

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

From: Miller, Sally <Sally.Miller@atg.in.gov>
To: Kathyquiggins <Kathyquiggins@aol.com>
Sent: Tue, Apr 30, 2013 1:59 pm
Subject: Re: (no subject)
Mrs. Quiggins

I have already talked to your husband and I have talked to you on the phone and via email. I believe we have talked to everyone involved. If you have any facts to give me that involves the specific jurisdiction that the AG's office has over HOA's please let me know. I am wondering why you have picked a side to be on. There are so many residents there who have not. There is nothing I could possibly do to stop anyone from saying whatever they want to say...not you or anyone else. I would suggest you not read the Facebook page since you are not directly involved in our law suit. It seems to upset you terribly. You are the only person who contacts me on a regular basis. I don't understand it at all.

Sent from my iPhone

On 2013-04-30, at 5:23 AM, "Kathyquiggins@aol.com" <Kathyquiggins@aol.com> wrote:

Mrs Miller once again I hope you have looked at the ' Harbours can you believe this stuff' FB in the past few days and noticed how all week-end Sheila Rudder and others told people to report people to the AG's office again using your office as a hammer over anyone who does not agree with them and stand up to them. This is once again a perfect example of how these people's minds work. It seems her latest "sic the AG's office on them" is aimed at my husband because he made a few phone calls before the special election last week in a very respectful calm way just to encourage people to vote at the special election. When Ms Rudder heard he had made those calls she once again began posting on the FB site to report him to the AG's office for doing so. I suppose one would wonder why that seems so unfair and the answer to that is because Ms Rudder and many of her co harts had spent the last month running our halls, beating on doors. making phone calls harassing residents to vote the way they wanted them to. Can you not see the thought process here? can you not see how one sided and unfair their thinking is? I would think that alone is enough to see how these people will use anything including your office to get their way. I am sorry but I simply cannot understand how you do not see how serious and wrong that is and try to put a stop to it. Your office seems to have no problem getting involved with everything else that goes on here. I have always heard if your in for a penny your in for a pound. I was wondering if it would be possible for you and who ever else who needs to be included to perhaps meet with myself and my husband and a few others for lunch or dinner in a public restaurant to discuss some of the concerns we have, as you did with the Rudder, Cantrell, Haley, Bupp group? It would certainly seem that if that was acceptable for them it would also be for us. I have given much thought in answer to the only two questions or concerns you seem to have even though I would think there would and should be so many more. I do not remember who exactly verbally gave out the information in regards to Frank Prell's

deposition with your office. It seems pretty reasonable to me that if it were just you and other AG staff and Mr Prell in the room that Mr Prell shared some information from that meeting with others after he left. Was he told not to? My husband said he was not told to not repeat what was said in his deposition with you although he did not. So it is a little confusing and hard to understand why you are so concerned about that. I do know Mr Prell was able to provide the truth and clear up and give the you the facts about at least one of the charges made against the 3 board members. Nothing has been respected or kept quiet that goes on with your office and the people who you deal with here in regards to the charges made against Mr Zipperle and Sharon Chandler and Mary Lou Troutwein, please be aware of that. It seems to be the favorite sport around here to have them bring it up and rub it in other's face and threaten them with the AG's office on a constant basis. I felt you needed to be made aware of this problem as it is serious and should not be happening and certainly seems to make people think the bragging by them that they have connections and have your office in their pocket seem all the more possible. The other question was about [former property manager]. I want to let you know all that I meant by saying I felt her leaving was a step forward in the right direction was as I have nothing personal against [former property manager] I feel with the situation we have here with the people who live to make others miserable, she was not thick skinned enough to be on the front line and on the battle front everyday. She did her best and in many ways did a great job. [Former property manager] wanted things to get better but she did not have type of personality to be able to handle these people. After Betty Haley physically attacked her in her office [former property manager] lived in fear of her and that was not a good thing and effected her job performace. Did I personally ever see [former property manager] do anything to break the law no I did not. I know she was a huge target for the hate and cruel treatment of these people as anyone will be who has the position of property manager here if they do not agree with them or stand up to them in anyway. They have already started in on our most recent manager as she dared to disagree with them on some things. I know as investigator you are only interested in facts not personal feelings and I apologize for bringing my personal feelings up. However it is very hard not to do so when you live with this stuff on a daily basis. Again Mrs Miller thank you so very much for your taking your busy time to at least try to listen to my concerns and what I have to say it gives me a flicker of hope in a very what seems to be a hopeless situation. I hope to,hear from you soon in regards to some of my concerns.

Sincerely
Kathleen H Quiggins

49 Emails forwarded by Indiana AG Office to Defendants
 Listed in Reverse Chronological Order
 Dates Inclusive 4/1/13 to 4/29/13
 Recipient or Sender Includes Sally Miller or Unspecified (BLIND)

<u>PAGE</u>	<u>SENDER</u>	<u>RECIPIENT</u>	<u>DATE</u>	<u>PAGE</u>	<u>SENDER</u>	<u>RECIPIENT</u>	<u>DATE</u>
4	Tom Pike	Sally Miller	4-29	44	Miller	Fugate	4-10
6	Debbie Zoeller-Pullen	Miller	4-27	44	Fugate	Miller	4-9
7	Z-Pullen	Miller	4-26	48	Z-Pullen	(BLIND)	4-9
8	Z-Pullen	Miller	4-25	52	Pike	Miller	4-8
9	Z-Pullen	Miller	4-25	53	Pike	Miller	4-8
10	Pike	Miller	4-25	55	Z-Pullen	(BLIND)	4-8
11	Pike	Miller	4-25	56	Pike	Miller	4-5
13	Pike	Miller	4-25	57	Nora Strohm	Miller	4-5
14	Pike	Miller	4-25	58	Z-Pullen	Miller	4-4
16	Pike	Miller	4-25	59	Z-Pullen	(BLIND)	4-4
20	Pike	Miller	4-25	60	Z-Pullen	Miller	4-4
25	Pike	Miller	4-25	62	Z-Pullen	(BLIND)	4-3
25	Miller	Pike	4-25	67	Pike	Miller	4-3
25	Pike	Miller	4-25	74	Rudder	Miller	4-2
27	Pike	Miller	4-25	83	Z-Pullen	(BLIND)	4-2
28	Z-Pullen	Miller	4-23	86	Pike	Miller	4-2
30	Sheila Rudder	Miller	4-23	92	Pike	Miller	4-2
31	Pike	Miller	4-19	93	Z-Pullen	(BLIND)	4-2
33	Z-Pullen	Miller	4-17	94	Z-Pullen	(BLIND)	4-2
33	Miller	Z-Pullen	4-17	96	Z-Pullen	(BLIND)	4-1
33	Z-Pullen	Miller	4-17	98	Z-Pullen	(BLIND)	4-1
35	Z-Pullen	Miller	4-17	99	Rudder	Miller	4-1
36	Z-Pullen	(BLIND)	4-17				
39	Rudder	Miller	4-16				
41	Z-Pullen	(BLIND)	4-16				
42	Z-Pullen	Miller	4-12				
43	Chuck Fugate	Miller	4-10				

From: Thomas Pike <thomashpike@cs.com>
Sent: Monday, April 29, 2013 1:28 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Our Special Meeting 4/25/13

Good Afternoon Ladies,

I guess you know about the results of our special meeting on Thursday, 4/25/13 and the narrow margin by which Zipperle remained on the board, WT Roberts was removed/replaced with my friend Pete Gerstle and Chuck Fugate overwhelmingly supported to remain. The percentages were on Face Book.

Here are the events that took place I think you should know. From my front row seat, this is what I saw and would testify to in court. Glenn Thomas helped me keep watch as the events unfolded.

HERE ARE THE FACTS:

A few hours before the meeting President Russ Johnson called me. He ask I help keep order and to bail him out if he started to stumble. I talked to him about employees being present, that if [former property manager] showed up we would have problems, and that if there were any voting questions; to error on the side of conservatism by not making rash decisions without contemplation with the board.

The night of the meeting, as votes were being turned in I ask Pete Gerstle if he voted and he said, NO...he never got anything from the office. I ask Russ if he could still vote and he said yes. He asked Laura Cushing (contracted consulting office manager) to give Pete some blank ballots. She said "I don't have any". I said that I did and gave several members blank ballots that night (I came loaded for bear). Pete turned his in. All that time, a few people were asking me what that stack of papers were that Zipperle was working with at his table. I slid over to talk to a few members sitting at that table and noticed they were ballots and proxy forms. When Pete turned his ballots in, I asked Russ when he was going to stop receiving ballots and he said "right now". He slammed the gavel, waived his hands and said "No more, if you have any ballots to turn in do it now". It was about 5 - 10 minutes later that Zipperle came forward and handed a set of papers to Russ. I said "no way, you can't count those Russ". A dialogue pursued. I told Russ to think on the side of conservatism; to sequester and mark them and consider to count them only if by doing so it would change the results, and let the board decide to accept or decline those late sequester ballots. Russ did. About 5-7 minutes after that, Zipperle then handed in another set of documents and they too were put in a second sequestered pile and marked. The first set Zipperle turned in were his and wife's units. I saw her name signed on a proxy or ballot (not sure) really big and thought, that doesn't look like a woman's signature (usually smaller), and it looked more like his signature of Zipperle. I questioned that he forged her name while filling out the paper work at the table. I told Russ that and he told me Zipperle was the designated voter for those units. Russ said "there his units, you gotta let him vote his own units". The second set of votes turned in by Zipperle were proxies for other units. I saw a unit #9?? on the top sheet. I don't know how many there were under that sheet, but Chuck Fugate later stated

it was only two units worth like 1.04% vote. He got that information from Russ as described below.

When the votes were totaled, it became clear to the president and vice president they had a problem. Not allowing the votes would remove Zipperle from the board. Allowing the votes he would be retained by 1.5%. In either event, WT Roberts was defeated. All 9 board members were present. They convened in another room and came out and announced the results and counted ALL of Zipperle's late ballots and proxies.

There are a few things we as a group are considering.

- 1) ask the accounting firm if ANY votes were rejected, ballots cast that were for some reason not acceptable. If YES, what was the total worth of those votes. Is that greater than .49 %? If Yes, were they our units that would have helped? If YES, we get those votes resolved to be counted.
- 2) if #1 above is in our favor, we ask that Zipperle's proxies turned in late be rejected (1.04%). With those two combined, we win.

My hope is you add this to your investigations. It is very clear that Zipperle and his few friends used the front office via the board position of Zipperle and WT Roberts to obtain an advantage in soliciting voters. First by using the voting labels for mailings on three separate events (Zipperle, Quiggins, Roberts mailings), second by obtaining a list phone numbers of voters to call and ask for support (see complaints of voters angry regarding release of private cell phone numbers) and finally, Zipperle using his position to obtain a list of delinquent HOA members from the contracted consultant manager, Laura Cushing. He used this delinquency list to appeal to the board the revocation of certain voting members rights; mostly those who oppose him. The combination of these advantages, his late proxy voting allowed and possibly his forgery of his wife's signature all total gave him the 1.5% margin of victory.

It is these type of events that I implore you to examine, bring forth to a judge and ask for assistance/an injunction now and in future elections until your case is resolved. We can't win with this uneven playing field. We have an election in December. Russ Johnson, Bob Ferguson, and Kim Davis will be up for election (wife of Gary Davis named in the AG suit, selling unit #312 to Zipperle). ALL appointed by Zipperle, Trautwein, Chandler, and Roberts in 2012. The position of Pete Gerstle, who replaced WT Roberts at this last meeting (per our Bylaws) is also up for re-election. I feel certain, in December we will see Mary Lou Trautwein, Sharon Chandler, and WT Roberts all running for our board again.

I hope you can help.
Thomas Pike
thomashpike@cs.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <debbiezp@gmail.com>
Sent: Saturday, April 27, 2013 7:54 PM
To: **Miller, Sally**; Beller, Jennie
Cc: Debbie Zoeller-Pullen
Subject: Finance Committee

Just to let you know, even though Chuck is the Harbours Treasurer, up to this point Russ has not allowed him to be head of the Finance Committte. Laura Cushing has been the Chair, Mary Lou is on it and NOW as of Friday, Kevin Zipperle is on it.

PLEASE . . . I hope things very soon will move forward against these folks. Kevin Zipperle on the Finance Committee is ridiulous!

No virus found in this message.

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Friday, April 26, 2013 10:20 AM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com; Debbie Zoeller-Pullen
Subject: Kevin and voting at last night's meeting

Last night Kevin opened the envelope with the ballots in it, pulled the forms out and then shoved them back in the envelope. Went to the back of the room, made a phone call (I'm guessing to Debbie Zipperle) and was visibly upset. Debbie's name is the designated voter on most of their units. Russ announced no more ballots could be turned in and Kevin was at the table signing Debbie Zipperle's name to all those ballots. His face was a red as a beet. My thought is I wonder if he does NOT have power of attorney for Debbie's name and if he forged her name on those ballots. Just a thought . . . but I would NOT put it past him.

Debbie Zoeller-Pullen
Office Manager

211 E. Market Street
New Albany, Indiana 47150
Office: 812-889-8180
Fax: 812-725-8002
Cell: 502-386-7838
dzoellerpullen@Athene.com
www.athene.com
www.atheneannuity.com

*Please note that effective immediately my email address has changed to the above e-address:
dzoellerpullen@Athene.com

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

From: Debbie Zoeller Pullen <debbiezp@gmail.com>
Sent: Thursday, April 25, 2013 11:09 PM
To: **Miller, Sally**; Beller, Jennie

Kevin still on board..... WT gone

from my iPhone

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Thursday, April 25, 2013 5:53 PM
To: **Miller, Sally**; Beller, Jennie

Please say a prayer tonight at 6:30pm for the Harbours . . . and for good to overcome evil and GOD's will be done!

Debbie Zoeller-Pullen
Office Manager

211 E. Market Street
New Albany, Indiana 47150
Office: 812-889-8180
Fax: 812-725-8002
Cell: 502-386-7838
dzoellerpullen@Athene.com
www.athene.com
www.atheneannuity.com

*Please note that effective immediately my email address has changed to the above e-address: dzoellerpullen@Athene.com

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

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 4:42 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Do you know

Thomas Pike
thomashpike@cs.com

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

From: pagetwo <pagetwo@bellsouth.net>
To: Thomas Pike <thomashpike@cs.com>; gbielefe <gbielefe@gmail.com>;
louisborn <louisborn@aol.com>; kathybuppl <kathybuppl@yahoo.com>;
bettycan <bettycan@insightbb.com>; dzoellerpullen
<dzoellerpullen@athene.com>; dfinne4735 <dfinne4735@aol.com>; chuck
<chuck@chuckfugate.com>; peteg <peteg@roadandrail.com>; patokapirate
<patokapirate@gmail.com>; hryank89 <hryank89@yahoo.com>; wkkindler9
<wkkindler9@yahoo.com>; blackdodgeviper <blackdodgeviper@insightbb.com>;
sheilalrudder <sheilalrudder@yahoo.com>; flamingosandy
<flamingosandy@rocketmail.com>; phila3224 <phila3224@bellsouth.net>
Sent: Thu, Apr 25, 2013 3:24 pm
Subject: Re: Do you know
Here it is.....it was below Marty's post yesterday re forwarding
complaints to AG.....

Brenda Wenning I had a call on cell phone today from ken quiggins how
did he get my number?
15 hours ago via mobile · "}"Like · 1

From: Thomas Pike <thomashpike@cs.com>
To: gbielefe@gmail.com; louisborn@aol.com; kathybuppl@yahoo.com;
bettycan@insightbb.com; dzoellerpullen@athene.com; dfinne4735@aol.com;
chuck@chuckfugate.com; peteg@roadandrail.com; patokapirate@gmail.com;
hryank89@yahoo.com; wkkindler9@yahoo.com; blackdodgeviper@insightbb.com;
sheilalrudder@yahoo.com; flamingosandy@rocketmail.com;
phila3224@bellsouth.net; pagetwo@bellsouth.net
Sent: Thu, April 25, 2013 3:10:52 PM
Subject: Do you know
PLEASE....does anyone have knowledge/better yet proof of people getting
phone calls from the other side.

