

EMAIL 001

From: Marty Haley <patokapirate@gmail.com>
Sent: Tuesday, February 18, 2014 3:19 PM
To: Charles Fugate
Cc: Sheila Rudder; Betty Cantrell; Paul Ranney; Kathy Bupp; Betty Schutte; Lloyd Tarter; Louis & Louise; Linda Dornbush; dfinne4735; Greg; Don Sigmond; Doug Farnsley; Robin Meshew; Nora Strohm; Paula Roy, MD; Peter Steen; Andrew Wright; Helen Ryan Kindler; Russ Johnson; Kathy Mathews; Kim Davis; Miller, Sally; Miller, David; Beller, Jennie; Linda Lamping; Sam Kudmani; Senator Grooms; Larry Wilder; Tom Galligan
Subject: Re: Impostors?

You will all forgive me if I don't hold my breath and hope for the best.

On Tue, Feb 18, 2014 at 5:39 PM, Charles Fugate <Chuck@chuckfugate.com> wrote:

Folks... I would ask everyone to not response or make any post's on Kevin's new Facebook group.

Kevin is very calculated - and by ignoring the Group will cause him more grief than anything.

I will be working with the Board to address these issues.

Chuck Fugate/Principle Broker (IN & KY)
Compass Realtors, LLC
Phone: 502-727-4149
Fax: 888-585-9434
Email: chuck@chuckfugate.com
www.mycompassrealtors.com

From: Marty Haley [mailto:patokapirate@gmail.com]
Sent: Tuesday, February 18, 2014 4:21 PM
To: Sheila Rudder
Cc: Betty Cantrell; Paul Ranney; Kathy Bupp; Betty Schutte; Lloyd Tarter; Louis & Louise; Linda Dornbush; dfinne4735; Greg; Don Sigmond; Doug Farnsley; Robin Meshew; Nora Strohm; Paula Roy, MD; Peter Steen; Andrew Wright; Helen Ryan Kindler; Russ Johnson; Kathy Mathews; Charles Fugate; Kim Davis; Sally Miller; David Miller; Jennie Beller; Linda Lamping; Sam Kudmani; Senator Grooms; Larry Wilder; Tom Galligan
Subject: Re: Impostors?

I'll try to post a direct link to it below.

<https://www.facebook.com/groups/theharboursloveitorleaveit/>

On Tue, Feb 18, 2014 at 7:17 AM, Sheila Rudder <sheilalrudder@yahoo.com> wrote:

Harbours Responsible Owners:

Have you read the posts on zipperle's Love It or Leave It site?
This surely is illegal?

{Appears A HOA Director who does this to The Home Owners & HOA is Violating his Fiduciary Duty & putting everyone paying the bills in Jeopardy. Appears Zipperle is not insurable on Directors Errors & Omissions Insurance due to his Multiple Law Suits & actions against Harbours' residents?}

...go to Bob Eisenback's name, go to his profile, click on group ref. Harbours.

This stuff has got to stop.

How can we all help?

Sent from my iPad

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4259 / Virus Database: 3705/7103 - Release Date: 02/18/14

EMAIL 002

From: Marty Haley <patokapirate@gmail.com>
Sent: Saturday, May 11, 2013 4:16 PM
To: Kathy Bupp
Cc: Thomas Pike; Charles chuck@chuckfugate.com; Betty Cantrell; Nora B
pagetwo@bellsouth.net; Paul blackdodgeviper@insightbb.com; Sheila
sheilalrudder@yahoo.com; Bob Ferguson; flamingosandy@rocketmail.com
flamingosandy@rocketmail.com; phila3224@bellsouth.net
phila3224@bellsouth.net; Miller, Sally; Beller, Jennie
Subject: Re: A traveler's guide to a new destination: Part 1

A bank that becomes the recorded owner of a unit through foreclosure is no different than any other corporation that owns a unit here. They should be subject to the same election procedures as everyone else. From the naming of a voting representative on file in the office to the election of a proxy voter.

I feel that if the accounting firm had handled the mailing of election packets to the named voter on file in the office and used the accounting firm address for the return of undeliverable election material we would all be closer to fair elections. Until then we have the courts, the A.G. and the possibility of more elections.

