

EFAC Annual Meeting – September 08, 2018 at 10:30AM
North Webster American Legion Post

Board Members – in attendance

Richard Presser – President

Kara Lusby – Vice President

Randy Plew – Treasurer

Gerry Powell – Secretary

Tom Earhart – Neutral Member – absent

Financial statements for 2017 were handed out and attendance registration taken as members entered the meeting – attendance registration sheets are at the end of this document.

Kara started the meeting with an overview of the Community Pier situation as it exists as of this date.

The Community Pier has been located at the Kokomo/Grace – Huntington Trinity location for almost 20 years with each party having an assignment on the Community Pier. Kokomo/Grace had requested we not install the pier in 2017 – but due to certain legal issues concerning land ownership we were able to install the Community Pier in 2017. Kokomo/Grace then claimed the property during 2017 and indicated that they did not want the Community Pier installed for 2018.

EFAC reviewed options and requested a 2nd site which was approved by DNR and has become known as 2nd trail Community pier option. This option was met with an appeal filed with the Kosciusko Circuit Court asking for denial.

EFAC made the decision to defend the Community Pier at the Kokomo/Grace location as the best option and one we felt the court would support. The 2nd trail option while still approved by DNR would be placed on hold pending the outcome of the Kokomo/Grace location so there would not be two simultaneous actions in the court.

Kokomo/Grace filed suit in Kosciusko Circuit court asking to have their own personal pier and eliminate the Community Pier. EFAC counter-filed indicating we felt this was in conflict to the Courts prior rulings and per pier assignments as shown on Exhibit “E”. The removal of the Community Pier would be a change in Exhibit “E” which is not allowed.

Little progress was made trying to negotiate with Kokomo/Grace on the issue. Depositions have been taken by lawyers on both sides with EFAC and Kokomo/Grace Board members.

Filings and associated paperwork were filed in late August with the Court and we are waiting for a September 21st conference call the Judge will make & inform the lawyers for both parties of his decision or if he will require a court trial to resolve the issue.

Ernie Craft asked about 2nd trail – due to monetary issues and the amount of time required to defend two options 2nd trail will not be reopened until a final ruling is issued on the Kokomo/Grace location.

Jan Osborne asked how long the permit for 2nd trail option from DNR was valid – it has no expiration date.

John Osborne asked who is paying legal fees – EFAC at this time with money from the Community pier funds – we are looking into courts rulings - as to what was meant by the Community pier supporting itself.

The actual pier is listed in Exhibit “E” – so we may need to defend this pier as any other pier on the lakefront - but – maintenance, replacement, installation & removal are outside of what EFAC would be required to support.

A question was posed as to whether the Methodist Conference had any other land where a Community Pier could be installed. Due to the Court removing the Conference from any involvement with EFAC and pier assignment or management, in the 2014 judgement, we do not feel that this is an option they would support. They were removed from any obligation to be involved with any of this going forward. The court further ruled that all Conference property was excluded from any of these court rulings thus making any request to use their property mute.

Mary Erb – will this be a trial or hearings – unknown at this time – briefs have been filed with the court – next step is up to the judge. Someone on the Community pier could file individually – but it would need to be immediately as the judge has been presented with all the filings at this time.

Question why now do they want their own pier – unknown – speculation - they may want to sell the property.

Question could we buy the property – issue would be cost – can EFAC own property – what assessments and to whom would need to be made to support the purchase is unknown.

Bert Anson – who represents us – Matt Shipman is EFAC’s lawyer of record – Richard Helms for Kokomo/Grace. How much have we paid shipman on this issue– will be provided on the 2018 financial statement.

Ernie Craft – who at the Conference is involved – the Conference is not involved – all these proceedings involve just the Kokomo/Grace church officers not the Conference.

Pat Powell – Kara thank-you for your service over these 4 years

FINANCIALS – Randy Plew

Handout given as you entered the meeting

Diane Stiles – why so long to recreate the 2017 financials and 2017 pier invoices – We are rebuilding the Database in QuickBooks from 6-8 spreadsheets that were created by the Conference – Bradley – EFAC former treasurer – different information in each old spreadsheet – it takes lots of effort to combine and verify all spreadsheets – but QuickBooks will provide a better report for future financial reports. Notes on the 2017 financial report will be reviewed with Jeff Link our accountant as to reporting issues. Going forward QuickBooks will lock down at the time of the 2018 audit for Link Accounting to review. 2018 statement should be more in line with accounting procedures.

