Robert P. Roberts Jr.

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Pier 35 Compliance – in regard to you letter Aug 27th 2018 to EFAC

All correspondence associated with this non-compliance issue sent via certified US Mail to your home address 910 Forest Blvd S. Drive, Indianapolis IN and return receipts from the deliveries have been returned. EFAC, also had an email address in our records for Nelson, an email copy was sent to this address. We now have your email address and will send correspondence to this address as well.

Further clarifications since 2014 by Kosciusko Circuit Court Orders have changed the original assumptions made by the EFAC Board, On-shore & Off-shore owners.

April 15th 2004 - Cause No. 43C01-9109-CP-00732 Section 14 sub-set (o) page 5

* A presumption will exist of one off-shore pier per on shore lot

January 21st 2014 – Case No. 43C01-9109-CP-732 Further Findings and Orders

* Item 2 - identifies Exhibit “E” as part of the Court Findings and Orders – this document can be found on the EFAC website.
	+ This document shows assignment of a pier 35B (35A new pier numbering) at your location
* Item 9 - again shows Exhibit “E” as part of the Court Findings and Orders

September 9th 2016 – case # 43C01-1602-MI\_47 Findings of Fact

* No. 4 - The location of pier assignments on the Lakefront Lot was approved by the Court in its Order entered January 21st, 2014 in Cause No, 43C01-9109-CP-732
* No. 7 - The rights and obligations of non-lakefront owners of lots in the Plats of Epworth Forest have been determined by judgement and various orders of the court in Cause No. 43C01-9109-CP-732, in particular, the Judgement entered august 2nd 1994 (Exhibit 2), the Order dated November 7th 1997 (Exhibit 3), the Order dated January 21st 2014 Exhibit 5) and the order dated April 15th 20014 (Exhibit 6).
* No. 11 - Exhibit E to Exhibit 5 is a listing of assigned pier spaces approved by the Court as part of its Order dated January 21st 2014. A 50ft frontage consists of 16ft assigned to non-lakefront owner and 24ft to on-shore owner.
* No. 13 – The Courts Order dated January 21st 2014 provided assignment of a certain location zone for pier and other equipment usage as noted on the list and map showing pier assignments for 2014 attached to the Court’s Order as Exhibit E.
* No. 14 – It was further the Court’s intention, and order, that the pier assignments based on Exhibit E was assigned based on an allocation of the frontage of each lot and created a zone of use for these assignments (an actual area assignment).
* No.-20 – the court’s Order of January 21st 20014 in Cause No. 43C01-9109-CP-732 established the area (zone) along the shoreline assigned to particular onshore and off shore owners. That Order was based on historic usage of the shoreline and not necessarily the exact location of a pier within the assigned shoreline.

STATE OF INDIANA COURT OF APPEALS - Cause no. 43A03-1610-MI-02332

* Item 2. – The maximum allowable width\* for shoreline pier space assigned to a lakefront owner is 24ft.
	+ *\*Width refers to space used by an assigned owner for pier sections, watercraft, or any other personal property that takes up space in the water or along the shoreline. Measurement is the total width taken from the far-left to the far-right item (for example, pier, boat, jet ski, securing pole/auger, etc,)*

In conclusion, Bradley and EFAC did have the right to assign pier 35B (A) to the shoreline. EFAC’s prior interpretation of pier spacing being centered on the pier structure was in error, the Court has further defined in subsequent Court Orders as stated above and upheld by the STATE OF INDIANA COURT OF APPEALS that a zone of 24ft is assigned to the Lakefront owner, which allows adequate space for Pier 35A to be installed and maintain the required safety spacing. The Court has approved spacing for a 50ft lot with both onshore and offshore piers as seen at lot 34.

In regard to your 2014 email other lots with spacing issues and easement blockages that are not in compliance with the Courts clarifications since 2014 are being addressed and we will continue to move forward so that all will be following the Courts Orders.

To reference any of the court approved documents/judgements governing EFAC, visit efpier.org

Thank you,

Approved by EFAC Board of Directors

R. Presser – President

K. Lusby – Vice President

R. Plew – Treasurer

G. Powell – Secretary

Epworth Forest Administration Committee, inc.

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