I recall someone on FB, Debbie Wedding making that complaint? Can you
find that or tell me who else received calls on private cell numbers?

Thomas Pike
thomashpike@cs.com

No virus found in this message.
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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 4:41 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Do you know

See below. Quiggins and WT Roberts have sent out mailings that have the same labels attached to envelopes that we have attached to our ballots.

The thought is the mailing list is printed out on our labels in the front office and handed to these two jokers for their mail outs. The cell phone numbers being released have to come from the front office emergency contact list.

Thomas Pike
thomashpike@cs.com

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

From: Sandra Snodgrass <flamingosandy@rocketmail.com>
To: Thomas Pike <thomashpike@cs.com>; gbielefe <gbielefe@gmail.com>; louisborn <louisborn@aol.com>; kathybuppl <kathybuppl@yahoo.com>; bettycan <bettycan@insightbb.com>; dzoellerpullen <dzoellerpullen@athene.com>; dfinne4735 <dfinne4735@aol.com>; chuck <chuck@chuckfugate.com>; peteg <peteg@roadandrail.com>; patokapirate <patokapirate@gmail.com>; hryank89 <hryank89@yahoo.com>; wkkindler9 <wkkindler9@yahoo.com>; blackdodgeviper <blackdodgeviper@insightbb.com>; sheilalrudder <sheilalrudder@yahoo.com>; phila3224 <phila3224@bellsouth.net>; pagetwo <pagetwo@bellsouth.net>
Sent: Thu, Apr 25, 2013 3:23 pm
Subject: Re: Do you know
Brenda Wenning stated on FB that she got a call on her cell from Ken Quiggins and didn't know how he got her private #.

Sandy Snodgrass
www.flamingoretreat.com
317-997-5888

From: Thomas Pike <thomashpike@cs.com>
To: gbielefe@gmail.com; louisborn@aol.com; kathybuppl@yahoo.com; bettycan@insightbb.com; dzoellerpullen@athene.com; dfinne4735@aol.com; chuck@chuckfugate.com; peteg@roadandrail.com; patokapirate@gmail.com; hryank89@yahoo.com; wkkindler9@yahoo.com; blackdodgeviper@insightbb.com; sheilalrudder@yahoo.com; flamingosandy@rocketmail.com; phila3224@bellsouth.net; pagetwo@bellsouth.net
Sent: Thursday, April 25, 2013 3:10 PM
Subject: Do you know

PLEASE....does anyone have knowledge/better yet proof of people getting phone calls from the other side.

I recall someone on FB, Debbie Wedding making that complaint? Can you find that or tell me who else received calls on private cell numbers?

Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 4:06 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Vote tonight

Please let me know before you contact him....I think I owe him that.

Another name from FaceBook posting Debbie Wedding....Will get that to you and more if possible.

Those are the two I know of.

Thomas Pike
thomashpike@cs.com

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

From: David Ross <dadaa22@hotmail.com>
To: Thomas Pike <thomashpike@cs.com>
Sent: Thu, Apr 25, 2013 9:45 am
Subject: Re: Vote tonight

Thanks Thom...my dad is in hospital and I will need to be with him tonight. Glad I got you my Proxy. Ol Kevo called me the other night. Wanted to know if I had received my voting stuff for this meeting and if I had any questions on how to fill it out. He said he knows those things can be confusing...WTF. How did he even get my number?That dude is straight crazy. Good luck tonight! Let me know how it goes.

David Ross

On Apr 25, 2013, at 8:44 AM, "Thomas Pike" <thomashpike@cs.com> wrote:
I have your proxy vote tonight. I will be turning them in about 6:15 as the meeting starts at 6:30.

Please, if you want to come and casts your own votes try to be there by 6:15 and I can just hand the stuff back to you. Otherwise I will proceed.

Projections.....zipperle is OUT!!!! Thanks for your proxy support.

Thomas Pike
thomashpike@cs.com

No virus found in this message.

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From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 3:22 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Delinquency Notices

Follow Up Flag: Follow up
Flag Status: Completed

Thomas Pike
thomashpike@cs.com

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

From: Russ Johnson <thedaylily@insightbb.com>
To: Thomas Pike <thomashpike@cs.com>
Sent: Wed, Apr 24, 2013 4:44 pm
Subject: Re: Delinquency Notices

I still have to look into the flag penalty. We Jar Heads take that pretty seriously.

Russ

Sent from my iPad

On Apr 24, 2013, at 4:09 PM, Thomas Pike <thomashpike@cs.com> wrote:

Thanks Russ, I agree. That is why I am so concerned when you guys called me regarding late payment on my #1020. I think we have that straight now. The office rented a space to a boy friend of my gal in #1020, Taki. He is a doctor GP in Hopkinsville. It is stated that payment was coming directly out of his checking account. For some reason that stopped in July and it was never caught until now. He states he sent a check Monday when I emailed him. Verified again yesterday. If Laura doesn't have it by this week let me know. I will ride herd on it until it is paid. Laura assures me this whole storage rental attached to my unit for someone I have no legal ties with is a correction that needs to be made globally in the accounting systems and separated from HOA dues accounts.

I worked hard to get an 810 credit rating. I don't want this or the penalty for flag hanging backwards issue to ruin my good credit score. LOL.

Thanks for all your hard work.

Thomas Pike
thomashpike@cs.com

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

From: Russ Johnson <thedaylily@insightbb.com>
To: Thomas Pike <thomashpike@cs.com>
Sent: Wed, Apr 24, 2013 3:31 pm
Subject: Re: Delinquency Notices

Thom

I have asked Laura to share this info with Chuck so everyone is on a level playing field.

I will take it up with the board as regards who can see this info in the future.

I don't have much sympathy for people that don't pay their bills. I always think of how I get treated by DISCOVER or Republic Bank when I miss a payment.

We are in the process of implementing a procedure that will automatically assign appropriate late fees to delinquent accounts.

Russ

Sent from my iPad

On Apr 24, 2013, at 10:13 AM, Thomas Pike <thomashpike@cs.com> wrote:
Good Morning Board Members,

As usual (yeah, right) I will try to be brief in my concerns with delinquency notices and access to that information.

When I served the board 2008-2010 these matters were not discussed except between board officers who then brought them to closed executive session to discuss with the board members at large. This data when I served was NEVER released as copies to keep; merely verbal discussion of the who's and how much.

I have been notified that Kevin Zipperle was assisting Laura and had actual print outs of a delinquency report she prepared. They were seen in her office late yesterday afternoon through late evening hours. If correct, this type of one to one contact discussing sensitive information is way beyond the scope of a member at large.

Given Kevin is not an officer, he is a party to the calling of an upcoming meeting to remove a board officer and is also fighting to keep his position as a board member at large at this same meeting; his actual knowledge of delinquencies is one thing. His behavior and actual possession of documents of this nature is entirely unacceptable and unprecedented.

Please, I ask that owners be given the continued courtesy of privacy in these delicate matters.

See, I told you it would be short, thanks.

Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 3:23 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Privacy of voting

Thomas Pike
thomashpike@cs.com
-----Original Message-----

From: Kathy Mathews <kathy.mathews@gmail.com>
To: Thomas Pike <thomashpike@cs.com>
Sent: Wed, Apr 24, 2013 3:40 pm
Subject: Re: Privacy of voting
Thom,

Thanks for writing, as always you raise some excellent points and I'm trying to absorb as much as I can. Russ and I definitely have a better handle on how we can be more prepared and direct the voting process in the future.

Unfortunately I have a dilemma. During the Town Hall meeting someone raised the question regarding how we will verify who is present and eligible to vote at the Special Election. Russ said, "We'll have a sign in sheet." I thought most of the folks at the meeting thought that was a good idea. I've prepared a Sign In Sheet for the Special Meeting. It lists the Unit Number, Homeowner's Name, and it has a box for the "Signature of Designated Voting Representative". There are also two small columns to the right of the signature box: General Proxy & One-Time Proxy. All of the 300's are on one page, 400's on one page, etc.

Neither Russ nor I understand the importance of not disclosing who holds a Proxy. While it isn't anyone's particular business, it is a homeowner's right to give their Proxy to whomever they choose. I've had a couple of people tell me that they have been overwhelmed by some of your friends repeatedly asked for their Proxy. One person stated that the person who was asking became upset when they stated that they had given their Proxy to someone else. This is always going to happen and there really isn't any way to prevent homeowners from approaching homeowners. However we do understand the importance of not allowing our staff to collect or distribute proxies in the future.

I would like your suggestions on how we could follow through with the commitment we made at the Town Hall meeting regarding the sign in sheet. To do that seems to contradict your statements regarding release of information regarding Proxy's.

Kathy

On Wed, Apr 24, 2013 at 12:48 PM, Thomas Pike <thomashpike@cs.com> wrote:
Good Afternoon Board Members,

Below is a [posting from Face Book expressing the need for privacy related to voting and some procedures to ensure that privacy. In my opinion, Betty is exactly correct. Here is a real life issue I just

experienced.

Wade Morgan delivered a proxy to the front office last week. Wade gets confused. I am not sure if he had it sealed, or if he gave it to [former asst. property manager] or Laura (he said the gal in the office).

This was his one time proxy to me for the 4/25 meeting.

When Wade told me he took it to the office I called [former asst. property manager]. She seemed confused and said she would speak to Laura and get back to me.

[Former asst. property manager] called me later and said Laura made a copy and sent the original to the accounting firm. As I never got a copy, [former asst. property manager] said she would make one and get it to me. Now, two office staff know that Wade Morgan has appointed Thom Pike to be his proxy. Privacy of voting breached.

So this is what I learned.

1. People get confused. You can tell them 100 times...don't drop election stuff off at the office...and they will. The procedure should be to NOT accept anything at the office related to elections. In my case above, Wade would have called and told me the problem and WE would have resolved the issue. Instead, their accepting only confused the process and never was I alerted to the proxy being delivered.
2. This is a one time proxy. Why is Laura making a copy for her file? If this was one of those darn permanent proxies; maybe. But even then, the fact of the designated voter not being the proxy voter is no ones business other than the election committee and the accounting firm that does the tally. For that matter, the board should not know who is voting for who.
3. All mailings go to the designated voter. If he/she wants to one time proxy they can. If she/he has a permanent proxy, they need to deliver it to them. Why is the HOA stepping in the middle and sending the info to parties other than the designated voter? Well I can tell you why but it is not a pretty scenario.

I can tell you this. I have had people tell me they fear giving a proxy because they know certain people in the past have found out what they did, how they voted and were verbally "reprimanded". Call and ask Glenn Thomas about [former property manager] pulling out one of his ballots from past elections and asking why he voted the way he did. As I witnessed myself, ask me or George Denardi what Mary Lou Trautwein said when he asked to rescind his proxy to her because he wanted to vote himself. She said it right there in front of me; "why would you want to do that George?". For Pete's sake, she was the Secretary; and had to ask him WHY?? Are you seeing why the privacy thing is so important? This is merely two examples. You need more I am sure I can call some folks in to give witness.

Please, lets fix this process by getting the staff out of our personal business. I don't come to their house and tell them how to run their home.

Thanks,
Thomas Pike
thomashpike@cs.com

Betty Cantrell posted in The Harbours... Can you believe this stuff?

Betty Cantrell
8:08am Apr 24

This is the way an Election or Special Meeting balloting should be done folks. Perhaps ballots have already been submitted (somewhere) and a daily running tally is being scrutinized by someone in order to monitor how things are going?

I just opened my Special Meeting packet and noticed that my name and Unit # is listed on my ballots. That is a great big NO-NO! And actually not legal. Until we get this right, I will be one to constantly complain about the process. Wake up people!

Ballots shall be mailed first class or delivered by the association not less than 30 days prior to the election. Ballots shall include two envelopes with instructions on how to return the ballot. In order to preserve the confidentiality of the ballot, the ballot itself may not identify the member by name, address or the number of the lot parcel or unit. The unsigned secret ballot is placed in an envelope. That envelope is placed in a second envelope that does identify the voter. On the outer envelope, in the upper left hand corner, the member prints and signs his or her name, address, and lot, parcel or unit number (the identification that establishes the members right to vote). This outside envelope must be addressed to the election inspector(s). This final package is to be mailed to the inspector(s) or delivered by hand to the location specified by the inspector. The member may ask for and receive a receipt confirming that the ballot package has been received by the inspector or the facility designated by the inspector. Given the amount of paper (ballot, separate proxy, two envelopes) that the inspector must handle, it may be somewhat more difficult to get members to serve as inspectors. It is likely that new vendors will come forward to provide election inspector services because the law renders current standard practices obsolete and in some cases outright illegal. Ballots shall be mailed first class or delivered by the association not less than 30 days prior to the election. Ballots shall include two envelopes with instructions on how to return the ballot. In order to preserve the confidentiality of the ballot, the ballot itself may not identify the member by name, address or the number of the lot parcel or unit. The unsigned secret ballot is placed in an envelope. That envelope is placed in a second envelope that does identify the voter. On the outer envelope, in the upper left hand corner, the member prints and signs his or her name, address, and lot, parcel or unit number (the identification that establishes the members right to vote). This outside envelope must be addressed to the election inspector(s). This final package is to be mailed to the inspector(s) or delivered by

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 3:21 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Privacy of voting

Thomas Pike
thomashpike@cs.com
-----Original Message-----

From: Russ Johnson <thedaylily@insightbb.com>
To: Thomas Pike <thomashpike@cs.com>
Cc: kathy mathews <kathy.mathews@gmail.com>
Sent: Wed, Apr 24, 2013 10:32 pm
Subject: Re: Privacy of voting
Thom

I have seen the light. I agree that the proxies should be held in confidence.

Thanks for your persistence

Russ

Sent from my iPad

On Apr 24, 2013, at 5:42 PM, Thomas Pike <thomashpike@cs.com> wrote:
Ah ha.....you have uncovered my plot....No really, I totally feel the same way but we are looking at it from two angles.

- 1) I am looking at it as if the permanant proxies go away. This board CAN and I hope will do that soon. At that point, listing who has temporary one time proxies is a past tense issue. The meeting and vote is over and it only exposes that one event in time.
- 2) You are looking at it as if the permanant proxies remain in force. This perpetual proxy in voting within an HOA setting is nuts. Those forms are used in For Profit, C corp annual meetings. We all get those in the mail. I just throw it in the garbage. My theory, if I want to vote, I will do it myself.

It has to be one way or the other. If you tell me #2 is what you WANT to do as opposed to you HAVE to do; I guess we will continue to battle on that front. I feel option #1 fulfills the proxy right to vote by state laws.

When ever I look at this I think of municipality voting. Then strip away reason and accountability and you get state law on condo voting: A NOT FOR PROFIT, MULTI BENEFICIAL CORPORATION THAT VOTES LIKE A CORPORATION AND NOT A MUNICIPALITY. I own 10 properties in Metro, yet I only have the right to vote once for the mayor, the govenor, hell the president of the USA. Yet within my condo association, I get to vote my share of ownership. In the future, I believe this is where state law will change. For now, you just have to remember to give a person a chance to vote proxy. Nothing says you have to make it easy. When I vote absentee, I have to fill out a two page form, turn in form to reflect ownership; they make it a little challanging but I want my voice to count so I go through

the process. Here, the developer and you know who made it easy so control could always be kept. That changes when more owners vs investors get involved. And that is what we have now. Hell, I walk home at nights and see lights on every where. There was a time this building was mostly dark.

Thomas Pike
thomashpike@cs.com
-----Original Message-----

From: Russ Johnson <thedaylily@insightbb.com>
To: Thomas Pike <thomashpike@cs.com>
Sent: Wed, Apr 24, 2013 5:21 pm
Subject: Re: Privacy of voting

Well, this is probably a discussion better held at the bar, but:

I guess I still think it would be better for all involved to list the proxies along with the voter who holds the proxies. Publish the whole list so everyone knows the facts and does not have to listen to some of the nonsense that gets out in the air. IF Kevin holds 6, Thom holds 4 and Russ holds 15 so be it. It is what it is. Bringing it out the open tells is if we have some sort of a problem.

