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KOSCIUSKO COUNTY CIRCUIT COURT

Information current as of 11/16/15, 1:03 PM EST

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43C01-1511-MI-000270

STINE V. EPWORTH FOREST

ADMINISTRATION

File date: 11/10/2015 Disposition Date:

Parties Involved

Attorneys:	Parties:
SNYDER, STEPHEN RAY [Attorney] Address: SNYDER MORGAN LLP 200 W. MAIN STREET SYRACUSE , IN 46567 Phones: Business (Fax): 574-457-2056 Business (Phone): 574-457-5727	STINE, ROBERT H. [PETITIONER]
	REED, MICHAEL W [Judge] Address: 121 N LAKE STREET WARSAW , IN 46580 Phone: Business (Phone): 574-372-2403

Hardcopy References

NEW FILINGS:	Minute Entry:
CERTIFIED MAIL CLAIMED:	Minute Entry:

Calendar Entries

No calendar entries exist for this case

Minute Entries

Minute Date: 11/10/2015 Notice Sent: NO Order on File: NO COMPLAINT FILED. Complaint filed. Attorney STEPHEN R. SNYDER files appearance on behalf of plaintiff. Summons issued by CERTIFIED MAIL. JA

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C/O SUZANN MONTOVANI, RESIDENT AGENT
8139 E WADE LN
NORTH WEBSTER, IN 46555-9638

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C115MI00270 SUMMONS



SUMMONS
STATE OF INDIANA/KOSCIUSKO COUNTY
CIRCUIT COURT
121 N. Lake Street, Warsaw, Indiana 46580

ROBERT H. STINE AND
MOLLY MCGINNIS STINE,
Plaintiffs,

v.

EPWORTH FOREST ADMINISTRATION
COMMITTEE, INC.,
Defendants.

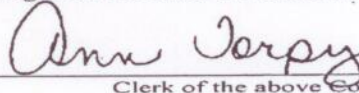
CAUSE NO. 43C01-1511-MI-270

TO: Epworth Forest Administration Committee, Inc., Defendant, whose address is c/o Suzann Montovani, Resident Agent, 8139 E. Wade Lane, North Webster, Indiana 46555

You have been sued by the Plaintiff or Petitioner in the Court stated above; additional Plaintiffs or Petitioners and Defendants, if any, are shown on the complaint or petition, a copy of which is served with this summons. The nature of the suit and the demand made against you is stated in the complaint or petition.

You or your attorney must file a written answer to the claim within twenty-three (23) days, commencing the day after you receive this summons by certified mail, or within twenty (20) days, commencing the day after you receive this summons by sheriff service, or judgment may be entered against you for what has been demanded in the complaint. An answer is considered filed when it is received in the office of the Clerk at the address listed at the top of this summons. The method you choose to deliver the answer to the Clerk is up to you; however, you should be able to prove that you filed your answer. If you have a claim against the Plaintiff or Petitioner, or any of them, arising from the same transaction or occurrence, your claim must be asserted in your written answer or response.

Dated 11-10-15



Clerk of the above Courts

Attorneys for Plaintiff: SNYDER MORGAN LLP

Seal

If Firm, particular attorneys: Stephen R. Snyder, #413-43

Address of Attorneys: 200 West Main Street, Syracuse, Indiana 46567

(574) 457-3300
Telephone Number

PRÆCIPE TO THE CLERK

Issue the Summons for service as checked:

- To Sheriff of Kosciusko County, Indiana
- By Registered or Certified Mail
- In accordance with Supplementary Præcipe filed.



Attorney for Plaintiff

ACKNOWLEDGMENT OF SERVICE

A copy of this summons and of the complaint or petition was received by me on _____

Signature

PROOF OF SERVICE BY MAIL

I certify that I mailed, postage prepaid, this summons and a copy of the complaint or petition to the defendant as addressed on the reverse under the attached registered or certified mail certificate on _____.

Clerk

Return Receipt Number _____ as attached was received by me on _____.

Clerk

PROOF OF SERVICE BY SHERIFF

I certify that I received this summons on _____. I served it with the complaint or petition in the manner checked.