Pam Laker – 2017 budget report - income of \$17500 – collection of 15850 – we are short about 16 invoices that were not paid – do we know who – a 2017 spreadsheet shows 16 as not paid – will send copy to Randy Plew for review – previous treasurer indicated in meeting everyone paid – but invoices do not agree – Randy indicated he will review and try to verify discrepancies.

Randy indicated Mutual Bank does not send out paper statements or deposit statements which does not help in keeping records on a monthly basis. Would like to possibly consider changing banks so we could get paper copies.

Suzi Montovani indicated that all fees were paid in 2017 – Randy will review the paper records he received from Suzi since there seems to be a difference in invoice collections. The 2017 file mentioned before had a May 2017 date but no update after showing any additional payments.

Request was made for EFAC to provide a public list of pier assignments and record of pier fees paid for both on-shore and off-shore owners and any additional late payment fees collected. The members feel that this is required so we can show that all who have assignments are paying their required share of the cost for EFAC.

Can we recover missing pier fees from 2017 – unknown – but EFAC will try to reconcile the difference in budget & collected funds and work on possible resolution.

Sharon Anson has 2017 Excel file from May 2017 showing payments & non-payment as of that May date. Will email Randy this file for review and EFAC action.

Rick Owens – what happens when a new treasurer takes office – will the records become an issue again – the EFAC board will need to address this issue - but – once the files in QuickBooks have been updated and verified it should not be an issue to forward this to any new treasurer taking office.

R.Presser – we have approx. 100 on-shore and 55 off-shore/Community pier members that pay pier fees – each member on the Community pier with a slip pays the fee. Accounting has separate tally sheet for on/off-shore and Community pier funds – however – in the bank all funds are combined into one account.

J. Osborne – legal fees for community pier should not come from on/off-shore budget. As previously mentioned this is under review by the EFAC board since this is an area that can be interpreted in different ways.

Ron Erb – the Community pier is an issue for the whole community as it gives access to those who have slips and those in the community who use it as a common point to access the lake. This pier is an asset to the whole community in regard to property values for all.

Request made to provide Profit and Loss statements from QuickBooks at the 1st of each month showing information from the previous month.

Website updated with all the latest info as of this meeting date. This function has been provided by the Presser family to this point with the only cost being the website bill from the provider. Going forward the EFAC board will need to train/hire or recruit someone with the knowledge to maintain/update information to this website.

Numerous individuals - EFAC formed in 2014 when the Conference and Bradley were removed per the court rulings. We need to become more business-like in our actions. We need to address situations as a group not as individuals. We must abide by the court's rulings, and guidance in all the court cases that have been finalized or we will be spending more and more on court trials where guidance has been given.

R. Roberts – we have 3 groups of people in Epworth Forest on-shore / off-shore / community pier – a heated verbal discussion followed with usage of the lakefront and monies spent over the past years. Wanted to know if he was the only one being singled out. Discussion was halted by the Board as inappropriate for this meeting and we moved on.

Questions concerning the court orders/judgement – the Court left the Methodist Conference out of the 1994 ruling per the January 21, 2014 judgement – EFAC has no say in this matter –

EFAC has all the legal documents on the website from 1994 to the present including the Circuit Court cases, judgements and guidance given by the rulings and the Appellate Court decision.

We all need to read, and evaluate each of our own individual pier situations and follow the Court rulings and guidance. This is the only way we are going to reduce spending on lawyers and court cases.

Communications are better and we can all improve by discussing and following what the Court has ruled for Epworth Forest. Randy is a permanent resident in Epworth Forest – stop by with questions and we will get you an answer – all Board members emails are on the website – please contact us. We will make every effort to provide seamless transition of out-going and in-coming Board members.

Connie Dragon – since 1983 we have had on/off shore issues – we need to act as one group on one body of water.

Sharon Anson – judgement calls for a compliance officer to enforce court ordered compliance issues – This position is separate from the EFAC Board – it is an open issue – not free – paid position – has specific guidelines – fix or you will be penalized – on-shore will be a lien on the property – off-shore can be loss of pier – Board would review and advise of penalty.

Kara and Richard – this has been handled by one on-shore and off-shore Board member addressing the issue with the individuals. Filling this position will be expensive – it is paid and not to be filled by anyone with property in Epworth Forest or associated with anyone in Epworth Forest – it would need to be someone like the 5th Board member without ties to the community.

Comment was made – get an enforcement officer and move forward

Kara – there is a three-step process for violations – a 1st notification – followed by a 2nd notification stating the issue again – 3rd notification with associated fines if not corrected- these fines are set in the By-laws and Court approved documents.