Suppose we have a non owner with 12 votes. Shouldn't we know that? Suppose we have a board member with 20? That might raise some concern. Etc etc blah blah blah.....

What is your counter? It feels like I am making your past argument about openness.

Russ
Sent from my iPad

On Apr 24, 2013, at 5:07 PM, Thomas Pike <thomashpike@cs.com> wrote:
Voting in any election is a private matter. Who holds proxies generally would signal what side of the fence they stand on.

If the world knew a well established Republican (Bush) was known to give his vote to a well established Democrat (Clinton), how do you think that Democrat is going to vote and how do you think the friends (no longer) of the Republican will feel about his gifting of proxy to the "enemy"?

If a member, Russ Johnson gave Thomas Pike a proxy on voting to keep or remove Zipperle; how do you think Thom Pike is going to vote. How do you think Zipperle is going to feel about Russ Johnson?

It is embedded in our democracy for a reason. Voting is private and there is a long history of why that is so. Think slavery, women's rights....

Thomas Pike
thomashpike@cs.com

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

From: Russ Johnson <thedaylily@insightbb.com>
To: Thomas Pike <thomashpike@cs.com>
Cc: chuck <chuck@chuckfugate.com>; solivagant001
<solivagant001@yahoo.com>; kathy.mathews
<kathy.mathews@gmail.com>; phila3224 <phila3224@bellsouth.net>
Sent: Wed, Apr 24, 2013 4:30 pm
Subject: Re: Privacy of voting

Thom

I appreciate your tone, but I still can't get it through my head what is private about a proxy. It doesn't tell you how a person voted. It helps the accountants to know who holds proxies for whom, but it says nothing about the way a person voted. I think all the proxies should be made public so everyone knows who has the votes. Actually, I thought there were people asking for information about the general proxies. I would like to know and publish who holds how many proxies of any kind.

Where am I wrong??

Russ

Sent from my iPad

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Please, lets fix this process by getting the staff out of our personal business. I don't come to their house and tell them how to run their home.

Thanks,
Thomas Pike
thomashpike@cs.com

Betty Cantrell posted in The Harbours... Can you believe this stuff?

Betty Cantrell
8:08am Apr 24

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 1:20 PM
To: **Miller, Sally**; Beller, Jennie
Subject: Re: Release of private info

The emails I have from Russ Johnson, President and Kathy Matthews, Vice President merely state they understand there is privacy issues and going forward they want to work with employees in this regard. What they have communicated to Laura I don't know.

Thomas Pike
thomashpike@cs.com

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

From: **Miller, Sally** <Sally.Miller@atg.in.gov>
To: Thomas Pike <thomashpike@cs.com>; Beller, Jennie
<Jennie.Beller@atg.in.gov>
Sent: Thu, Apr 25, 2013 11:05 am
Subject: RE: Release of private info

Thanks for the information Thom. Has anyone asked Laura about this turn of events?

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: Thomas Pike [mailto:thomashpike@cs.com]
Sent: Thursday, April 25, 2013 11:01 AM
To: Beller, Jennie; **Miller, Sally**
Subject: Release of private info

Good Afternoon Ladies,

It has come to my attention that Kevin Zipperle is using his board position to gather personal, confidential information from the office for his campaign to keep his board position.

He was given a list of delinquent accounts from Laura in the front office. They were witnessed alone in her office for several hours on this past Tuesday afternoon to late evening. This is unprecedented. When I served on the board this list was for officers only and the board members at large were only given a verbal in closed executive sessions of the who's and how much and what actions are underway to collect.

We now have two owners that have complained Zipperle called their private cell phones to solicit and talk about the upcoming meeting. This information could have only been obtained from the emergency contact list in the front office.

Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Thursday, April 25, 2013 12:01 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Release of private info

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Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Tuesday, April 23, 2013 3:38 PM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: FW: KZ Letter
Attachments: Kevin-April 20 2013-Letter.pdf

I'm sure you already have this . . . just in case you do not.

From: Charles Fugate [mailto:Chuck@chuckfugate.com]
Sent: Tuesday, April 23, 2013 12:53 PM
To: Debbie Zoeller-Pullen; Nora B Strohm; Phila3224@bellsouth.net;
thomashpike@cs.com
Subject: RE: KZ Letter

Here you go...

From: Debbie Zoeller-Pullen [mailto:dzoellerpullen@athene.com]
Sent: Tuesday, April 23, 2013 9:46 AM
To: Charles Fugate; Nora B Strohm; Phila3224@bellsouth.net;
thomashpike@cs.com

Subject: KZ Letter

Does anyone have the letter they can email to me? I can't read the one posted on Facebook since it is too small on my cell phone.

Electronic communication sent through the internet is not secure and its delivery is not guaranteed. This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it from your computer. All insurance and annuity related services and products are offered solely through Athene Annuity & Life Assurance Company and its subsidiaries (New York policies offered solely through Presidential Life Insurance Company). All investment advisory services are rendered solely through Athene Asset Management LLC. None of the information contained herein should be construed as an offer or sale of any security, product, or service of Athene Asset Management LLC. Past performance is not indicative of future success.

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related services and products are offered solely through Athene Annuity & Life Assurance Company and its subsidiaries (New York policies offered solely through Presidential Life Insurance Company). All investment advisory services are rendered solely through Athene Asset Management LLC. None of the information contained herein should be construed as an offer or sale of any security, product, or service of Athene Asset Management LLC. Past performance is not indicative of future success.

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

From: sheilalrudder@yahoo.com
Sent: Tuesday, April 23, 2013 9:56 AM
To: Jan Hurst; Jane Wilson; Linda Dornbush; Carolyn Grant Whittey; Nora Strohm; Patti Jenkins; Sandra Johnson; Sammy Sicbaldi; **Miller, Sally;**
Beller, Jennie
Subject: Fw: GRAINS OF SAND MAGNIFIED

Isn't this marvelous !

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

From: Bob Ferguson
Subject: GRAINS OF SAND MAGNIFIED
Sent: Apr 23, 2013 8:34 AM

> This is worth looking at.
>
> We surely never think about this when we're walking on it, or raking
our fingers and toes through it,
do we?
>
> This is totally amazing! YOU WILL NEVER VIEW A SANDY BEACH IN THE SAME
WAY AGAIN. Grains of
sand magnified 240 times!
>
>
>
> <http://inspirationgreen.com/magnified-grains-of-sand.html>
>
> Do watch the 1 1/2 minute video half way down through the slides.
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Sent via BlackBerry by AT&T

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

From: Thomas Pike <thomashpike@cs.com>
Sent: Friday, April 19, 2013 11:28 AM
To: Beller, Jennie; **Miller, Sally**
Subject: Working Capital

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Ladies,

I will try to keep this short and simple as possible. Ha Ha !

The Harbours has a "Working Capital" fund that consist of a two month HOA fee reserve for every single unit in the building. This account was established by the developer during the sale to bank role needs for emergency money instead of trying to collect a special assessment if an emergency occurred. The 2013 Budget for dues is \$863,088. Therefore we have Working Capital of \$143,848. Our audits reflect a separate fund, but not an actual separate bank account; in that all monies are comingled in various investments (CD, Money Markets, Checking).

Each year with a new budget means an increase in dues and the difference per month times two is assessed and deposit to a general account. How are these funds moved or transferred?

1. In a regular sale it is negotiated between buyer/seller and part of the closing OR the new owner funds the two months after closing and the HOA office refunds the previous owner. Here is where there is a potential for theft.
2. In a foreclosure, I am told that Indiana Law requires the bank absorbs any past HOA fees. Does the bank know of these reserves? Again, doubtful and potential for theft (see below #3, Prell to Zipperle)
3. In a short sale the seller is suppose to walk away with ZERO funds in exchange. Does the bank know of these funds and if it is a "preferred" sale between friends, what happens to the money (think Frank Prell and Zipperle, Trautwein in #1103/1104)?

It also occurred to me, that when owners pass away, the estate is left to pay the HOA fees until a final settlement. As you know, that can go on for months, a year or two. If the estate falls behind on HOA fees, these two months reserves should come out of that fund and be recognized as income in the operating fund. If the estate is not paying past those two months a lien is filed on the property. At the time of the estate sale, that lien may be satisfied and the new owner would have to put up the two months reserves. Now for my concern.

1. Most administrators of the estate would know nothing about this reserve fund.
2. They would continue to write checks to the HOA as long as the estate had funds.

3. One in control of the money could conceal and transfer the two months out and fund it back with a new owner.
4. One in control of the money could have the estate write checks to a similar, but different name (The Harbours, The Harbours at Riverpointe, Creekstone, ...all the alias names this place has on record).

If you were so inclined to investigate these transactions, I could talk with long term owners and provide a list of those who have passed away, short sales, and foreclosures to trace how these funds were moved. The Zipperle/Prell (#1103) foreclosure and the Trautwein/Prell short sale (#1104) are classical. The money moving out (3 above) would be easy to trace. Money coming in (4 above) would be more difficult. There are tens of thousands of dollars moving in/out of this fund in some years.

Let me know if I can help in this matter.

Thomas Pike
thomashpike@cs.com

PS--I have been notified by Russ Johnson President and Kathy Mattews Vice President via a phone call I have unpaid dues of \$360.00 (I guarantee you this is not true, mathematically not possible, at end of each year I insisted I get a print out of my accounts and they show \$0 balance due or a small credit, and all my checks have cleared). Russ and Kathy seemed to think this was an office issue and not possible and stated there are about a dozen on an exception report they are contacting. I am not sure if that is just an error at the office OR if some kiting scheme is finally showing up since [former property manager] is gone, the accounting firm "quit" and now the office is left trying to reconcile who has outstanding balances. The financial recordings here are a train wreck. I am told the 2011 audit is done, an Unqualified Opinion given, but officially it has not been released. The copy I got my hands on omitted the Income Statement. I found that unusual. They still have not released the audit. I would venture to say 2012 financials may not even be auditable; but we have a starting point at 12/31/11.

No virus found in this message.

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Wednesday, April 17, 2013 10:43 AM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: RE: Laura Cushing

A couple of the reasons are that she has been treating certain Board members differently and the comments regarding certain homeowners have led many to believe this to be true. In addition Kevin can pretty much be found in her office every day for minimum of ½ to 1 hour sitting and chatting.

Please note my new email address is dzoellerpullen@athene.com

Debbie Zoeller-Pullen | Office Manager, Corporate Development | Athene Annuity & Life Assurance Company
211 E. Market Street, New Albany IN 47150 | T. 812-889-8180 | C. 502-386-7838 | Fax 812-725-8002

From: **Miller, Sally** [mailto:Sally.Miller@atg.in.gov]
Sent: Wednesday, April 17, 2013 9:38 AM
To: Debbie Zoeller-Pullen; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: RE: Laura Cushing

Debbie,

How are you sure that she is now a Kevin supporter?

Sally

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: Debbie Zoeller-Pullen [mailto:dzoellerpullen@athene.com]
Sent: Wednesday, April 17, 2013 9:34 AM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: Laura Cushing

I find it very interesting that Laura Cushing has gone from being outraged at Kevin's behavior in Board meetings and discussing how he manipulated the folks on the Board (and repeating what she said)

especially the older one), to being a Kevin supporter. When she first discussed the Board meetings with me, she was even willing to talk with you guys but then that changed. The word among a couple Board members (and others) is that perhaps Kevin has offered her full-time employment once he regains control again or at the very least survived the April 25th meeting and gotten rid of Chuck.

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Wednesday, April 17, 2013 10:34 AM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: Laura Cushing

I find it very interesting that Laura Cushing has gone from being outraged at Kevin's behavior in Board meetings and discussing how he manipulated the folks on the Board (and repeating what she said) especially the older one), to being a Kevin supporter. When she first discussed the Board meetings with me, she was even willing to talk with you guys but then that changed. The word among a couple Board members (and others) is that perhaps Kevin has offered her full-time employment once he regains control again or at the very least survived the April 25th meeting and gotten rid of Chuck.

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Wednesday, April 17, 2013 9:49 AM
To: laura.cushing@insightbb.com
Cc: thedaylily@insightbb.com; debbiezp@gmail.com [BLIND]
Subject: RE: Fw: Issues that have been brought to my attention From Russ Johnson

Laura,

In response to the email from Saturday April 13th that you sent me, I had a few thoughts I wanted to share. In my experience working in the H.R. area, mediation has always been one of the first ways of handling and dealing with many employee issues / problems. I was aware of the incident you mentioned, in fact the employee involved told me about it the next day. I have requested to be on the Resolution Committee (as you know), but as yet have not heard anything back from Harvey Allen. Were you able to connect with him to give him my name? I truly believe that when folks can sit down, talk and vent what they are feeling in a safe environment, it defuses the situation. Oftentimes we ALL just need to be heard. The employees need to have guidelines and expectations in all matters. Most employers often give employees a copy of the Policy and Procedure Manual and have them sign a paper showing they have reviewed it and that they know what their expectations are in regard to how things will be handled either when they are hired or whenever there is a change in the Policy and Procedure Manual. Homeowners perhaps should also have guidelines that would include expectations on interactions with staff. On both sides (once again, I HATE that term sides), both feel that they have been wronged in one form or another and until both sides can hear each other out, in a safe environment, it may never be resolved to the satisfaction of ALL. In mediation, having the neutral parties at the same table, they can offer input and help guide the situation to a peaceful resolution for all involved. I am afraid that for far too long we, here at the Harbours, have looked outside for answers when there are already things put in place to handle this type situation from within (H.R. Policies and Procedures). I would be more than happy to sit down anytime you / Russ feel the need to discuss further.
Debbie

-----Original message-----

From: Laura Cushing <laura.cushing@insightbb.com>
To: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>, 'Russ Johnson' <thedaylily@insightbb.com>
Sent: Sat, Apr 13, 2013 02:55:53 GMT+00:00
Subject: RE: Issues that have been brought to my attention From Russ Johnson

Good evening Debbie - Russ

Sorry for the late reply on the below email. I'm not sure if you are aware, but another employee was recently verbally harassed by a homeowner and this was witnessed by Fred Strohm. Has anything further been done about this? Debbie are you saying we should require our staff to face this person in a mediation type of meeting? Do you guys think this will help in any manner? I know the staff is very frustrated with the recent

attacks on their job responsibilities or rumored lack of, as well as the name calling. Has anything happened recently to try to resolve this?

Laura Cushing

From: Debbie Zoeller-Pullen [mailto:dzoellerpullen@athene.com]
Sent: Thursday, April 4, 2013 11:57 AM
To: Russ Johnson
Cc: Laura Cushing
Subject: RE: Issues that have been brought to my attention From Russ Johnson

One more quick comment, the employee could be required to do it since that is often a Human Resource way to deal with things and the homeowner could be very strongly urged and approached by neutral folks to do the encouraging. It would be nice to put something like this in place for whenever there is a disagreement.

Please note my new email address is dzoellerpullen@athene.com

Debbie Zoeller-Pullen | Office Manager, Corporate Development | Athene Annuity & Life Assurance Company
211 E. Market Street, New Albany IN 47150 | T. 812-889-8180 | C. 502-386-7838 | Fax 812-725-8002

From: Russ Johnson [mailto:thedaylily@insightbb.com]
Sent: Thursday, April 04, 201 11:43 AM
To: Debbie Zoeller-Pullen
Cc: Laura Cushing
Subject: Re: Issues that have been brought to my attention From Russ Johnson

I think getting them together and trying to work out the differences is a good idea. Let me talk to Laura and see if she agrees. I assume both the women would be ok with it. If not it won't work.