On Sat, May 11, 2013 at 6:16 PM, Kathy Bupp <kathybupp1@icloud.com> wrote:

Very good Dahling!!! I trust this was sent to Mr. Johnson himself. You must learn this about me (not necessarily like it), when I am convicted about something I'll fight hell to get to the bottom of it, because I don't jump in the deep end if I don't know how to swim. Bring it on.....this is too big to walk away from.

LET'S ROLL!!!!!!

On May 11, 2013, at 11:00 AM, Thomas Pike wrote:

My understanding (designated voter, whatever you call it)

1. you must be on the deed to even be considered a spokesperson, designated voter....owner of record...whatever for that unit.
2. if more than two names are on the deed, all others must sign off and declare who on the deed will vote (husband or wife, CEO or president of the LLC...). If only one person STOP here. That person is the sole owner and voter for the unit.
3. the person named from step one and two can now render a proxy, attorney in fact,...whatever to whomever they choose.
4. revocation of any of the above must be in writing (paper towel, bar napkin....who cares as long as it has all signatures).

At the courthouse, if BB&T is the deeded owner of #412, somewhere a document exist from BB&T with a name and signature of the representative

designated by the bank to act on all matters for this unit (negotiate deals...). You find that document, confirm that person exists and acts on behalf (works for them) of BB&T, call them and ask did they vote or give a proxy for someone to vote. If so, show me that document.

Ditto for #505 and zipperle's unit #310 that is claimed to be his unit again via quit claim deed from owner who defaulted on a note held by zipperle. Prove to me his name is now on the deed and he can vote for that unit. Until then, she is the deeded owner of record. If she signed a quit claim as he has stated to someone, it is not recorded at the courthouse when we looked and he must show it, have it verified through the accountants.

A final note. Wade Morgan turned in a proxy at the front office allowing me to vote for #511. It wasn't until I called him I knew of this. He stated he gave it to "the gal in the office". Norma told me she knew nothing about it but would ask Laura. Later I was told Laura made a copy of it and sent the original to the accountant. I was given a copy from Laura's files. The sanctity of the private vote was violated. Laura was/is/does accumulate a tally list of who is voting for who in the office. That is a breach of all voting protocol. Many speculate the late evenings in her office with zipperle included sharing this information and keeping a tally of percentages needed for his victory. Sounds like days of [former property manager].

Shempf Real Estate needs to be fired; NOW! They are not controlling THEIR employee. Laura is an employee of Shempf who is a consultant for The Harbours. They are contracted to run the "operations" of the Building. They have now been contracted to "record the financial activity" of our affairs. THEY ARE NOT ENGAGED TO RUN OUR ELECTIONS, INVOLVE THEMSELVES ANY WAY IN POLITICS OF THE HOA. We paid an accounting firm a pretty good fee to do that...NOT SHEMPF OR LAURA. Laura has proven to not be employable by the HOA based on her activities and statements made while acting as a consultant. The extra bad news...Russ Johnson appointed her CHAIR OF THE FINANCE COMMITTEE. Really? Really? Come on Russ. We have degreed accountants in this building. WE HAVE CERTIFIED PUBLIC ACCOUNTANT(S) IN THIS BUILDING. What are you scared of? Make the right choice. It's not complicated!!!! Is zipperle running this building or you?

Thomas Pike
thomashpike@cs.com

-----Original Message-----

From: Kathy Bupp <kathybuppl@icloud.com>
To: Charles chuck@chuckfugate.com <chuck@chuckfugate.com>
Cc: Tom Pike <THOMASHPIKE@cs.com>; Betty Cantrell <bettycan@insightbb.com>; Nora B pagetwo@bellsouth.net <pagetwo@bellsouth.net>; Charles chuck@chuckfugate.com <chuck@chuckfugate.com>; Marty patokapirate@gmail.com <patokapirate@gmail.com>; blackdodgeviper <blackdodgeviper@insightbb.com>; Sheila sheilalrudder@yahoo.com <sheilalrudder@yahoo.com>; Bob Ferguson <solivagant001@reagan.com>;

flamingosandy@rocketmail.com flamingosandy@rocketmail.com
<flamingosandy@rocketmail.com>; phila3224@bellsouth.net
phila3224@bellsouth.net <phila3224@bellsouth.net>; Sally Miller
<Sally.Miller@atg.in.gov>; jennie.beller <jennie.beller@atg.in.gov>
Sent: Sat, May 11, 2013 6:42 am
Subject: Re: A traveler's guide to a new destination: Part 1