Members can help the Board by notifying us of possible violations – we cannot review the shoreline everyday – all piers need to be numbered – advise us if a pier is added without numbers – please correspond with EFAC with your name – address – pier number as this will greatly help in our locating you and your issue.

On-shore needs to notify EFAC of ownership change to efpier@gmail.com since a pier transfer form is only needed for off-shore changes, not required for On-shore ownership changes.

J. Osborne – are we loaning money to the Community pier for legal issues – under review – court rulings mention separate funds for maintenance, repair, installation and removal – but not legal actions – so it is under review by the Board.

R. Presser – books from the Conference and Bradley were lacking much information when turned over to EFAC. The Conference and Bradley paid their fees from the account before turning over the remaining money to EFAC.

Pam Laker – fees were collected and placed in general fund from the Community pier to protect all piers – fees for maintenance, repair, installation and removal should be separate from legal representation fees.

Kara – a new Off-shore Director is being elected – we have two members running – Sharon Anson and Carrie Gates – election is due to close on September 21st - Ron Erb is coordinating and will tally the election votes for this position.

Request was made to amend the 2017 minutes to show Suzi Montovani was not present

Issue of insurance coverage was brought up – community pier insurance was not needed as a pier was not installed in 2018 – however – when we get approval to install Community pier in 2019 after the legal issue is resolved insurance will be renewed – there was an issue with Directors liability insurance which has been resolved - cost is \$750 per year for the entire Board - and has a three-year renewal clause for the same cost per year.

New EFAC Board member J. Lease was introduced to the attending members. Jim indicated they bought their 1st property about 6 years ago and have since bought 2 additional properties. Jim resides in Carmel Indiana when not at the lake. Jim said he hopes to help reduce costs for the organization by helping creating a community understanding of what the Court Orders require.

Meeting closed at 12pm EST

Gerry Powell – Secretary

Attendance Sheet for 2018 Annual Meeting

Name	Lake Address	Email	Pier #
Gorry - PAT Powell	8292 W E. Wesley Ln	gpowell1574@gmail.com	34A
RICHARD PRETSEER	8011 E WADE Ln	JKPRETSEER@comcast.net	16
STEVE ERWIN	8343 E. WADE LN	SPERWID1948@GMAIL.COM	17
Jim Lease	6501 North 2 nd - road	Jim.lease@francesystems.com	910
JOHN & JAN OSBORN	8692 E Susanna N web	osborn4330@comcast.net	#104
Robert + Steve DeFels	8248 Wade	35A + 36A	
Cindy + Ernie Traylor	6545 N. 9 th Trail	cindytraylor@gmail.com	
Tony & Connie Dragan	6472 N. 2 nd TRAIL		
Toni Overman	8130 E. Susanna Ln.	tonireed@aol.com	#100
RENNY NORMAN	8282 E WADE 43A	RNCNORMAN@GMAIL.COM	
Sue Bolanberg	6482 N 2 nd +1		118
Pamela S Lake	6639 N. 2 nd tr.	pslake@hotmail.com	

Name	Lake Address	Email	Pier #
Carole Wilson	8720 E. Susanna Ln	Samsmom6928@yahoo.com	101
Jane Mantovani	8139 E. WADE LN	SMOONTY@EMBARQMAIL.COM	
Carrie Gates	8090 E Wade	gatescarrie59@gmail.com	21A
David Close	6659 N 5 th Trail	DavidClose7@yahoo.com	
Diane Stiles Rickover	8780 E Susanna	Dibasketcase@gmail.com	93 & 95
Nan Deener	6588 North 8th	that only close	89A
Sally Doll	8450 E Wesley	Text DICK Please	
Beth Annson	8388 E. Asbury	shannon@yahoo.com	
Bert Annson	8388 E Asbury	bertannson@yahoo.com	
Bob Roberts	8231 E WADE	RKR910@yahoo.com	
Paul & George Arnold	6575 N 9 th Trail	mrarnold@hotmail.com	60A
Mike Cummings	4572 N 9 th TRAIL	mikecumings78@gmail.com	

Name	Lake Address	Email	Pier #
William Koster	8165 E Wade	kaster@earthlink.net	#30
Jayne Lentz / Pat Hopkins	5353 E Wade / 8297 Elmsley	jayne.lentz@yahoo.com	44 Community
Ron Erb	8186 E. Wade	erbfam @ hot mail .com	31-A 31-2
Mary Erb	8186 E Wade Lane	erbfam 49 @ gmail .com	