1. By delivery to the named defendant personally at _____
on _____.
2. By leaving a copy at the dwelling house or usual place of abode of the named defendant at _____
on _____ and by mailing a copy of the summons without the complaint or petition to the defendant at the address as stated.
3. Special circumstances as stated: _____

I did not serve the summons because _____

Returned _____

Sheriff, _____ County, Indiana

STATE OF INDIANA)
COUNTY OF KOSCIUSKO)

IN THE KOSCIUSKO CIRCUIT COURT
CAUSE NO. 43C01-1511-MI-270

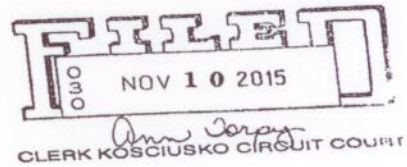
ROBERT H. STINE AND)
MOLLY MCGINNIS STINE)

Plaintiffs,)

v.)

EPWORTH FOREST ADMINISTRATION)
COMMITTEE, INC.,)

Defendant.)



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 22 in Block B in the Plat of Epworth Forest and the strip between Lot 22 and a strip to the water's edge of Webster Lake;

which property fronts on Webster Lake.
("Stine 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. During Plaintiffs' entire ownership of the Stine Lot, Plaintiffs have maintained a pier at a location on the waterfront of the Stine Lot approved by this Court in Order entered January 21, 2014 in Cause No. 43C01-9109-CP-00732. Attached as Exhibit A is a letter dated July 14, 2006, from the then pier committee affirming that the Stine pier was in its correct location at that time and is today.

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.

6. Previous Orders of this Court have stated "Onshore owner's pier assignments will continue from year to year and be presumed permanent". Pursuant to Section 6(b) of the Bylaws of Defendant, the Board of Directors has a duty to "To ensure on-shore owners' pier assignments continue from year to year and be presumed permanent".

7. The actions of Defendant, requiring Plaintiffs to move their pier, are in violation of the Bylaws of Defendant, contrary to the prior orders of this Court and arbitrary and capricious.

WHEREFORE, Plaintiffs pray for judgment against Defendant reversing Defendant's order that Plaintiffs relocate their pier and for further order determining Plaintiffs' pier location as of January 21, 2014 to be permanent, finding the actions of Defendant to be arbitrary and capricious, for the costs of this action and for all other proper relief.

SNYDER MORGAN LLP

By: 

Stephen R. Snyder, #413-43
200 West Main Street
Syracuse, Indiana 46567
Telephone: 574/457-3300
srs@snydermorgan.com
Attorneys for Plaintiffs

EPWORTH FOREST
COMMUNITY
PIER
ASSOCIATION

REF; Pier Location of 56
For Robert Stine

July 14, 2006

Dear Robert,

As requested, this letter serves to confirm that your family's pier is in the correct location assigned by the pier committee. This was done by the 1994 Judgment of the Court in forming a new Pier Policy and Pier Committee that was adopted and approved by the North Indiana Methodist Church Trustees and the Kosciusko County Court.

Please let me know if you have further questions.

Sincerely,

Richard Mann, Chairman
34 Northway Dr.
Huntington, Indiana 46750



STATE OF INDIANA)
COUNTY OF KOSCIUSKO)

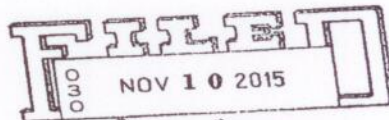
) SS: IN THE KOSCIUSKO CIRCUIT COURT
) CAUSE NO. 43C01-1511-MI-270

ROBERT H. STINE AND)
MOLLY MCGINNIS STINE)

Plaintiffs,)
v.)

EPWORTH FOREST ADMINISTRATION)
COMMITTEE, INC.,)

Defendant.)



CLERK KOSCIUSKO CIRCUIT COURT

APPEARANCE

1. The party on whose behalf this form is being filed is:

Initiating Responding Intervening ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of Party: Robert H. Stine and Molly McGinnis Stine

Address of party: 1542 W. George St., #B, Chicago, Illinois 60657

Telephone # of party: _____

2. Attorney information (as applicable for service of process):

Name: Stephen R. Snyder
Address: 200 West Main Street
Syracuse, Indiana 46567

Attorney No. 413-43
Phone: 574/457-3300
Fax: 574/457-2056
E-mail: srs@snydermorgan.com

3. Case Type requested: MI

4. Will accept FAX service: Yes No

Will accept E-mail service at the above noted address: Yes No

5. Are there related cases? Yes No If yes, list case and number below:

Caption _____ Case Number _____

6. Additional information required by state or local rule: _____
7. There are other party members: Yes No
8. This form has been served on all other parties and Certificate of Service is attached.
Yes No

SNYDER MORGAN LLP

By: 

Stephen R. Snyder, #413-43
200 West Main Street
Syracuse, Indiana 46567
Telephone: 574/457-3300
srs@snydermorgan.com
Attorneys for Plaintiffs