What's wrong with You people? It's time to speak up. Please don't tell me you are going to accept this answer and his cavalier attitude. Obviously he could not have checked because there should not be any voters for those units. I'm not letting this go and I'd appreciate a few of you standing up and demanding and answer.

Sent from my iPad

On May 11, 2013, at 9:26 AM, Kathy Bupp <kathybupp1@icloud.com> wrote:

The point is Russ, there should NOT be any designated voters for those units, and your email to Thom indicated that Laura told you a new owner bought those units and they had asked for ballots. Forgive me but you have two serious problems on hand. Was there or was there not a designated voter for the unit.

The two contacts I gave you both said that a ballot was not requested for those units. Somebody is lying. We need to know who. This matter is not settled until we get some answers. If its the money that's an issue I told you I will personally pay for an investigation verifying every proxy assignment and vote cast in Special Election Ballot Number One.

Sent from my iPad

On May 11, 2013, at 6:55 AM, Russ Johnson <thedaylily@insightbb.com> wrote:

I checked further and found who the designated voters were for the units. I did not find anything out of order.

Russ Johnson

Sent from my iPad

On May 11, 2013, at 1:50 AM, Kathy Bupp <kathybupp1@yahoo.com> wrote:

Russ,

On Monday May the 6th I sent you an email regarding the election that was obviously compromised. To date I have not gotten a response from you regarding this matter of great importance and concern to this community. I understand and appreciate that you asked Laura for any information she may have had on several units in question, two of which were units that have been in foreclosure proceedings. She told you that the units had

been sold to new owners who had requested a ballot. It has been verified that neither of those units were in the hands of new owners and furthermore it has been verified by the realtor handling the sale of 505, that the potential new owner DID NOT ask for a ballot as you were told by Laura Cushing the property manager. Unit 412 is still held by The First Bank of Kentucky and according to Sharon Hall the banks representative, the pending owner/investor DID NOT request a ballot.

I believe that you are a man of integrity and are as eager as any of us to get this community back on track. I have supplied you with sufficient evidence in my first set of emails that clearly demonstrates that the election process was compromised. This is a serious allegation and its inconceivable to me that you have intentionally chosen to disregard my request and the request of other homeowners in answering the concerns generated by the irregularities of the recent recall election.

There are so many levels of logic and reason that have to be abandoned to believe that the election was executed properly. Does it make any sense to you that Kevin Zipperle, the subject of ballot one, was so cavalier about the fate of his coveted power seat, that he sat through the duration of the extended voting period and then became startled that the vote was suddenly closing catching him off guard and ill prepared to turn in his full count of votes. Doesn't it seem more likely that he should have been the first one to cast all the votes held in his possession and to make sure that every detail of those authorized proxies were qualified well in advance so that he could cast them as soon as he walked in with them? He was the ONLY ONE that had such a dilemma AND he was the subject of the vote. What about this is unclear. You have information that elevates what was awkwardly suspicious to blatantly compromised.

If there is ONLY one forged proxy that Kevin held it is ridiculously naive to believe that there was only one, or two, or however many he thought he needed.

[message truncated]

EMAIL 003

From: Marty Haley <patokapirate@gmail.com>
Sent: Monday, September 17, 2012 7:03 AM
To: Paul Ranney
Cc: Debbie Zoeller-Pullen; Miller, Sally; Betty Cantrell; Kathy Bupp; Bornwasser Louis; Louise Bornwasser; Nora B Strohm; Charles Fugate; Sandy & David Finnegan; Glenn Thomas; Thom Pike; Sheila Rudder; Miller, David; Beller, Jennie
Subject: Re: Board vacancies

Maybe Kevin told Russ he was clearing everything since Russ is so busy and Russ just took Kevin's word for it. :)

On Mon, Sep 17, 2012 at 10:00 AM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:

Well....I guess that makes Russ (our president) now an official liar. He specifically told me that everything he was doing now he was clearing with the AG.

