for the Defendant, Epworth Forest Administration Committee, Inc., Matthew Shipman, has advised he has no objection to the Motion to Intervene.

WHEREFORE, the Proposed Intervenors, Robert J. Miller and Deborah S. Miller pray that their Motion to Intervene be granted, that they be permitted to intervene in the above matter as additional Defendants and that they be granted all other just and proper relief in the premises.



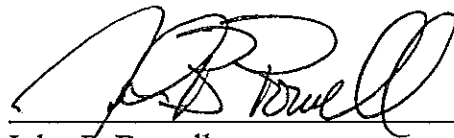
John B. Powell, #6402-02
Shambaugh, Kast, Beck & Williams, LLP
229 West Berry Street, Suite 400
P.O. Box 11648
Fort Wayne, IN 46859-1648
Telephone: (260) 423-1430
Facsimile: (260) 422-9038
Attorney for Intervenors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent, by United States Mail, postage prepaid, or by some other means accepted by this Court, to the individuals listed below on the 8th day of March, 2016.

Stephen Snyder
200 West Main Street
Syracuse, IN 46567

Matthew R. Shipman
119 S. Main Street
P.O. Box 807
Columbia City, Indiana 46725

A handwritten signature in black ink, appearing to read "John B. Powell", written over a horizontal line.

John B. Powell

STATE OF INDIANA)
) SS:
COUNTY OF KOSCIUSKO)

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.)

ORDER GRANTING MOTION TO INTERVENE

COME NOW the Proposed Intervenors, Robert J. Miller and Deborah S. Miller, by counsel, and file their Motion to Intervene pursuant to Rule 24 of the Indiana Rules of Trial Procedure.

The Court, having examined the Motion and being duly advised in the premises, now finds that the Motion should be granted.

It is hereby ORDERED ADJUDGED and DECREED that Robert J. Miller and Deborah S. Miller are permitted to intervene as additional Defendants in the above matter.

SO ORDERED.

Dated: _____

Judge, Kosciusko Circuit Court

NOTICE IS TO BE GIVEN BY:

X COURT _____ CLERK _____ PARTY _____ OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the Court's attorney's distribution box, distributed personally upon the persons and/or filed as listed below:

John B. Powell, 229 West Berry Street, Suite 400, P.O. Box 11648, Fort Wayne, IN 46859;

Stephen Snyder, 200 West Main Street, Syracuse, IN 46567;

Matthew R. Shipman, 119 S. Main Street, P.O. Box 807, Columbia City, IN 46725.

DATE OF NOTICE: _____

INITIALS OF PERSON WHO NOTIFIED PARTIES: _____ COURT _____ CLERK _____ PARTY _____ OTHER

tlw
P:\WORK\JBP\Miller, Robert&Deborah\Intervene01Order.wpd