Russ

Sent from my iPad

On Apr 3, 2013, at 11:22 AM, Debbie Zoeller-Pullen <dzoellerpullen@athene.com> wrote:
Russ,

Thank you for the response. I think the world and all of our employees. Bobbie and Jennifer have never been anything but kind to me. My reasoning for sending the email after I was approached by the homeowner (Nora Strohm) with the info, was to keep them OUT OF THE MIDDLE of everything. I have never felt that they have done anything but what they are told . . . but that can put them in situations that place them in the middle of issues they have no control over. That being said, I understand that there was

a bit of miscommunication between Nora and the homeowner involved. From the conversation Nora had with t

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

From: sheilalrudder@yahoo.com
Sent: Tuesday, April 16, 2013 2:40 PM
To: Reply to Comment
Cc: **Miller, Sally**; Beller, Jennie; Miller, David
Subject: Re: [The Harbours... Can you believe this stuff?] LONG-TERM BOARD MEMBER ACCUSATIONS AGAINST...

Anyone who knows of suspicious or unlawful acts by zipperle-team; or, contractors, service people, vendors or security camera related payment issues that would be a misuse of his Directorship to profit from, please send the information to The Indiana Attorney General Investigator at above email. Your name will be confidential.

Example: [Former property manager] stood up in front of 22 Owners & said, "You all should be so proud of me, I got Bryan Smith Contractors & others to adjust their bids so we do not have to pay thousands of dollars for Insurance Deductibles.

There is a reason for Insurance Deductibles. That is Fraud. This type of management is why our Insurance is in Jeopardy.

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

From: Kathy Kennedy Bupp
To: The Harbours... Can you believe this stuff?
ReplyTo: Reply to Comment
Subject: Re: [The Harbours... Can you believe this stuff?] LONG-TERM BOARD MEMBER ACCUSATIONS AGAINST...
Sent: Mar 28, 2013 10:36 PM

Kathy Kennedy Bupp commented on Nora Strohm's post in The Harbours... Can you believe this stuff? Kathy Kennedy Bupp 9:36pm Mar 28

Lets just go ahead and call a crook a crook. Bids are not part of Kevin Zipperle's vocabulary. As I explained before, under the scrutiny of a forensic audit, it is considered a dereliction of duty if a BOD's does not get competitive bids. I have a classic example of what it cost the HOA to stick with a current long time vendor instead of awarding the business to someone new who would have provided more of a much better product and You can be 15% cheaper but if it didn't go in to Kevin's back pocket it wasn't happening. It has come to my attention that an honest insurance rep that submitted a bid for our insurance business was approached by Kevin and asked if he would be willing to give him a kickback for the business. It startled the guy and he reported it to a homeowner. Listen up Mr Zzzz You can run but you can not hide. Every rock will be turned over and what we can not find on our own, we will let the good people at the IRS do the rest. Why weary ourselves when there is a perfectly good federal agency waiting to send fellas like Kevin on an all expense paid government sponsored get away (or a go away...which ever you prefer)

Comment History Sheila Rudder 1:24pm Mar 28 Sent via BlackBerry by AT&T
Sheila Rudder 12:12pm Mar 28

It is what is shown to be by this Person's own written words ... Most recent Director Appointee was an excellent unbiased Candidate... zipperle tried to block this Person because he knew the Person would not do his bidding as others. ...zipperle showed his Stalking & Violation of Owners' Privacy. He told everyone who would listen the Person was seen coming out of a "Malcontents" Unit late at night in an illegal & sick attempt to keep this Person off his Board. 1. It is illegal to LABEL & create A Monopoly against any group or individual. 2. Bullying is illegal & very easy to prove in this case by zipperle & wt roberts' own LIBEL in their emails & their slanderous attacks on zipperle's labeled malcontents. Directors, Think what these Directors say in Meetings about Owners... What proof of Their LIBEL have they ever shown you? NONE. There is no proof I am what zipperle has spewed. I tried to save our Community & he has tried to destroy me for it. Well, endgame is near & all will see what this controlling thief has done to our Community with our \$... He has stolen our Harmony! He has stolen our Committee Members' Rights! He has stolen our Privacy! Our Board has allowed our Community to be HARMED by zipperle's continual misconduct on every level. . .

Sent via BlackBerry by AT&T Original Post Nora Strohm 10:25am Mar 28

LONG-TERM BOARD MEMBER ACCUSATIONS AGAINST HOMEOWNER(S):

Interesting....if you'll recall these same maligning tactics have been used before..... --- Debbie Zoeller-Pullen, the organizer of the Bike Sale and Girls' Nite Out, experienced outright slander on our public Forum; --- Nora Strohm was told on the Forum that by associating with others at the pool, my integrity was in question, and therefore my questions and comments (re Concierge or other?) would be discounted; --- Chuck Fugate and Fred Strohm have been called out to declare their constituency (which is none other than the total HOA membership); and now... --- Paul Ranney who has stepped up to serve in exemplary fashion (love the landscaping.....and should be less upkeep/expense!) has been accused of kickbacks.....AFTER SOLICITING WHAT.....4 BIDS? It appears that this accusing long-term Board Member and his sidekicks are familiar with the "kick-back" routine.....we don't know since we've never been privy to paperwork on anything..... Since a lot of The Harbours work is done under contracts (which are supposedly on a bid basis).....you have to wonder if "kick-backs" activity in the transaction of HOA business has been the norm.....thus the high monthly HOA FEES we're experiencing. You also have to question the credibility of the long-term malignments (Documents and Photos sections on this site) MANY of our community have endured if they dared question; it seems the source(s) of..... and these tactics.....again.....are merely the norm.

[View Post on Facebook](#) · [Edit Email Settings](#) · [Reply to this email to add a comment.](#)

Sent via BlackBerry by AT&T

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Tuesday, April 16, 2013 9:50 AM
To: debbiezp@gmail.com [BLIND]
Subject: New Artist

I know someone that is an amazing artist, with their photography and I am looking to see how to help this person get the word out about their photographs / artwork. This person takes nature, animal, skyline and bridges photos, pretty much anything you can imagine.

Do you have any suggestions in how to promote this artwork or any interest in amazing photos?

Thanks,
Debbie

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

From: Debbie Zoeller-Pullen <debbiezp@gmail.com>
Sent: Friday, April 12, 2013 8:38 PM
To: **Miller, Sally**; Beller, Jennie
Subject: The Harbours

We have heard talk that if Kevin is removed from the HOA Board, he plans on keeping the Harbours tied up in Special Meetings since he can almost call one with just his units alone (+Mary Lou, Sharon and WT's units).

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

From: Charles Fugate <Chuck@chuckfugate.com>
Sent: Wednesday, April 10, 2013 10:44 AM
To: **Miller, Sally**
Cc: Beller, Jennie; Charles Fugate
Subject: RE: From Chuck Fugate
Attachments: WT-Envelope.pdf; Election-Envelope.pdf; Quiggins-Envelope.pdf; Thunder-Envelope.pdf; HOA Official Mailing List.pdf

Interesting question... In fact, my may concern is not the mailings they are sending out; however, the use of what appears to be the official HOA mailing database.

Attached are scans of four recent communications by the HOA.

1. Thunder of Louisville Envelope (April): This was left under doors; however, notice the Recipient mailing label
2. The Special Meeting mailing (File: Election-Envelope); again, notice the recipient mailing label
3. The private mailing sent by Ken Quiggins against Chuck Fugate (File: Quiggins-Envelope). Notice the recipient mailing label
4. WT Roberts campaign mailing (File: WT-Envelope). Notice the recipient mailing label.

It is my belief that either an office staff employee [former asst. property manager] has been supplying the Official mailing list database and/or printing the labels for the mailings. Or Kevin and his group has accessed the office computers to retrieve the database for their own usage.

It has been a long standing policy that the mailing list is only available to candidates running for HOA office... and made available ONLY 7 days prior to the election. The WT Letter & Ken Quiggins letters were mailed well before the 7 day window. (Note: Ken Quiggins Is not running for office... however, I have been told that Kevin asked Ken Quiggins to Mail the letter for him).

Also, it has never been HOA practice to supply either the actual computer file for the database, or to supply the mailing list pre-printed on labels.

The last two years that I've ran for office - I was given a photo copy of the mailing list. (See attached). I believe they've issued the list this way because the candidate would have to either hand write each address - or retype into their own spreadsheet - thus delaying the candidates mailing to owners.

Kind Regards,
Chuck Fugate

From: **Miller, Sally** [mailto:Sally.Miller@atg.in.gov]
Sent: Wednesday, April 10, 2013 8:42 AM
To: Charles Fugate
Cc: Beller, Jennie
Subject: RE: From Chuck Fugate

Chuck,

Is there any way to tell if any of this mailing was paid for with HOA money?

Thanks

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: Charles Fugate [mailto:Chuck@chuckfugate.com]
Sent: Tuesday, April 09, 2013 9:18 PM
To: Thomas Pike; gbielefe@gmail.com; louisborn@aol.com;
kathybuppl@yahoo.com; bettycan@insightbb.com; dfinne4735@aol.com;
patokapirate@gmail.com; hillmank@hotmail.com; hryank89@yahoo.com;
wkkindler9@yahoo.com; peak12r@excite.com; morgan@morganmfgeng.com;
debbiezp@gmail.com; blackdodgeviper@insightbb.com;
sheilalrudder@yahoo.com; flamingosandy@rocketmail.com;
phila3224@bellsouth.net; pagetwo@bellsouth.net;
glenn@hartcountyrealty.com; phyllis@hartcountyrealty.com
Cc: Charles Fugate; **Miller, Sally**
Subject: From Chuck Fugate

Attached is a letter that WT Roberts mailed out this week..

This is why we need to fight this one last battle - and this is why I need your proxies! I have you not going to attend the April 25th election... And you have not submitted your Proxy... then you must SIMPLY DO IT NOW!

The attached letter is inexcusable... And WT Robert & KEVIN must be removed from the board.

The HATE must stop! You can help end it!

Thank you so much for your support - please DO NOT GIVE UP NOW!

PLEASE PASS THIS EMAIL ONTO OTHER SUPPORTERS.

Kind Regards,

Chuck Fugate

From: Thomas Pike [mailto:thomashpike@cs.com]
Sent: Thursday, April 04, 2013 3:44 PM
To: gbielefe@gmail.com; louisborn@aol.com; kathybupp1@yahoo.com;
bettycan@insightbb.com; Charles Fugate; dfinne4735@aol.com;
patokapirate@gmail.com; hillmank@hotmail.com; hryank89@yahoo.com;
wkkindler9@yahoo.com; peak12r@excite.com; morgan@morganmfgeng.com;
debbiezp@gmail.com; blackdodgeviper@insightbb.com;
sheilalrudder@yahoo.com; flamingosandy@rocketmail.com;
phila3224@bellsouth.net; pagetwo@bellsouth.net;
glenn@hartcountyrealty.com; phyllis@hartcountyrealty.com
Subject: Derivative Case

Good Afternoon All,

We had a good meeting last night and the majority present felt the Derivative Case should be dropped so most of us signed a form prepared by the attorney to drop our names. When the petitioners voting percentage required by Indiana Law falls below 10% voting power of the HOA; the suit dies. Because everything is based on square feet this is how it is broken down.

10% Needed by Law = 22,891
Original Support = 24,749
Support Dropped Prior to Last Night = 4,243
Shortage = 2,385

As you can see, trying to sustain our 10% MAY have been an issue. Below are the reasons we heard last night of why prior supporters fell off and factual documented explanations. Speculation is long and FACTS are short. So here is what we know today.

REASON #1: Philadelphia Insurance has combined our Derivative Case with the AG Case and now using our Directors & Officers (D&O) insurance to defend Zipperle, Trautwein-Lamkin, Chandler.

FACT:

- #1 D&O has been canceled by Philadelphia effective 6/20/13 because of the AG & Derivative Claim.
- #2 Without D&O, many now on the board have stated they won't continue to serve.
- #3 We are having trouble getting bids on D&O.
- #4 At this point, Philadelphia has reserved \$290,000 to defend and pay claims for damages.
- #5 The JUDGE, by law MUST award refunding costs to the AG for investigation under the new Indiana HB #1058.
- #6 We are paying for the three to be defended.
- #7 The AG has stated that although it is in their complaint that this expense should not fall on the HOA, they acknowledged the three would more than likely go that route and we would just have to try to get it back after they win this suit and/or ask the judge when the trial starts to discontinue their use of our funds.

#8 We are not sure if by dropping this Derivative, our D&O will drop their defense of the three in the AG case.

#9 We are not sure if by dropping this Derivative, we will get insurance today at a lesser cost.

#10 We do know Zipperle camp is using Derivative to agitate owners against Derivative Petitioners.

#11 We do know, by dropping the Derivative we will gain momentum with middle ground people.

REASON #2: Philadelphia's home web page states if they can prove one accusation in the complaint is false, they will come after parties to get fees reimbursed.

FACT:

#1 This claim is part of Philadelphia's marketing material on its web page (D&O-not for profits).

#2 The AG has stated in the beginning their case is a winner or they would not waste their time and money/efforts.

#3 The AG expressed to me some things may not be won but by and by, overall this case has merit and most points will be won.

#4 The specific charges are simple and as follows: Zipperle and Trautwein-Lamkin charges: Count I & III-Fraud, Count II & IV-Violation of the Home Loan Practices Act. Chandler-Count V-Fraud.

These were the major concerns that led to dropping the Derivative. Some other thoughts that were more speculative were as follows.

Attorney Larry Wilder told us that he would move forward, but that when he did the HOA will start incurring attorney fees (Dawn Elston, others). My thought is with D&O now picking up the tab, that is no longer a cash issue of the HOA funds. The sticking points are if we moved forward, how much more would Larry Wilder need to bring this case to fruition and given events thus far; how long would this case drag on? I don't know and won't answer the cash issue with Wilder, but the consensus last night regarding time was long; as if more than a year long.

In the end, we can second guess ourselves until the cows come home. The majority of this group found this was our best direction. Time will tell. Keep fighting, take your neighbors hand and lead them to the meeting 4/25 or visit them and take the attached proxy with you for them to sign. Chuck has a master list of who is to be contacting other owners. See him if you were not present last night or came late. About 10 of us are really reaching out to about 71 owners. I suggest you don't return the proxy forms back to Laura in the office. I think Zipperle has been talking way too much to her and tipping our hand will not help. We have a way to get them directly to the accounting firm or better yet, hand them in that night. The closer we hold this information the better. Call me if you have questions on anything.

Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Tuesday, April 09, 2013 4:15 PM
To: debzip@yahoo.com; laura.cushing@insightbb.com; Sandra Johnson;
Board Member Kim Davis
Cc: Jenna Dinelle; [Former asst. property manager] **[BLIND]**
Subject: RE: New resident

Good afternoon guys,

Correct me if I am wrong, but I thought the purpose of the Welcome Committee was to make folks feel welcomed to our community, not necessarily to go over all the rules. I had the meeting with [former property manager] when I moved in but NEVER got the sense of an open-arms greeting that I thought we, as a committee, were to provide. If someone needs specifics they could still request their meeting with Laura. It was months before I began getting to know folks.

I thought that 2 smiling faces with a little welcome bag and a small treat was what we were all striving for . . . and a GREAT idea when it was initiated by Sandi Johnson (THANKS Sandi). Since we don't get to run into many folks in the hall, having two smiling faces come to your door seems like a great first step to feel a sense of welcoming and community.