Or.....maybe he didn't use the word clearing, but said the AG was aware of....can't recall!

Paul....old guy with failing grey matter.

Sent from my iPad

On Sep 17, 2012, at 9:44 AM, Debbie Zoeller-Pullen <debbiezp@gmail.com> wrote:

Thank you Sally.

On Mon, Sep 17, 2012 at 9:42 AM, Miller, Sally <Sally.Miller@atg.in.gov> wrote:

Betty and All:

The OAG does not give legal advice in any case; consequently, we do not give advice regarding the activities of the Board of Directors of any condominium association nor do we sanction their activities. Our suit speaks for itself.

Sally Miller

Sally L. Miller, Investigator/Work Flow Administrator
Office of the Attorney General
Licensing Enforcement & Homeowner Protection Unit
302 West Washington Street Fifth Floor
Indianapolis, IN 46204
Phone: 317-234-2353
Fax: 317-233-4393

sally.miller[atg.in.gov]

From: Betty Cantrell [mailto:bettycan@insightbb.com]
Sent: Saturday, September 15, 2012 4:32 PM
To: Paul Ranney
Cc: Kathy Bupp; Bornwasser Louis; Louise Bornwasser; Nora B Strohm;
Charles Fugate; Debbie Zoeller-Pullen; Sandy & David Finnegan; Glenn
Thomas; Marty Haley; Thom Pike; Miller, Sally; Sheila Rudder
Subject: Re: Board vacancies

Don't rest on your laurels, ask Thom, one of their tactics is spin and stall. It is evident now that they know we have something in the works, which at this point, I honestly have no idea what it is, I will find out something tomorrow along with the whole group.

BUT I will tell you this: The AG DOES NOT GIVE LEGAL ADVICE! He's not clearing crap through the AG's office, I would bet my little finger on it.

Betty C.

On Sep 15, 2012, at 7:40 AM, Paul Ranney wrote:

Well.....7:15am Saturday morning update.

Just got a call from our Board President Russ Johnson.

Discussed the use of our HOA attorney and how according to him it's costing us very little!

He stated that everything he is doing now he has been clearing with the Attorney Generals office. That's encouraging.

He stated that he thought he would have the vacant board seats filled within a few days....he didn't ask me to serve so I guess I'm not one of them!

He also stated he is fearful of saying anything because Larry Wilder has/is filing a lawsuit against the entire board.

He did however agree, after I encouraged him, to communicate with us and tell us what's going on. I'm not sure how he will do that.

Go CARDS,

Paul

Sent from my iPad

On Sep 14, 2012, at 4:56 PM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:

WOW.....FYI.

It looks like the board has indeed authorized the use of our attorney against us.

Well here are four more directors the AG can file charges against for wasting our money!

Paul Ranney

Sent from my iPad

Begin forwarded message:

From: "KEVIN ZIPPERLE" <kzipperle@mail.com>
Date: September 14, 2012 2:58:50 PM EDT
To: "Paul Ranney" <blackdodgeviper@insightbb.com>, Dawn Elston <drelston@aol.com>
Cc: "kim davis" <kimjbrewerdavis@insightbb.com>, "Mary Lou Trautwein" <mltraut@insightbb.com>, "Jenna Barton" <jenna_barton@yahoo.com>, "SharonChandler" <schandler1@aol.com>, "W.T. Roberts" <wtroberts@win.net>, "RussJohnson" <thedaylily@insightbb.com>
Subject: Re: Board vacancies

Paul,

I don't think there's anything constructive in threats to Board members at this point. I know that I'd feel that way regardless of which Board member I happened to be. All of our Board members are making informed decisions.

Dawn Elston's email address has been added to the above distribution. You're welcome to contact her, but bear in mind that the HOA will probably be billed for it.

