

05/30/2018 – EFAC Board Meeting Minutes – 6:15pm ET

In Attendance;

R, Presser

K. Lusby

R. Plew

T. Earhart

G. Powell

Approval of Minutes from the 05/01/2018 and 05/08/2018 - Randy made motion to approve – Kara 2nd – all agreed

We discussed the Email sent to all from our attorney M. Shipman concerning the Judges statements and these were confirmed as coming directly from the Judge Reed. What our process should be and what steps we need to pursue in regard to this litigation.

No status quo on Community Pier as in other cases.

Long term on this will be approximately August 18th

Tom indicated per his review of the Judge Reed's statements it looks negative in respect to the Community Pier.

We all agreed we need something written in regard to the Judges - not just our opinions of what we think we are hearing. Kara provided feedback on the EFNLOA meeting - which indicates we need these issues answered in writing. Tom asked what issues had been aired.

- Why did we not put the pier in?
- Are we afraid of the lawyers?
- Put it in and see what happens
- Did Kokomo/Grace agree to be on the Community Pier
- Was Dick Mann questioned about any knowledge he might have concerning Kokomo/Grace
- The cost of doing the above and the possibility of the Court not taking these actions well in light of the pending litigation was referenced as why we are cautiously moving forward as we have a limited budget.

Tom asked would we look into special assessments to cover the lawsuit costs – we agreed not a good idea.

Numerous attempts have been made to get Community Pier assignees involved to no avail. We are attempting to maintain status quo for Community Pier.

Not sure who has not yet paid fees for On-Shore – Randy working on compiling list. On-Shore pier numbers need verification. Randy is sorting by pier number trying to get final count in a new spreadsheet. Cross checking pier list to checks. Randy's email of 05/22/2015 at 959am contains list as of that date along with financials.

I will work with Randy to get the Off-Shore assignments and contact information verified.

Randy sent financials to Link Accounting for 2017 has not heard back yet from Link. Will contact them this week for status. Randy email of 05/31/2018 – Link cannot find the account copy Randy sent originally – Randy resending

R. Ramsey, who bought S. Perich properties has decided that this year to let it be status quo on the 2nd pier being used by J. Kennedy. Next year both pier spaces will be used by Ramsey. J. Kennedy will be notified of this situation by the new owner Mr. Ramsey.

The many Pier Inquiry forms sent by Mr. Turner concerning many different situations have been closed as he is selling his property.

I will be sending information to Richard & the Board concerning pier assignment 35A (Dingledine) and their request to install their pier which is being blocked at the present time.

The Kirsh/Daggett issue needs a physical review by the Board, ASAP maybe over the 4th of July week to resolve pier placement.

We touched on pier assignments between properties as it looks like Randy Brown is asking to do. Do not want to transfer assignment of piers between properties. Kara will ask Randy for a detailed layout of what he is requesting so we can make an informed decision.

K. Smith (pier 33) approached about shore station & boat across walkway at his seawall. Will monitor status - he is indicating that the boat will be repaired & both in the lake within a couple of weeks.

Matt Shipman joined us at 7:03pm

Mat explained his email & conversation with Judge Reed concerning the Community Pier. Judge thinks they never chose their 24ft assignment – so he is leaning on giving them that option. Tom asked Matt – and we all discussed -

- Court order was in 1994 – 24 years is a reasonable time frame?
- Tom & Matt referenced possible equitable estoppel in regard to the Kokomo/Grace issue & court proceedings.
- We may loose on Summary Judgement
- Did they not choose to be on the Community Pier all these years?
- Is mediation available to resolve the issue – Matt does not think so with Helms involved.
- Could we contact K/G board about mediation?

Matt then left the conference call so we could continue our discussions,

If we would lose judgement – could we approach Huntington/Trinity about a one-sided Community Pier using their space with the 16ft of space from Kokomo/Grace?

Could we go to a smaller 5-slip arrangement at Huntington/Trinity - they were the only ones to respond concerning the Community Pier.

Kara – 2nd trail is option but - we see lawsuits from displacement of piers on Exhibit E as a strong possibility.

All – we need a Judgment on Kokomo/Grace before we go forward on any other option.

Tom – how much additional discovery needs to be done by Matt? We need to dispose the K/G Leadership to fully defend our position. Why for 24 years were you ok and now need a pier of your own eliminating 16 Off-Shore Epworth Forest Property assignments.

All voted in favor of Matt taking a deposition from the K/G Leadership.
Kara will contact Matt with our decision to proceed with a deposition.

Meeting closed at 7:42pm