As far as the transparency you are referring to Debbie, that would be great for us all to get the names and units of folks so that we all can get the chance to say hello when we see someone new. Personally I say hello to everyone I pass in the hall but often don't get their names unless we stop and chat. For those of you that know me, you know I do chat a bit! :)

Just my thoughts on the subject.
Debbie

Please note my new email address is dzoellerpullen@athene.com

Debbie Zoeller-Pullen | Office Manager, Corporate Development | Athene Annuity & Life Assurance Company
211 E. Market Street, New Albany IN 47150 | T. 812-889-8180 | C. 502-386-7838 | Fax 812-725-8002

From: debzip@yahoo.com [mailto:debzip@yahoo.com]
Sent: Tuesday, April 09, 2013 3:02 PM
To: laura.cushing@insightbb.com; Sandra Johnson; Board Member Kim Davis
Cc: Jenna Dinelle; Debbie Zoeller-Pullen; [Former asst. property manager]
Subject: Re: New resident

Hello everyone,
I guess I am kind of confused about all of this too! I haven't ever been asked to go meet and greet any of our new residents or renters. I personally feel that Laura, should still be involved with new residents to go over rules, etc. The Property Manager will be more consistent in telling the new residents what they need to know about living here, at the Harbours. Having different groups from the welcoming committee go to meet and greet them, we may not go over what another group would. We

need consistency so there won't be any questions. We need the key information about the Harbours put to them front and center. Then the welcoming committee could follow up and ask do you have any other questions we can answer for you that has come up since your meeting with Laura, the Property Manager. Too many people have different rules to follow and have been told other information that may not be true, so who best to be the spokesperson but our Property Manager. When we moved in we met with the Manager of the Harbours and went over a lot of information, probably most of which is in the packet we distribut. We signed and dated the paper saying we were being made aware of the rules and any other information that will be important information in regards to living at the Harbours. I think alot of the stuff that goes on here, is because people aren't aware or told about it. We need them to sign the rules, so when they know we want to maintain a standard that we all have come to appreciate living in a high rise with lots of people. I know that Laura's time is very precious and that she may not have time for going over the rules and information, but I truly believe that maybe if she or someone couldn't do a one on one...they could meet one evening or even a hour on the weekend to go over the information with a group of the other new residents. We have a beautiful place here, but people need to know what we expect from them..like dogs barking too loud, dogs needing to be on leashes, music too loud or television blaring. Heck, some don't even know where the garbage shoots are locatied or that we have recycling bins! and that you can let people in the front door through your cell phone or home phone. I even would like our committee to get the names and locations of the new residents, especially if we aren't asked to go and meet them. That way if I see someone new to the building I can say, Hey my name is debbie, you must be the new homeowner in 402! We all need this information and if not that is ok. But if we are on the committee, we all should have the same opportunity to meet and greet or why have a committee! We all need transparency...isn't that what most people are complaining about...so it should be in regards to everything!

Have a Great Day!
debbie

PS...I think Sharon Chandler and Mary Lou were on this committee! Did anyone contact them to see if they still wanted to be on it! I think Sharon really wanted to help :-)

I am impressed we have had seven new residents...but I don't have a clue who they are..??? who went??? and greeted them....I have never been asked to go :-)

From: Laura Cushing <laura.cushing@insightbb.com>
To: Sandra Johnson <paintky@me.com>; Board Member Kim Davis <kimjbrewerdavis@insightbb.com>
Cc: Jenna Dinelle <jdinelle@wescodist.com>; Debbie Zipperle <debzip@yahoo.com>; Debbie Zoeller Pullen <dzoellerpullen@athene.com>; [Former asst. property manager]
Sent: Tuesday, April 9, 2013 1:02 PM
Subject: Re: New resident

He will be in the office tomorrow, Maybe... Tomorrow is his closing and depending on the time that takes he may be taking off immediately following. If that's the case, he will be back on Friday. Whichever, he said he would come back to the office. Do I forward him to someone???

Laura Cushing

Sent on the Sprint® Now Network from my BlackBerry®

From: Sandra Johnson <paintky@me.com>
Date: Tue, 09 Apr 2013 12:08:46 -0400
To: kim davis<kimjbrewerdavis@insightbb.com>
Cc: Jenna Dinelle<jdinelle@wescodist.com>; Debbie Zipperle<debzip@yahoo.com>; Debbie Zoeller Pullen<dzoellerpullen@athene.com>; [Former asst. property manager]; Laura Cushing<laura.cushing@insightbb.com>
Subject: Re: New resident

Agree totally. I really thought I was doing that but I will be SURE to do it now.

Sandi

On Apr 9, 2013, at 12:01 PM, kim davis <kimjbrewerdavis@insightbb.com> wrote:

Sandi,

Can you also start sending out an e-mail notifying the whole committee when a new resident moves in? I've only been asked one time (that I can think of) to greet a new neighbor and it was last minute and I had other plans. I don't think it should be the same people to do the greetings every time. Thanks!

From: "Sandra Johnson" <paintky@me.com>
To: "kim davis" <kimjbrewerdavis@insightbb.com>
Cc: "Jenna Dinelle" <jdinelle@wescodist.com>, "Debbie Zipperle" <debzip@yahoo.com>, "Debbie Zoeller Pullen" <dzoellerpullen@athene.com>, [Former asst. property manager], "Laura Cushing" <laura.cushing@insightbb.com>
Sent: Tuesday, April 9, 2013 11:31:02 AM
Subject: Re: New resident

Kim

When we went to St. Croix for the month of February I moved the packets into the office. They are under the front counter. I think I emailed the committee about that so they would be available to you all while I was gone. I think the purpose of the committee is for us as neighbors to meet and personally welcome newcomers so I would prefer that it not become a job for [former asst. property manager] or Laura. I'm copying them on this. When the new owner gets in their unit I'd like a notification from the office with a contact number and then some of the committee can personally greet them and give them a packet. Kim, if you

want to be the "greeter" on this one that is fine with me but I think we should go in at least 2's. Also I would like to keep track of how many we greet etc so we can report our "value" to the board when we want more money for something :)

Sandi

On Apr 9, 2013, at 11:13 AM, kim davis <kimjbrewerdavis@insightbb.com> wrote:

Sandi,

Laura just e-mailed me that we have a new resident moving in. He came into the office yesterday and introduced himself. She told him to stop back in today and she would give him one of our packets. Do you still have them in your condo? Can you drop one by the office or I can get one from you when I get off of work this afternoon? I will be home around 2:30. Whichever works for you. Thanks.

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

From: Thomas Pike <thomashpike@cs.com>
Sent: Monday, April 08, 2013 1:32 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Official Statement from Petitioners on Derivative
Attachments: Derivative Dropped.pdf

Good Afternoon Ladies,

See attached. Just an FYI.
Thomas Pike
thomashpike@cs.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Monday, April 08, 2013 11:58 AM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: Updated Records via Clark County for Case No. 10C02-1209-PL-000092

Derivative case dropped.
Thomas Pike
thomashpike@cs.com

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

From: Thomas Pike <thomashpike@cs.com>
To: dzoellerpullen <dzoellerpullen@athene.com>; bettycan <bettycan@insightbb.com>; gbielefe <gbielefe@gmail.com>; dfinne4735 <dfinne4735@aol.com>; flamingosandy <flamingosandy@rocketmail.com>; patokapirate <patokapirate@gmail.com>; hillmank <hillmank@hotmail.com>; wkkindler9 <wkkindler9@yahoo.com>; hryank89 <hryank89@yahoo.com>; peak12r <peak12r@excite.com>; blackdodgeviper <blackdodgeviper@insightbb.com>; sheilarudder <sheilarudder@yahoo.com>; pagetwo <pagetwo@bellsouth.net>; glenn <glenn@hartcountyrealty.com>; louisborn <louisborn@aol.com>; weezeeb <weezeeb@aol.com>
Cc: debbiezp <debbiezp@gmail.com>
Sent: Mon, Apr 8, 2013 10:52 am
Subject: Re: Updated Records via Clark County for Case No. 10C02-1209-PL-000092

Great...with that info we now know who our HOA is paying via D&O claim through Philidelphia Insurance.

Sewell, O'Brien and Neal
401 W. Main St
Louisville KY 40202

See website below....big address means nothing to me.

http://www.sonlegal.com/Sewell-OBrien-Neal/attorneys/peter_j_sewell.html

Thomas Pike
thomashpike@cs.com

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
To: bettycan <bettycan@insightbb.com>; gbielefe <gbielefe@gmail.com>; dfinne4735 <dfinne4735@aol.com>; flamingosandy <flamingosandy@rocketmail.com>; patokapirate <patokapirate@gmail.com>; hillmank <hillmank@hotmail.com>; wkkindler9 <wkkindler9@yahoo.com>; hryank89 <hryank89@yahoo.com>; peak12r <peak12r@excite.com>; thomashpike <thomashpike@cs.com>; blackdodgeviper <blackdodgeviper@insightbb.com>; Sheila Rudder (sheilarudder@yahoo.com) <sheilarudder@yahoo.com>; pagetwo <pagetwo@bellsouth.net>; glenn <glenn@hartcountyrealty.com>; louisborn <louisborn@aol.com>; weezeeb <weezeeb@aol.com>

Cc: debbiezp <debbiezp@gmail.com>
Sent: Mon, Apr 8, 2013 10:40 am
Subject: Updated Records via Clark County for Case No. 10C02-1209-PL-000092 <https://mycase.in.gov/CaseDetail.aspx?CaseID=11843625>

Attached please see that the Notice was filed for Withdrawal of support for the Derivative Case and file stamped.

GO TEAM HARBOURS!

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Monday, April 08, 2013 11:40 AM
To: bettycan@insightbb.com; gbielefe@gmail.com; dfinne4735@aol.com;
flamingosandy@rocketmail.com; patokapirate@gmail.com;
hillmank@hotmail.com; wkkindler9@yahoo.com; hryank89@yahoo.com;
peak12r@excite.com; thomashpike@cs.com; blackdodgeviper@insightbb.com;
Sheila Rudder (sheilarudder@yahoo.com); pagetwo;
glenn@hartcountyrealty.com; louisborn@aol.com; weezeeb@aol.com
Cc: debbiezp@gmail.com **[BLIND]**
Subject: Updated Records via Clark County for Case No. 10C02-1209-PL-000092

<https://mycase.in.gov/CaseDetail.aspx?CaseID=11843625>

Attached please see that the Notice was filed for Withdrawal of support for the Derivative Case and file stamped.

GO TEAM HARBOURS!

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

From: Thomas Pike <thomashpike@cs.com>
Sent: Friday, April 05, 2013 10:33 AM
To: Beller, Jennie; **Miller, Sally**
Subject: Board member interviews

Good Morning Ladies,

I am not sure you would want this, but I have two people who told me things that were very revealing. Both involved an interview with Zipperle when he was thinking of appointing them to the board.

One gentleman was asked "can you get along with [former property manager]?". This was back when Zipperle was president.

Another was asked "would you support my legal actions against the AG case?". That was this year, Zipperle was not even an officer of the board but kept demanding this person sit down with him before he would give him a vote to be on the board. There are two witnesses to this event. Would they testify? I don't know. They are both on the board today.

Thomas Pike
thomashpike@cs.com

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: pagetwo <pagetwo@bellsouth.net>
Sent: Friday, April 05, 2013 10:32 AM
To: **Miller, Sally**
Cc: Beller, Jennie
Subject: HARBOURS - Derivative Suit Withdrawal
Attachments: Betty4.doc

Sally, in case you've not yet been notified.....it was recently revealed in Newsletters (thanks to our most responsible Board members ever!) that the homeowner/petitioner- driven Derivative Suit had been combined for defense into one claim along with the AG case.....either by Philadelphia Insurance or at the initiation of our former Board (or maybe one Board member?) and that \$290K was set aside by the insurer for this defense.

I assume you know Zipperle was going to be removed by BOD vote as chair of the powerful B&G Committee.....upon realizing the vote, he instead decided to resign. Either way a major coup for the homeowners!

The petitioners had been discussing by e-mail and came together and decided to withdraw this case as a united "team".

The attachment is our final draft.....of what we expect to distribute to homeowners. In the meantime, if there's anything that I or others can help you with in the AG case, please call on us. Just wanted to keep you in the loop!

-----Nora Strohm (502) 593-8465

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Thursday, April 04, 2013 12:15 PM
To: **Miller, Sally**; Beller, Jennie
Cc: debbiezp@gmail.com
Subject: Withdrawal of Derivative Suit

Chuck has already made the announcement to Russ and will at 4:30pm today to the rest of the Board that the Derivative Suit is being dropped for the good of the Harbours and to help put us in a better light with insurance companies. Dawn Elston will be notified thru Larry when he files later today.

Debbie Zoeller-Pullen
Office Manager

211 E. Market Street
New Albany, Indiana 47150
Office: 812-889-8180
Fax: 812-725-8002
Cell: 502-386-7838
dzoellerpullen@Athene.com
www.athene.com
www.atheneannuity.com

*Please note that effective immediately my email address has changed to the above e-address: dzoellerpullen@Athene.com

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Thursday, April 04, 2013 10:21 AM
To: chuck@chuckfugate.com; Phila3224@bellsouth.net;
pagetwo@bellsouth.net; blackdodgeviper@insightbb.com;
bettycan@insightbb.com; Sheila Rudder (sheilarudder@yahoo.com);
thomashpike@cs.com; patokapirate@gmail.com; peteg@roadandrail.com;
louisborn@aol.com; weezeeb@aol.com; wkkindler9@yahoo.com;
hryank89@yahoo.com; kathybuppl@yahoo.com; gbielefe@gmail.com;
ladyleigh3@hotmail.com
Cc: debbiezp@gmail.com [BLIND]
Subject: Thoughts on our selections

Good morning all,

I think we all need to be aware that once our candidates are known, KZ and his militia will go into action. KZ will try and discredit them. This will be hard to do with Paul since right now he is gaining favor on many fronts but it will affect Peter Gerstle. Up to this point in time, there has been nothing negative generated about Peter, trust me from personal experience, that will change. We all need to be ready to deal with any negative attack that KZ might come up with regarding Peter and Paul (oh me, oh my . . . I just thought of the apostles Peter and Paul, THE HARBOURS NEW APOSTLES!).

Good luck and GO TEAM HARBOURS!
Debbie

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From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Thursday, April 04, 2013 10:07 AM
To: **Miller, Sally**; Beller, Jennie
Subject: FW: Harbours Derivative Suit Affidavits to withdraw support

Please note my new email address is dzoellerpullen@athene.com

Debbie Zoeller-Pullen | Office Manager, Corporate Development | Athene
Annuity & Life Assurance Company
211 E. Market Street, New Albany IN 47150 | T. 812-889-8180 | C. 502-386-
7838 | Fax 812-725-8002

From: Larry Wilder [mailto:lowilder40@aol.com]
Sent: Thursday, April 04, 2013 9:04 AM
To: Debbie Zoeller-Pullen
Cc: louisborn@aol.com; weezeeb@aol.com; patokapirate@gmail.com;
thomashpike@cs.com; Sheila Rudder (sheilarudder@yahoo.com);
debbiezp@gmail.com
Subject: Re: Harbours Derivative Suit Affidavits to withdraw support

Thank you. The motion will be filed today.

Larry Wilder
Attorney at Law
530 East Court Ave
Jeffersonville, In 47130

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On Apr 4, 2013, at 8:56 AM, Debbie Zoeller-Pullen
<dzoellerpullen@athene.com> wrote:

Larry,
Good morning and thank you for your patience with all of us during this stressful time. I have attached Louis and Louise Bornwasser's, Thomas Pike's, Marty Haley's and once again my Affidavits for removal of our names from the Harbours Derivative Case. Nora Strohm will be hand-delivering the originals to you today, along with additional Affidavits. I know you have already confirmed receipt of my affidavit so you do not have to do so again.

Respectfully,
Debbie Zoeller Pullen
Unit 414
debbiezp@gmail.com

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<Affidavits for Removal from Harbours Derivative
Case_Pike_Bornwasser_Haley_Rudder_Zoeller Pullen.pdf>

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Wednesday, April 03, 2013 12:23 PM
To: thedaylily@insightbb.com
Cc: kathy.mathews@gmail.com; debbiezp@gmail.com [BLIND]
Subject: RE: Issues that have been brought to my attention From Russ Johnson

Russ,

Thank you for the response. I think the world and all of our employees. Bobbie and Jennifer have never been anything but kind to me. My reasoning for sending the email after I was approached by the homeowner (Nora Strohm) with the info, was to keep them OUT OF THE MIDDLE of everything. I have never felt that they have done anything but what they are told but that can put them in situations that place them in the middle of issues they have no control over. That being said, I understand that there was a bit of miscommunication between Nora and the homeowner involved. From the conversation Nora had with the homeowner last night, he does pay Jennifer, however it is not clear when the work was done.