Thanks for your interest...KZ

----- Original Message -----

From: Paul Ranney
Sent: 09/14/12 10:20 AM
To: Paul Ranney, Sally Miller
Subject: Re: Board vacancies

OH...one more thing.

Could you please provide me with an email address for Dawn Elston so that I may ask her the question that you told me to send to her.

Thanks,

Paul

From: "Paul Ranney" <blackdodgeviper@insightbb.com>
To: "Paul Ranney" <blackdodgeviper@insightbb.com>, "Sally Miller" <Sally.Miller@atg.in.gov>
Cc: "KEVIN ZIPPERLE" <kzipperle@mail.com>, "kim davis" <kimjbrewerdavis@insightbb.com>, "Mary Lou Trautwein" <mltraut@insightbb.com>, "Jenna Barton" <jenna_barton@yahoo.com>, "SharonChandler" <schandler1@aol.com>, "W.T. Roberts" <wtroberts@win.net>, "RussJohnson" <thedaylily@insightbb.com>, "Betty Cantrell" <bettycan@insightbb.com>, "Kathy Bupp" <kathybupp1@yahoo.com>, "Bornwasser Louis" <louisborn@aol.com>, "Charles Fugate" <chuck@chuckfugate.com>, "Debbie Zoeller-Pullen" <debbiezp@gmail.com>, "Sandy & David Finnegan" <flamingosandy@rocketmail.com>, "Glenn Thomas" >>> <glenn@hartcountyrealty.com>, "Marty Haley" <patokapirate@gmail.com>, "Nora Strom" <pagetwo@bellsouth.net>, "Thom Pike" <thomashpike@cs.com>, "sheilarudder@yahoo.com Rudder" <sheilarudder@yahoo.com>, "Sally Miller" <Sally.Miller@atg.in.gov>
Sent: Friday, September 14, 2012 10:15:31 AM
Subject: Re: Board vacancies

Well....I assume that no response is that "yes the board does approve of our HOA Attorney representing Kevin, to answer a simple question regarding our HOA's daily administration, such as the one I have asked below".

WOW...it's going to cost a lot, to have to filter all of our communications with the board, through our attorney though it is no fault of the members of the community that brought this on.

I advise the Board to familiarize yourself with the law (HB1058) under which the Attorney General has indicted, three of your members.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2011&request=getBill&docno=1058>

YOU are personally, financially, responsible for the decisions you make that are not in the interest of the HOA.

The Attorney General has specifically requested that the court, forbid the use of our finances and Attorney's, to represent those three indicted board members in this matter.

If the state succeeds in convincing the judge to approve that motion.....guess who's going to have to pay their bills? Oh...that would be you other four board members will share their attorneys bills!

Gotta admire your "gonads".....but I'd be saving up my pennies.

It's a shame that our community has come to this,

Paul Ranney

From: "Paul Ranney" <blackdodgeviper@insightbb.com>
To: "Paul Ranney" <blackdodgeviper@insightbb.com>, "Sally Miller" <Sally.Miller@atg.in.gov>
Cc: "KEVIN ZIPPERLE" <kzipperle@mail.com>, "kim davis" <kimjbrewerdavis@insightbb.com>, "Mary Lou Trautwein" <mltraut@insightbb.com>, "Jenna Barton" <jenna_barton@yahoo.com>, "SharonChandler" <schandler1@aol.com>, "W.T. Roberts" <wtroberts@win.net>, "RussJohnson" <thedaylily@insightbb.com>, "Betty Cantrell" <bettycan@insightbb.com>, "Kathy Bupp" <kathybupp1@yahoo.com>, "Bornwasser Louis" <louisborn@aol.com>, "Charles Fugate" <chuck@chuckfugate.com>, "Debbie Zoeller-Pullen" <debbiezp@gmail.com>, "Sandy & David Finnegan" <flamingosandy@rocketmail.com>, "Glenn Thomas" >>> <glenn@hartcountyrealty.com>, "Marty Haley" <patokapirate@gmail.com>, "Nora Strom" <pagetwo@bellsouth.net>, "Thom Pike" <thomashpike@cs.com>, "sheilarudder@yahoo.com Rudder" <sheilarudder@yahoo.com>
Sent: Thursday, September 13, 2012 7:37:19 AM
Subject: Re: Board vacancies

After sleeping on it, I have a question for the board of directors.

