

07/12/2018 – EFAC Board Meeting Minutes – 6pm ET

In Attendance;

R. Presser

K. Lusby

T. Earhart

G. Powell

Not in Attendance

R. Plew

Meeting Minutes were amended, changed and forwarded.

Richard made motion to approve – Kara 2nd

These will be posted on the efpier.com web site

Kara – community pier questions have been numerous from community pier assignee's and off-shore & on-shore pier members. Kara sent an email to all with Board approval detailing actions & what a person could do to provide information to the court through the lawyers representing each side in the legal action. The law firm representing Kokomo/Grace was not thrilled with the email. The responded with a letter to our lawyer Matt Shipman complaining about our action.

No petition will be created or sent by EFAC, any such actions will be from the Community/individuals to the lawyers.

A tentative August 10th deposition will be conducted by Matt with the Board of Directors of Kokomo/Grace.

Did Shipman & Helms have an agreement no one would install a pier until court ruling was settled? No notification was provided by Kokomo/Grace that a pier was going to be installed.

Matt did receive a verbal directive from the Judge that it would be a good idea not to install the Community pier. All in attendance agreed that Matt should send a written protest to Helms & Kokomo/Grace about the placement of a pier by Kokomo/Grace. Kara will contact Matt to formulate our protest concerning their action. We do care that the actions taken by Kokomo/Grace provides just one assignment and eliminated 16 community pier assignments, one of which was assigned to Kokomo/Grace. Again, as previously noted the invoice sent to Kokomo/Grace and cashing their check was an oversight on our part as the emails for on-shore / off-shore were combined with the community pier assignee's.

Since the Conference choose the location for the Community pier in 1994 & again in 2014 and it is shown in Exhibit "E" of the court documents. Kokomo/Grace just claimed the easement area in 2017 & per recent court rulings the new ownership of property is not a change in circumstance, could this be used in support of our request to keep the community pier in its current location?

Richard will contact Randy this weekend to check status on the Account's finishing our financial statements.

Record of pier assignments still an issue since many properties have changed hands. Kara did a review and of pier assignments & fees. Still quite a few on-shore & off-shore fees still not paid. Last list of payments from Randy on 05/22/2018. Per 05/30/2018 meeting he had checks to deposit that had been pickup from the Post Office. This may account for some of the missing fees. Need to reconcile & send out notices of non-payment. Fees were due 05/01/2018. Kara will send her review to Randy so list can be updated.

Kirsch (Burrough) pier issue still an open issue to be resolved. No easy answer to situation. Board needs to physically look again for a resolution again at the site.

Robert/Dingledine situation was addressed, photos were reviewed, action needs to be started to resolve. Tom & Gerry did a physical check of Lot 35 on 06/30/2018. Kara review the location twice the 4th of July week. Richard will contact Randy and will physically check sometime this weekend 07/14-15/2018. We will have a short meeting on Monday 07/16/2018 for all to review findings and vote for the next action needed. Gerry will create a draft of correspondence to be used for notification to both parties.

Kara will amend her July 7th email to Board members concerning blockage of easement granted in the court documents along the seawall at lot # 33 (Kevin Smith) and send a 1st notification of non-compliance. All Board members in attendance voted in agreement.

Meeting closed at 7:24pm