As for the employees being harassed, there is no reason employees should be harassed any more than homeowners. I have been made aware of the homeowner doing most of this and have spoken to her myself, as have Nora Strohm and at least one other individual. As I stated, there is NO excuse however, I try and put myself in the position of the employee and the homeowner. Both feel they have been wronged. Have we thought about doing in-house mediation where the individuals can sit across from one-another with a neutral individual and express their feelings in a non-threatening way? I have done volunteer groups for children of alcoholics and sometimes folks just need to feel heard. Since the behavior seems to be sort of a childish way to deal with emotions and perceived wrongs (whether accurate or inaccurate), perhaps using a method that has been used for children (and adults) might just work. What do we have to lose? Perhaps the resolution committee (which I would like to be part of) could lead this method of resolving some of the conflict. What are your thoughts on having an in-house mediation session, with 2 neutral individuals overseeing it and let the employees tell the individual how they feel when confronted with this behavior and let the homeowner express her feelings about why she has felt the need to act out in this fashion.

Thanks again Russ for always being direct with me about your feelings and I hope you don't mind me doing the same. We don't have to always agree, since everyone is NOT going to agree about everything but being able to talk things thru is good and hopefully will help the community move forward.

Debbie

p.s. I agree this does not need to be made public.

Please note my new email address is dzoellerpullen@athene.com

Debbie Zoeller-Pullen | Office Manager, Corporate Development | Athene Annuity & Life Assurance Company
211 E. Market Street, New Albany IN 47150 | T. 812-889-8180 | C. 502-386-7838 | Fax 812-725-8002

From: Debbie Zoeller-Pullen [mailto:debbiezp@gmail.com]
Sent: Wednesday, April 03, 2013 10:49 AM
To: Debbie Zoeller-Pullen
Subject: Fwd: Issues that have been brought to my attention From Russ Johnson

----- Forwarded message -----
From: "Russ Johnson" <thedaylily@insightbb.com>
Date: Apr 3, 2013 10:00 AM
Subject: Fwd: Issues that have been brought to my attention From Russ Johnson
To: "Debbie Zoeller-Pullen" <debbiezp@gmail.com>
Cc: "kathy mathews" <kathy.mathews@gmail.com>

Debbie

An affidavit? Do we have a crime here, another law suit?? Over a light bulb??

I have sent all the information to, Laura and [maintenance manager]. I'm sure they will take care of it. Please remember that Jennifer and Bobby are trying to be the best employees they know how to be. We will try to clarify the line between being a great employee and helping one person to another's disadvantage.

I'll reserve judgement because I can think of many reason our staff would reach out to help someone and as long as they are not picking and choosing who they want to help. I guess I favor them giving help when asked. Help does not include cleaning a unit during working hours. I don't understand why anyone would clean a unit for nothing, but we will find out. I expect this is misinformation or exaggeration.

Bobby has helped me move a table when I needed a hand. Is that a problem in your mind?? I'm just asking because it's not as black and white as some might want it to be. I Would appreciate your thoughts. I know you know that Sandi and I really like it the way it is and don't want it to change unless there is some abuse going on that forces a change.

I am told that we have owners that harass the employees. This is a very dangerous situation. When that occurs, we are liable as employers to protect our employees. Now, when the owner who has harassed an employee asks for a favor what does the employee do ??? Very tough situation. I have considered asking the employees to carry recording devices with them so we could stop the harassment (assuming it occurs). That's another one I'd like your thoughts on. If we did it, we would send a notice out ahead of time so everyone would know what is going on. It would be a defense for the Harbours should we be charged with doing nothing to protect our employees. And if the harassment does occur, we would have the evidence we need to take the the owner in front of a judge.

I thought I'd send this whole thing to Kathy Mathews as well as you because we have been trying to figure out how to handle the harassment situation. Maybe I could get thoughts from both of you. It's probably best that we keep his between us until we decide what, if anything, to do.

I appreciate your bringing this to my attention so we can address whatever problem might exist.

Please send me your thoughts.

Russ

Sent from my iPad

On Apr 2, 2013, at 6:44 PM, Debbie Zoeller-Pullen <debbiezp@gmail.com> wrote:

Russ,

In the instance of the light bulb being changed, Bobby told Paul Ranney and myself that he had just recently been up to the Mapother unit to change a light bulb when he was talking about how amazing the unit is one morning in the fitness center. Feel free to check with Paul, he will verify.

As for the other instance, the owner that shared the info with me had offered to go in and clean the owners sliding doors before they arrived and was told that would not be necessary since Jennifer cleans it up before their arrival and it does not cost ANYTHING. This owner who shared this with me is extremely reliable and is in the process of obtaining an affidavit from the other homeowner. I have blind-copied the person that told me it on this email so that person can reveal their identity to you at this time, if they are so inclined. I don't mean to not give all the info to you but I was told in confidence and feel that I am not at liberty to give the name at this time.

Thanks for all you are doing Russ. You are appreciated more than you know.

Debbie

Connected by DROID on Verizon Wireless

-----Original message-----

From: Russ Johnson <thedaylily@insightbb.com>
To: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Cc: Bob Ferguson <solivagant001@reagan.com>, Charles Fugate-email <Chuck@chuckfugate.com>
Sent: Tue, Apr 2, 2013 22:20:22 GMT+00:00

Subject: Re: Issues that have been brought to my attention

Thanks for the info. Who is the owner and who is the staff member and what time and day did this occur.

It would amaze me that either Bobby or Jennifer would do this, but if they did it during working hours, they were wrong and will be told so.

Russ

Sent from my iPad

On Apr 2, 2013, at 10:52 AM, Debbie Zoeller-Pullen <dzoellerpullen@athene.com> wrote:

Good afternoon all,

It has been brought to my attention and verified that our staff has been going into the units of absentee owners to not only clean and ready their condos for their return but also to do things as simple as changing light bulbs. It was noted by the owner that has a staff member clean their place before their return that it is free and does not cost anything. The person who shared this plans on approaching this owner to have them sign an affidavit so this will not be hear-say. The owner is a straight-shooter and would never intentionally do something wrong but just was not thinking that this is not fair to the rest of the community at large. We are a community of owners / not renters and this should not be done. When our staff spends their day (which we pay for with our HOA fees) cleaning individual units at no charge and/ or going in to change light bulbs, it takes away from duties they should be performing for us as a whole.

A simple way to remedy this is to make it clear to the staff that this is NOT acceptable and will no longer be tolerated. Perhaps having weekly meetings to monitor what work is being done, would be a place to start . . . at least for a while until the necessary changes have become the routine instead of the exception.

Things cannot change if they are not brought to the surface for all to see, so I am making each of you aware of this information that has been given to me.

Respectfully,
Debbie Zoeller Pullen
502-386-7838
debbiezp@gmail.com

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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

From: Thomas Pike <thomashpike@cs.com>
Sent: Wednesday, April 03, 2013 9:11 AM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: A note from Russ on the Buildings and Grounds conflict

This is the string written by and acknowledging Ken Quiggins left the committee. Strange comments from a 70 something year old man.

Thomas Pike
thomashpike@cs.com

From: Kenquiggins@aol.com
Date: April 2, 2013 3:07:35 PM EDT
To: bhilb@cableone.net
Cc: thedaylilly@insightbb.com, blackdodgeviper@insightbb.com, solivagant001@reagan.com
Subject: Re: A note from Russ on the Buildings and Grounds conflict

Very good guys. Just got this off my spam folder. Sorry I did not respond sooner. I have resigned from the Building and Grounds department as I cannot put up with Russ and Paul in charge and they actually have NO experience dealing with all the things Kevin, [maintenance manager] Bob and I have put up with over the last seven or eight years. They will spend a lot of hours going over the same things we have had to do and find out in most cases there is no answers for a lot of mistakes that were made when the expansion of the Garage happened. [Maintenance manager] is the expert on this and he has talked to and had numerous Qualified Engineers look at all those problems. But we will have to let Russ and his New GENIUS do it their way. And then of course Paul will copy the Board and all his know it all friends so there is TRANSPARENCY. Boy I don't even want to be involved in that mess.

In a message dated 3/29/2013 9:37:55 A.M. Eastern Daylight Time, bhilb@cableone.net writes:

Sent from my Samsung Galaxy Note® II

----- Original message -----

From: Paul Ranney <blackdodgeviper@insightbb.com>
Date: 03/29/2013 05:06 (GMT-07:00)
To: Bob Hilb <bhilb@cableone.net>
Cc: Russ Johnson <thedaylilly@insightbb.com>, "<clair.paten@gmail.com>" <clair.paten@gmail.com>, "<kyderbybob@yahoo.com>" <kyderbybob@yahoo.com>, "<erusby@gmail.com>" <erusby@gmail.com>, "<barryhartlage@gmail.com>" <barryhartlage@gmail.com>, "<gbaker16@insightbb.com>" <gbaker16@insightbb.com>, "<brendamac40@hotmail.com>" <brendamac40@hotmail.com>, "<lhuffman123@gmail.com>" <lhuffman123@gmail.com>, "<jakorfhage@mac.com>" <jakorfhage@mac.com>, "<terri.wedding@insightbb.com>" <terri.wedding@insightbb.com>, "<Paover1@aol.com>" <Paover1@aol.com>, "<TPelaski@fruit.com>" <TPelaski@fruit.com>, "<rzapp@win.net>" <rzapp@win.net>, "<rkfinn@juno.com>"

<rkfinn@juno.com>, KEVIN ZIPPERLE <kzipperle@mail.com>, "
<claudiaorsborn@insightbb.com>" <claudiaorsborn@insightbb.com>,
" <goseebetty@yahoo.com>" <goseebetty@yahoo.com>," <edinhart@gmail.com>"
<edinhart@gmail.com>, "<orsborn@insightbb.com>"
<orsborn@insightbb.com>," <diane_pfister@yahoo.com>"
<diane_pfister@yahoo.com>," <schandler1@aol.com>"
<schandler1@aol.com>," <mltraut@insightbb.com>"
<mltraut@insightbb.com>, "<kathyquiggins@aol.com>"
<kathyquiggins@aol.com>, "<kenquiggins@aol.com>"
<kenquiggins@aol.com>, kathymathews <kathymathews@gmail.com>, "W.T.
Roberts" <wtroberts@win.net>, kim davis <kimjbrewerdavis@insightbb.com>,
" <jdinelle@wescodist.com>" <jdinelle@wescodist.com>, Fred Strohm
<phila3224@bellsouth.net>, Charles Fugate-email
<Chuck@chuckfugate.com>, Bob Ferguson <solivagant001@reagan.com>

Subject: Re: A note from Russ on the Buildings and Grounds
conflict

Mr Hilb... With all due respect I don't think you understand the flood
insurance issue.

First, we have not been removed from the Zone A flood zone. In fact that
was reaffirmed with the new FEMA map.

Secondly you are at as much risk as I. You will be billed the exact same
amount as me for flood damage to everything except the interior of my
unit.....which I have separately insured. All of the common areas,
mechanical room, elevator, electrical gear, pools, exterior siding are
all the responsibility of the HOA not the Townhome owners.

A special assessment will be applied equally, to those on the eleventh
floor as well as those on the ground floor.

I will share one more thought. Perhaps you think my interest here is
because I live in a Townhome. Well yes, somewhat but not primarily.

I have extensive experience mitigating flood damage from my years with
the US Army Corps of Engineers (retired). You can not believe the amount
of damage that even a 1 foot flood of river water can do to a facility
after sitting there for a week or so!

Something to think about.

Conflict of interest! Nonsense. Is Russ to recuse himself from
discussions involving the garage, because he needs and uses it and I
don't? You can see the correlation!

Respectfully,

Paul

Sent from my iPad

On Mar 28, 2013, at 10:45 PM, "Bob Hilb"

<bhilb@cableone.net> wrote:

Russ,

As the owners of 808/809 Barb and I feel that the board has to be very careful with its fiduciary responsibility. Now that the Harbours is no longer in a flood zone spending money on optional flood insurance is questionable at best. It is a large expenditure that benefits a very few who, in our opinion, should be paying for the insurance themselves.

The other thing that the Board has to be very careful about is to make sure its committees are representative of the owners. We feel that there is a small group, that includes renters, who are doing everything possible to drive down the prices of units so they can buy them at the lowest possible prices. The board must ensure that the committees are working for the majority of owners. If the board feels it is necessary to remove Kevin Zipperle because of a conflict with you, then he must be replaced by someone who has the experience of Kevin and represents the majority of owners. We are also shocked that Paul Ranney is being allowed to participate in the decision about flood insurance since he has a financial interest in the outcome. This is clearly a conflict of interest.

We also believe that the trees definitely enhance the community and should be maintained. Could you also please forward this to the Attorney General since we don't have his email address.

Thanks, Barb and Bob

From: Russ Johnson [mailto:thedaylily@insightbb.com]
Sent: Thursday, March 28, 2013 7:50 AM
To: KEVIN ZIPPERLE
Cc: bhilb@cableone.net; clair.paten@gmail.com; kyderbybob@yahoo.com; erusby@gmail.com; barryhartlage@gmail.com; gbaker16@insightbb.com; brendamac40@hotmail.com; lhuffman123@gmail.com; jakorfhage@mac.com; terri.wedding@insightbb.com; Paover1@aol.com; TPelaski@fruit.com; rzapp@win.net; rkfinn@juno.com; claudiaorsborn@insightbb.com; goseebetty@yahoo.com; edinhart@gmail.com; orsborn@insightbb.com; diane_pfister@yahoo.com; schandler1@aol.com; mltraut@insightbb.com; kathyquiggins@aol.com; kenquiggins@aol.com; kathymathews; W.T. Roberts; kim davis; jdinelle@wescodist.com; Fred Strohm; Charles Fugate-email; Bob Ferguson; Paul Ranney
Subject: A note from Russ on the Buildings and Grounds conflict

Kevin has selected a portion of what Paul has written and left out what Paul has contributed. Before you answer Kevin's letter you might want to talk to Paul for a minute. I have found him to be an excellent contributor and a very willing worker on the committee. Actually a good part of the conflict is between myself and Kevin about the lack of progress on Building and Grounds. Even though we disagree on how buildings and grounds should be run, I consider myself a friend of Kevin's and hope he will feel the same way about me going forward. I will

ask the board for a vote and let the board determine which way to go, but make no mistake I will be asking for the vote to remove Kevin from his current position on buildings and grounds. We will record the vote and publish the vote in the minutes. Both Kevin and I will accept the decision of the board and move on. If the board votes to remove Kevin from the B&G committee, I will serve as chair of that committee for a time while move forward. It is my hope that the remainder of the committee (Ken Quiggens, Bob Ferguson and Paul Ranney) will Continue to serve.

I would like to Hear from as many of you as possible especially about how you feel we should move forward. I am trying to get much more home owner participation in running our community and welcome ideas that might further us toward that goal. I also refuse to buy into the "us and them" conflict that has been going on. I am convinced that Working together is the way to resolve conflict and I intend to push toward that end.

Thank you for reading this

Russ Johnson
President
The Harbours Association

Sent from my iPad

On Mar 28, 2013, at 3:30 AM, "KEVIN ZIPPERLE" <kzipperle@mail.com> wrote:
Hey guys,

I'm making a request for your comments to our HOA President, Russ Johnson (thedaylily@insightbb.com), on very short notice. You can return a message to only him, some or all of us. He's at a difficult point created by a conflict between homeowner Paul Ranney and myself. Some of you may know Paul...he lives in one of the townhouses and is an appointee this year to the Building & Grounds Committee that I head up. Below is the most recent email from Paul involving me so that you can better appreciate the situation.

Russ has asked me to take a 90-day sabbatical of sorts while Russ chairs the B&G Committee and tries to make progress, and I owe him an answer today/Thursday. If he chooses to, Russ can offer his own comments as well. I'm trying to decide whether I want to make this permanent or just enjoy the springtime off and return midsummer. Having thought about it, I don't really much care either way. But I thought some of you may want to use this opportunity to give Russ and me your thoughts before the fact. I hear from most of you guys periodically. But Russ hears too much from the disgruntled homeowners and not enough from their counterparts (yourselves). You can tell us you agree with Russ's B&G plan or disagree, or anything else you want to say I suppose. Please keep your comments civil and respectful to both of us, and try to offer constructive feedback.