Has the Harbours Board authorized paying the HOA attorney with HOA funds to answer questions regarding the business of our HOA, because of the personal legal issues of the three board members who have been charged by the State of Indiana, Attorney General with crimes against the HOA?

It appears that you may have since Board Member Kevin Zipperle has instructed me below to contact the HOA attorney. I will do so....

However, I will give the Board 24 hours to rescind the instruction give, below before I do and cost the HOA money for representing Kevin in this matter.

Please advise ASAP

Paul Ranney

Sent from my iPad

On Sep 12, 2012, at 3:16 PM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:

Why shouldn't the board answer my question? The Harbours board has no involvement with the AG.

That is a private matter of yours, Mary Lou and Sharon.

If the three of you are incapable of conducting HOA business for fear of the AG perhaps you should resign.

As for the other four board members.....we're still waiting for an response.

Sent from my iPad

On Sep 12, 2012, at 12:56 PM, "KEVIN ZIPPERLE" <kzipperle@mail.com> wrote:

Paul,

Since the question of why positions haven't been filled more quickly is now your question, you'll have to forgive Board members for not answering that question initially.

Also, since we're involved in legal matters with the Indiana AG, I suggest that you forward your question(s) to the our legal counsel, Dawn Elston, to see if she feels it's appropriate to provide answers.

Thanks for your interest in a Board position...KZ

----- Original Message -----

From: Paul Ranney
Sent: 09/12/12 08:10 AM
To: KEVIN ZIPPERLE
Subject: Re: Board vacancies

Thanks Kevin for your interpretation. Perhaps I should have asked the question more pointedly.

Why are the vacant board seats not being filled???

Since there are no shortage of qualified volunteers....Debbie Zoeller-Pullen, Chuck Fugate and myself have all made statements on the Harbours website, as well as with emails to the board stating our willingness to serve the Homeowners Association.

I understand why I'm not offered a position...I know too much about Facilities Maintenance and can't be relied on to rubber stamp expenditures that don't make good fiduciary sense.

But what is wrong with Debbie? What is wrong with Chuck?

Bottom line is the board has able volunteers ready and willing to serve. The board refuses to fill these vacancies with those volunteers.

We homeowners ALL want to know why....

We ALL await any of your individual responses. No response is NOT acceptable. As individual board members you may want to use this opportunity to record YOUR position FOR THE RECORD.

I have included the Attorney Generals Office on this email, because they may want to know why as well.

Let's not forget our fiduciary duties.

Regards,

Paul Ranney

From: "KEVIN ZIPPERLE" <kzipperle@mail.com>
To: "Paul Ranney" <blackdodgeviper@insightbb.com>, "Russ Johnson" <thedaylily@insightbb.com>
Cc: "kim davis" <kimjbrewerdavis@insightbb.com>, "Mary Lou Trautwein" <mltraut@insightbb.com>, "Jenna Barton" <jenna_barton@yahoo.com>, "Sharon Chandler" <schandler1@aol.com>, "W.T. Roberts" <wtroberts@win.net>
Sent: Tuesday, September 11, 2012 8:53:26 PM
Subject: Re: Board vacancies

I don't see anything in Amendment VII that sets a time limit for the Board to fill a Board vacancy, nor anything that could be construed as such...KZ

----- Original Message -----

From: Paul Ranney
Sent: 09/11/12 03:29 PM
To: Russ Johnson
Subject: Re: Board vacancies

Russ...I've gotten info from some members that they think Amendment 7 of the declarations requires that openings be filled in 60 days.

Advise that you look at that FYI.

P.S. When can you show me how to pinch these flowers. Not for this bunch but future reference?

Paul

Sent from my iPad

On Sep 10, 2012, at 4:19 PM, Russ Johnson <thedaylily@insightbb.com>
wrote:

[no message]

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5577 / Virus Database: 4235/8689 - Release Date: 12/06/14