Unless there's another turn of events, I plan to stay on the Board regardless. This is simply a committee chairmanship, albeit a pretty important one. As they say under more joyful circumstances, speak now or

forever hold your peace. Also, close with your complete name so that Russ recognizes who is addressing him. Thanks...KZ

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

From: Paul Ranney
Sent: 03/27/13 03:46 PM
To: KEVIN ZIPPERLE
Subject: Re: Flood Insurance from Fred Strohm

This guys a piece of work, isn't he? Trying to get under my skin he would "set himself on fire" if he thought it would work.

Fortunately, the homeowners of the Harbours have the law to protect them from directors like this.

Our declarations clearly state that if any part of the facility is in the flood zone the board WILL insure against flood. The board could no more ignore this mandate than not insure for other issues. It's not your decision. It's your obligation.

KZ should be able to give useful advice on what it's like to go up against the Attorney General.....which is where this issue will surely end up.

I have taken the liberty to CC the Attorney General's Office for a heads up of what's next.

I will continue to try to help even if there are some who wish I would go away, and I will always keep it professional.

Paul

Sent from my iPad

On Mar 27, 2013, at 1:39 PM, "KEVIN ZIPPERLE" <kzipperle@mail.com> wrote:

Fortunately, Bob Isgrigg is a degreed engineer and understands the meaning of probabilities and risk. It's cold hard science and mathematics, not emotion brought forth by looking at frightening pictures (taken to generate just that sort of reaction).

Flood insurance is expensive and the risks are limited. The mother of all Ohio River floods might someday reach the base of the townhouse steps, though not in our lifetimes. As scary as that would look, it would potentially mean you did the right thing in NOT buying insurance. If it ever reached a level of Harbours property flooding, the map indicates that the timeframe is such that our building would have long

ago been torn down and a futuresque skyscraper built in its place for our great-great-granchildren to occupy.

TODAY, we have guys like Isgrigg to offer rational, unemotional advice that we should listen to.

By the way, to a question Kathy raised, I believe that FEMA's flood insurance is essentially all-or-nothing. You can't insure part of your building. The best you can do to mitigate cost is insure to 80% of total value, which we already do. ([Former property manager] was our expert on that, but we ran her off.)

KZ

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

From: Paul Ranney

Sent: 03/27/13 08:32 AM

To: kathymathews, Ferguson, Bob, phila3224, thedaylily, ZIPPERLE, KEVIN, anthonycopelandparker, Fugate, Charles

Subject: Fwd: Flood Insurance from Fred Strohm

WOW Kathy. Check out the pictures in the link below that Jenna sent me. Be sure to click on the slide show to the right... Maybe Mr. Isgrigg should be forwarded a copy for future reference.

<http://www.flickr.com/photos/10357196@N03/2500860712/in/set-72157605024797998/>

NO... it can't happen here.

From: "Jenna Dinelle" <jdinelle@wescodist.com>

To: "Paul Ranney" <blackdodgeviper@insightbb.com>

Sent: Tuesday, March 26, 2013 4:30:17 PM

Subject: RE: Flood Insurance from Fred Strohm

Paul,

You got me curious. Here are some good shots of The Harbours and Jeffersonville.

<http://www.flickr.com/photos/10357196@N03/2498915435/in/set-72157605024797998/>

From: Paul Ranney [mailto:blackdodgeviper@insightbb.com]

Sent: Tuesday, March 26, 2013 3:34 PM

To: Kathy Mathews; Russ Johnson; Dinelle, Jenna; WT Roberts; KEVIN ZIPPERLE; Bob Ferguson; Charles Fugate; kim davis

Subject: Re: Flood Insurance from Fred Strohm

Kathy,

Just a little reminder. These photos were all of Louisville's 1997 flood. The river was actually on Riverside Dr in front of the Townhomes. Had it rained another day or so I believe it would have risen to 1937 levels. How quickly we forget!

<http://www.google.com/search?q=1997+flood+louisville+ky&hl=en&tbm=isch&tbid=0&source=univ&sa=X&ei=hQBSUcOoK5XE4APR9IGoDw&ved=0CEQQsAQ&biw=1024&bih=690>

Sent from my iPad

On Mar 22, 2013, at 2:38 PM, Kathy Mathews <kathy.mathews@gmail.com> wrote:

Paul, you are preaching to the choir (I didn't cc the rest of the group because I didn't think they needed to hear this all of this rhetoric). I grew up on the Gulf Coast of Texas and I've seen debris hanging from telephone lines because that's how high the water got from the hurricanes. I know what can happen and I appreciate every bit of feedback you give us. We need to hear both sides from people who have "been there". I'm not advocating either, I'm just listening. Thanks again for being willing to read and respond to so many of our emails. I read every response you write and appreciate your input immensely. I typically don't respond unless I have something pertinent to say and even then it isn't always on target. And one day I would like to meet you so I can put a face with your efforts. Meanwhile, thanks again for staying involved.

On Fri, Mar 22, 2013 at 2:21 PM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:

Guess he didn't see the flood wall.... Or maybe he could reassure all those folks in New Jersey who lost their homes, and were told they also would never need flood insurance.

Every flood disaster that I responded to (all Corp of Engineers Project Engineers do recovery duty) was so sad. I can't tell you the number of people who told me they were advised by this or that "expert" that they didn't need flood insurance. They never do. They say I'm in the 500 year flood plain. Well.....DUH!

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

From: sheilalrudder@yahoo.com
Sent: Tuesday, April 02, 2013 9:24 PM
To: **Miller, Sally**; Miller, David; Beller, Jennie
Subject: Fw: Fwd: A note from Russ on the Buildings and Grounds conflict

Fyi.
Sent via BlackBerry by AT&T

From: sheilalrudder@yahoo.com
Date: Wed, 3 Apr 2013 00:21:26 +0000
To: Paul Ranney<blackdodgeviper@insightbb.com>
ReplyTo: sheilalrudder@yahoo.com
Subject: Re: Fwd: A note from Russ on the Buildings and Grounds conflict

TO ALL~
I worked for The Harbours' Banker during The Transition.
He owned most of the 4th Floor.

I would like to share what I watched & saw THE paper trail for during The Transition of The Building.

[Maintenance manager] knew Garage was supposed to be re-done.
Pontkes from Houston TX, Keith Breline, admitted their Construction was not properly done. HE agreed to re-do & complete at Transition.

[Maintenance manager] knew of this & many issues that were supposed to be done as per Developer/Feinsilver agreement & obligations.

LOOK around at the filth, lack of routine maintenance, care of our Inventory, Equipment, Business Center & Common Area floors & furnishings...

The birds, squirrels & rat problem was deterred for years by fire crackers & natural means. The last few years these issues have been horrendous. Why has [maintenance manager] not addressed this as he did years ago ?
[There are a lot of suspicious issues like this...]

The Above situations have; or, will cost our HOA Millions & has cost our Community Law Suits. Just one example: [Research Law Suit on Unit 315 when owned by Brian Marshall.]

There are others; some still pending...

Russ, Paul & Bob are moving forward to rectify 10 years of Items Developer was allowed to leave us with by an arbitrary Transition Committee; as well as neglect & poor workmanship.

The fact zipperle & Ken were accusatory & uncooperative in taking proper actions for our Community shows it is a positive Ken & zipperle resigned.

zipperle, mary lou, sharon & their people (who disappeared)
ALLOWED Developer to leave Harbours' H0A in jeopardy.

We need unbiased fresh new staff. Defined Job Descriptions.
Qualified employees with pride & accountability...

We are on a roll with 5 new Responsible Board Members.

Our Values are already on the RISE!
Sent via BlackBerry by AT&T

From: Paul Ranney <blackdodgeviper@insightbb.com>
Date: Tue, 2 Apr 2013 15:50:23 -0400
To: Betty Cantrell<bettycan@insightbb.com>; Nora B
Strohm<pagetwo@bellsouth.net>; Kathy Bupp<kathybuppl@yahoo.com>; Greg
Bielefeld<gbielefe@gmail.com>; Louis Bornwasser<louisborn@aol.com>; Barry
Gates<blg747capt@aol.com>; Chuck Fugate<chuck@chuckfugate.com>; Debbie Z
Pullen<debbiezp@gmail.com>; kim davis<kimjbrewerdavis@insightbb.com>;
Jenna Dinelle<jdinelle@wescodist.com>; Sandy
Snodgrass<flamingosandy@rocketmail.com>; Fred Strohm
<phila3224@bellsouth.net>; Marty Haley<patokapirate@gmail.com>;
KyDerbyBob<kyderbybob@yahoo.com>; Keith Hillman<hillmank@hotmail.com>;
Thomas Pike<thomashpike@cs.com>; clair paten<clair.paten@gmail.com>;
Sheila Rudder<sheilalrudder@yahoo.com>; Terri Wedding
<terri.wedding@insightbb.com>; Tom Ricketts<r5814@aol.com>;
wkindler9@yahoo.com 619<wkindler9@yahoo.com>; W.T. Roberts
<wtroberts@win.net>
Subject: Fwd: A note from Russ on the Buildings and Grounds conflict

To the rest of the board and my know it all friends.....everyone should
be kept informed. See the last post.

Paul

Sent from my iPad

Begin forwarded message:
From: Kenquiggins@aol.com
Date: April 2, 2013 3:07:35 PM EDT
To: bhilb@cableone.net
Cc: thedaylilly@insightbb.com, blackdodgeviper@insightbb.com,
solivagant001@reagan.com
Subject: Re: A note from Russ on the Buildings and Grounds conflict

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find out in most cases there is no answers for a lot of mistakes that
were made when the expansion of the Garage happened. [Maintenance
manager] is the expert on this and he has talked to and had numerous
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Sent from my Samsung Galaxy Note® II

----- Original message -----

From: Paul Ranney <blackdodgeviper@insightbb.com>
 Date: 03/29/2013 05:06 (GMT-07:00)
 To: Bob Hilb <bhilb@cableone.net>
 Cc: Russ Johnson <thedaylily@insightbb.com>, "<clair.paten@gmail.com>" <clair.paten@gmail.com>, "<kyderbybob@yahoo.com>" <kyderbybob@yahoo.com>, "<erusby@gmail.com>" <erusby@gmail.com>, "<barryhartlage@gmail.com>" <barryhartlage@gmail.com>, "<gbaker16@insightbb.com>" <gbaker16@insightbb.com>, "<brendamac40@hotmail.com>" <brendamac40@hotmail.com>, "<lhuffman123@gmail.com>" <lhuffman123@gmail.com>, "<jakorfhage@mac.com>" <jakorfhage@mac.com>, "<terri.wedding@insightbb.com>" <terri.wedding@insightbb.com>, "<Paover1@aol.com>" <Paover1@aol.com>, "<TPelaski@fruit.com>" <TPelaski@fruit.com>, "<rzapp@win.net>" <rzapp@win.net>, "<rkfinn@juno.com>" <rkfinn@juno.com>, KEVIN ZIPPERLE <kzipperle@mail.com>, "<claudiaorsborn@insightbb.com>" <claudiaorsborn@insightbb.com>, "<goseebetty@yahoo.com>" <goseebetty@yahoo.com>, "<edinhart@gmail.com>" <edinhart@gmail.com>, "<orsborn@insightbb.com>" <orsborn@insightbb.com>, "<diane_pfister@yahoo.com>" <diane_pfister@yahoo.com>, "<schandler1@aol.com>" <schandler1@aol.com>, "<mltraut@insightbb.com>" <mltraut@insightbb.com>, "<kathyquiggins@aol.com>" <kathyquiggins@aol.com>, "<kenquiggins@aol.com>" <kenquiggins@aol.com>, kathymathews <kathymathews@gmail.com>, "W.T. Roberts" <wtroberts@win.net>, kim davis <kimjbrewerdavis@insightbb.com>, "<jdinelle@wescodist.com>" <jdinelle@wescodist.com>, Fred Strohm <phila3224@bellsouth.net>, Charles Fugate-email <Chuck@chuckfugate.com>, Bob Ferguson <solivagant001@reagan.com>

Subject: Re: A note from Russ on the Buildings and Grounds conflict

Mr Hilb... With all due respect I don't think you understand the flood insurance issue.

First, we have not been removed from the Zone A flood zone. In fact that was reaffirmed with the new FEMA map.

Secondly you are at as much risk as I. You will be billed the exact same amount as me for flood damage to everything except the interior of my unit.....which I have separately insured. All of the common areas, mechanical room, elevator, electrical gear, pools, exterior siding are all the responsibility of the HOA not the Townhome owners.

A special assessment will be applied equally, to those on the eleventh floor as well as those on the ground floor.

I will share one more thought. Perhaps you think my interest here is because I live in a Townhome. Well yes, somewhat but not primarily.

I have extensive experience mitigating flood damage from my years with the US Army Corps of Engineers (retired). You can not believe the amount of damage that even a 1 foot flood of river water can do to a facility after sitting there for a week or so!

Something to think about.

Conflict of interest! Nonsense. Is Russ to recuse himself from discussions involving the garage, because he needs and uses it and I don't? You can see the correlation!

Respectfully,

Paul

Sent from my iPad

On Mar 28, 2013, at 10:45 PM, "Bob Hilb"
<bhilb@cableone.net> wrote:

Russ,

As the owners of 808/809 Barb and I feel that the board has to be very careful with its fiduciary responsibility. Now that the Harbours is no longer in a flood zone spending money on optional flood insurance is questionable at best. It is a large expenditure that benefits a very few who, in our opinion, should be paying for the insurance themselves.

The other thing that the Board has to be very careful about is to make sure its committees are representative of the owners. We feel that there is a small group, that includes renters, who are doing everything possible to drive down the prices of units so they can buy them at the lowest possible prices. The board must ensure that the committees are working for the majority of owners. If the board feels it is necessary to remove Kevin Zipperle because of a conflict with you, then he must be replaced by someone who has the experience of Kevin and represents the majority of owners. We are also shocked that Paul Ranney is being allowed to participate in the decision about flood insurance since he has a financial interest in the outcome. This is clearly a conflict of interest.

We also believe that the trees definitely enhance the community and should be maintained. Could you also please forward this to the Attorney General since we don't have his email address.

Thanks, Barb and Bob

From: Russ Johnson [mailto:thedaylily@insightbb.com]

Sent: Thursday, March 28, 2013 7:50 AM
To: KEVIN ZIPPERLE
Cc: bhilb@cableone.net; clair.paten@gmail.com; kyderbybob@yahoo.com; erusby@gmail.com; barryhartlage@gmail.com; gbaker16@insightbb.com; brendamac40@hotmail.com; lhuffman123@gmail.com; jakorfhage@mac.com; terri.wedding@insightbb.com; Paover1@aol.com; TPelaski@fruit.com; rzapp@win.net; rkfinn@juno.com; claudiaorsborn@insightbb.com; goseebetty@yahoo.com; edinhart@gmail.com; orsborn@insightbb.com; diane_pfister@yahoo.com; schandler1@aol.com; mltraut@insightbb.com; kathyquiggins@aol.com; kenquiggins@aol.com; kathymathews; W.T. Roberts; kim davis; jdinelle@wescodist.com; Fred Strohm; Charles Fugate-email; Bob Ferguson; Paul Ranney
Subject: A note from Russ on the Buildings and Grounds conflict

Kevin has selected a portion of what Paul has written and left out what Paul has contributed. Before you answer Kevin's letter you might want to talk to Paul for a minute. I have found him to be an excellent contributor and a very willing worker on the committee. Actually a good part of the conflict is between myself and Kevin about the lack of progress on Building and Grounds. Even though we disagree on how buildings and grounds should be run, I consider myself a friend of Kevin's and hope he will feel the same way about me going forward. I will ask the board for a vote and let the board determine which way to go, but make no mistake I will be asking for the vote to remove Kevin from his current position on buildings and grounds. We will record the vote and publish the vote in the minutes. Both Kevin and I will accept the decision of the board and move on. If the board votes to remove Kevin from the B&G committee, I will serve as chair of that committee for a time while move forward. It is my hope that the remainder of the committee (Ken Quiggins, Bob Ferguson and Paul Ranney) will Continue to serve.

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Thank you for reading this

Russ Johnson
President
The Harbours Association

Sent from my iPad

On Mar 28, 2013, at 3:30 AM, "KEVIN ZIPPERLE" <kzipperle@mail.com> wrote:
Hey guys,

I'm making a request for your comments to our HOA President, Russ Johnson (thedaylily@insightbb.com), on very short notice. You can return a message to only him, some or all of us. He's at a difficult point

created by a conflict between homeowner Paul Ranney and myself. Some of you may know Paul...he lives in one of the townhouses and is an appointee this year to the Building & Grounds Committee that I head up. Below is the most recent email from Paul involving me so that you can better appreciate the situation.

Russ has asked me to take a 90-day sabbatical of sorts while Russ chairs the B&G Committee and tries to make progress, and I owe him an answer today/Thursday. If he chooses to, Russ can offer his own comments as well. I'm trying to decide whether I want to make this permanent or just enjoy the springtime off and return midsummer. Having thought about it, I don't really much care either way. But I thought some of you may want to use this opportunity to give Russ and me your thoughts before the fact. I hear from most of you guys periodically. But Russ hears too much from the disgruntled homeowners and not enough from their counterparts (yourselves). You can tell us you agree with Russ's B&G plan or disagree, or anything else you want to say I suppose. Please keep your comments civil and respectful to both of us, and try to offer constructive feedback.

Unless there's another turn of events, I plan to stay on the Board regardless. This is simply a committee chairmanship, albeit a pretty important one. As they say under more joyful circumstances, speak now or forever hold your peace. Also, close with your complete name so that Russ recognizes who is addressing him. Thanks...KZ

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

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Sent: 03/27/13 03:46 PM
To: KEVIN ZIPPERLE
Subject: Re: Flood Insurance from Fred Strohm

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Our declarations clearly state that if any part of the facility is in the flood zone the board WILL insure against flood. The board could no more ignore this mandate than not insure for other issues. It's not your decision. It's your obligation.

KZ should be able to give useful advice on what it's like to go up against the Attorney General.....which is where this issue will surely end up.

I have taken the liberty to CC the Attorney General's Office for a heads up of what's next.

I will continue to try to help even if there are some who wish I would go away, and I will always keep it professional.

Paul

Sent from my iPad

On Mar 27, 2013, at 1:39 PM, "KEVIN ZIPPERLE" <kzipperle@mail.com> wrote:

Fortunately, Bob Isgrigg is a degreed engineer and understands the meaning of probabilities and risk. It's cold hard science and mathematics, not emotion brought forth by looking at frightening pictures (taken to generate just that sort of reaction).

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TODAY, we have guys like Isgrigg to offer rational, unemotional advice that we should listen to.

By the way, to a question Kathy raised, I believe that FEMA's flood insurance is essentially all-or-nothing. You can't insure part of your building. The best you can do to mitigate cost is insure to 80% of total value, which we already do. ([Former property manager] was our expert on that, but we ran her off.)

KZ

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

From: Paul Ranney

Sent: 03/27/13 08:32 AM

To: kathymathews, Ferguson, Bob, phila3224, thedaylily, ZIPPERLE, KEVIN, anthonycopelandparker, Fugate, Charles

Subject: Fwd: Flood Insurance from Fred Strohm

WOW Kathy. Check out the pictures in the link below that Jenna sent me. Be sure to click on the slide show to the right... Maybe Mr. Isgrigg should be forwarded a copy for future reference.

<http://www.flickr.com/photos/10357196@N03/2500860712/in/set-72157605024797998/>

NO... it can't happen here.

From: "Jenna Dinelle" <jdinelle@wescodist.com>
To: "Paul Ranney" <blackdodgeviper@insightbb.com>
Sent: Tuesday, March 26, 2013 4:30:17 PM
Subject: RE: Flood Insurance from Fred Strohm

Paul,

You got me curious. Here are some good shots of The Harbours and Jeffersonville.

<http://www.flickr.com/photos/10357196@N03/2498915435/in/set-72157605024797998/>

From: Paul Ranney [mailto:blackdodgeviper@insightbb.com]
Sent: Tuesday, March 26, 2013 3:34 PM
To: Kathy Mathews; Russ Johnson; Dinelle, Jenna; WT Roberts; KEVIN ZIPPERLE; Bob Ferguson; Charles Fugate; kim davis
Subject: Re: Flood Insurance from Fred Strohm

Kathy,

Just a little reminder. These photos were all of Louisville's 1997 flood. The river was actually on Riverside Dr in front of the Townhomes. Had it rained another day or so I believe it would have risen to 1937 levels. How quickly we forget!

<http://www.google.com/search?q=1997+flood+louisville+ky&hl=en&tbm=isch&tbid=690&source=univ&sa=X&ei=hQBSUcOoK5XE4APR9IGoDw&ved=0CEQQsAQ&biw=1024&bih=690>

Sent from my iPad

On Mar 22, 2013, at 2:38 PM, Kathy Mathews <kathy.mathews@gmail.com> wrote:

Paul, you are preaching to the choir (I didn't cc the rest of the group because I didn't think they needed to hear this all of this rhetoric). I grew up on the Gulf Coast of Texas and I've seen debris hanging from telephone lines because that's how high the water got from the hurricanes. I know what can happen and I appreciate every bit of feedback you give us. We need to hear both sides from people who have "been there". I'm not advocating either, I'm just listening. Thanks again for being willing to read and respond to so many of our emails. I read every response you write and appreciate your input immensely. I typically don't respond unless I have something pertinent to say and even then it isn't always on target. And one day I would like to meet you so I can put a face with your efforts. Meanwhile, thanks again for staying involved.

On Fri, Mar 22, 2013 at 2:21 PM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:
Guess he didn't see the flood wall.... Or maybe he could reassure all

those folks in New Jersey who lost their homes, and were told they also would never need flood insurance.

Every flood disaster that I responded to (all Corp of Engineers Project Engineers do recovery duty) was so sad. I can't tell you the number of people who told me they were advised by this or that "expert" that they didn't need flood insurance. They never do. They say I'm in the 500 year flood plain. Well.....DUH!

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

From: Debbie Zoeller-Pullen <debbiezp@gmail.com>
Sent: Tuesday, April 02, 2013 7:45 PM
To: Russ Johnson; Charles Fugate; Bob Ferguson [BLIND]
Subject: Fwd: Fw: Issues that have been brought to my attention

Russ,

In the instance of the light bulb being changed, Bobby told Paul Ranney and myself that he had just recently been up to the Mapother unit to change a light bulb when he was talking about how amazing the unit is one morning in the fitness center. Feel free to check with Paul, he will verify.

As for the other instance, the owner that shared the info with me had offered to go in and clean the owners sliding doors before they arrived and was told that would not be necessary since Jennifer cleans it up before their arrival and it does not cost ANYTHING. This owner who shared this with me is extremely reliable and is in the process of obtaining an affidavit from the other homeowner. I have blind-copied the person that told me it on this email so that person can reveal their identity to you at this time, if they are so inclined. I don't mean to not give all the info to you but I was told in confidence and feel that I am not at liberty to give the name at this time.

Thanks for all you are doing Russ. You are appreciated more than you know.

Debbie

Connected by DROID on Verizon Wireless

-----Original message-----

From: Russ Johnson <thedaylily@insightbb.com>
To: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Cc: Bob Ferguson <solivagant001@reagan.com>, Charles Fugate-email <Chuck@chuckfugate.com>
Sent: Tue, Apr 2, 2013 22:20:22 GMT+00:00

Subject: Re: Issues that have been brought to my attention

Thanks for the info. Who is the owner and who is the staff member and what time and day did this occur.

It would amaze me that either Bobby or Jennifer would do this, but if they did it during working hours, they were wrong and will be told so.

Russ

Sent from my iPad

On Apr 2, 2013, at 10:52 AM, Debbie Zoeller-Pullen <dzoellerpullen@athene.com> wrote:

Good afternoon all,

It has been brought to my attention and verified that our staff has been going into the units of absentee owners to not only clean and ready their condos for their return but also to do things as simple as changing light bulbs. It was noted by the owner that has a staff member clean their place before their return that it is free and does not cost anything. The person who shared this plans on approaching this owner to have them sign an affidavit so this will not be hear-say. The owner is a straight-shooter and would never intentionally do something wrong but just was not thinking that this is not fair to the rest of the community at large. We are a community of owners / not renters and this should not be done. When our staff spends their day (which we pay for with our HOA fees) cleaning individual units at no charge and/ or going in to change light bulbs, it takes away from duties they should be performing for us as a whole.

A simple way to remedy this is to make it clear to the staff that this is NOT acceptable and will no longer be tolerated. Perhaps having weekly meetings to monitor what work is being done, would be a place to start . . . at least for a while until the necessary changes have become the routine instead of the exception.

Things cannot change if they are not brought to the surface for all to see, so I am making each of you aware of this information that has been given to me.

Respectfully,
Debbie Zoeller Pullen
502-386-7838
debbiezp@gmail.com

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No virus found in this message.

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

From: Thomas Pike <thomashpike@cs.com>
Sent: Tuesday, April 02, 2013 5:06 PM
To: Beller, Jennie; **Miller, Sally**
Subject: Fwd: A note from Russ on the Buildings and Grounds conflict
Attachments: Newsletter.pdf

Ladies,

This email chain is where Zipperle asked his friends to contact Russ to express an opinion on his removal from the Chair of B&G.

Our recent newsletter (see attached) reflects Zipperle in totally off the committee and Russ chairs. This total disclosure of events is not reflected in the newsletter.

Thomas Pike
thomashpike@cs.com

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

From: Paul Ranney <blackdodgeviper@insightbb.com>
To: debbiezp <debbiezp@gmail.com>; bupp, kathy <kathybuppl@yahoo.com>; bettycan <bettycan@insightbb.com>; thomashpike@cs.com, thomashpike@cs.com <thomashpike@cs.com>
Sent: Thu, Mar 28, 2013 11:00 am
Subject: Fwd: A note from Russ on the Buildings and Grounds conflict
I'm sharing this with you four.....

DO NOT RESPOND TO THEM.....DELETE THIS AFTER READING

They will know it was me.

WE MAY BE RID OF KZ TOMORROW FROM JUST ABOUT EVERYTHING EXCEPT HIS VOTE ON THE BOARD

PAUL

From: "Russ Johnson" <thedaylily@insightbb.com>
To: "KEVIN ZIPPERLE" <kzipperle@mail.com>
Cc: bhilb@cableone.net, "clair paten" <clair.paten@gmail.com>, kyderbybob@yahoo.com, erusby@gmail.com, barryhartlage@gmail.com, gbaker16@insightbb.com, brendamac40@hotmail.com, lhuffman123@gmail.com, jakorfhage@mac.com, "terri wedding" <terri.wedding@insightbb.com>, Paover1@aol.com, TPelaski@fruit.com, rzapp@win.net, rkfinn@juno.com, claudiaorsborn@insightbb.com, goseebetty@yahoo.com, edinhart@gmail.com, orsborn@insightbb.com, "diane pfister" <diane_pfister@yahoo.com>, schandler1@aol.com, mltraut@insightbb.com, kathyquiggins@aol.com, kenquiggins@aol.com, "kathymathews" <kathymathews@gmail.com>, "W.T. Roberts" <wtroberts@win.net>, "kim davis" <kimjbrewerdavis@insightbb.com>, jdinelle@wescodist.com, "Fred Strohm" <phila3224@bellsouth.net>, "Charles Fugate-email" <Chuck@chuckfugate.com>, "Bob Ferguson" <solivagant001@reagan.com>, "Paul Ranney" <blackdodgeviper@insightbb.com>
Sent: Thursday, March 28, 2013 10:49:54 AM
Subject: A note from Russ on the Buildings and Grounds conflict

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The Harbours Association

Sent from my iPad

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Sent from my iPad

On Mar 22, 2013, at 2:38 PM, Kathy Mathews <kathy.mathews@gmail.com> wrote:

Paul, you are preaching to the choir (I didn't cc the rest of the group because I didn't think they needed to hear this all of this rhetoric). I grew up on the Gulf Coast of Texas and I've seen debris hanging from telephone lines because that's how high the water got from the hurricanes. I know what can happen and I appreciate every bit of feedback you give us. We need to hear both sides from people who have "been there". I'm not advocating either, I'm just listening. Thanks again for being willing to read and respond to so many of our emails. I read every response you write and appreciate your input immensely. I typically don't respond unless I have something pertinent to say and even then it isn't always on target. And one day I would like to meet you so I can put a face with your efforts. Meanwhile, thanks again for staying involved.

On Fri, Mar 22, 2013 at 2:21 PM, Paul Ranney <blackdodgeviper@insightbb.com> wrote:

Guess he didn't see the flood wall.... Or maybe he could reassure all those folks in New Jersey who lost their homes, and were told they also would never need flood insurance.

Every flood disaster that I responded to (all Corp of Engineers Project Engineers do recovery duty) was so sad. I can't tell you the number of people who told me they were advised by this or that "expert" that they didn't need flood insurance. They never do. They say I'm in the 500 year flood plain. Well.....DUH!

A 100 year flood plain has a meaning.....

Sent from my iPad

On Mar 22, 2013, at 12:23 PM, Kathy Mathews <kathy.mathews@gmail.com> wrote:

For what it's worth, I had a very lengthy conversation with Bob Isgrigg last night and he reiterated what he had previously told Fred. He also said he would be glad to address the board or other members to discuss his opinion. He stands very firm on why we should consider not obtaining flood insurance.

One topic I brought up with him was should we consider only providing flood insurance on units that are outside the flood wall. He agreed that would be a less expensive solution, although he does not think the units out of the flood wall are even at risk.

Kathy

On Fri, Mar 22, 2013 at 12:30 PM,

Paul Ranney <blackdodgeviper@insightbb.com> wrote:

Absolutely.....thanks.

Paul

Sent from my iPad

On Mar 22, 2013, at 11:46 AM, "Phila3224@bellsouth.net" <phila3224@bellsouth.net> wrote:

Paul:

You had previously raised the concern about flood insurance being cancelled. Although this will not be an Insurance Committee decision, we can make a recommendation, I thought you might want to join me when I visit Bob Isgrigg. He is the surveyor who several years ago indicated we were no longer considered in a flood zone. Your November note, and a statement on the form itself, indicated that "When the new NFIP map is issue it will supercede this determination". Since (I believe) the new maps have been issued, I would like to get Bob Isgrigg's comments on this and would like you to join me when I see him. His office is on Court Avenue.

Even if it is indicated that we are no longer in a flood zone, it doesn't preclude the Board from deciding to obtain it.

Would you want to be with me when I visit Bob?

Fred

No virus found in this message.

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Thomas Pike <thomashpike@cs.com>
Sent: Tuesday, April 02, 2013 4:18 PM
To: Beller, Jennie; **Miller, Sally**
Subject: D&O Insurance
Attachments: Newsletter.pdf

Good Afternoon Ladies,

Attached please find our recent Harbours Newsletter. The insurance related column discloses to the membership the consequences of the OAG complaint, the derivative and how it has impacted our D&O coverage, with the \$290k sat aside to defend and pay claims. As with my last email regarding this issue, I suspect the three defendants while serving the board opened this claim with Travelers, who canceled us 6/20/12 and then again with Philidelphia who has now canceled; all when the board membership had fallen to six. Those three along with Trautwein-Lamkin's boyfriend WT Roberts had a four vote out of 6 to approve anything they wanted.

When you take away our D&O Claim and two catastrophic claims (hurricane wind storm, followed by ice storm) we have a super loss run record that any condo association would be proud of.

As a member of the insurance committee, I did not agree to the wording in this newsletter and I am seeking advice on if we can cancel this claim and what would be the consequences. The OAG complaint in my opinion has nothing to do with the duties of board members; more so their behavior and actions with information they had by virtue of their office.

Finally, on another confidential note; I was verbally told the two cameras outside my door are controlled by Zipperle. Russ Johnson (president) told me privately he has control and lock down on all cameras but two and he would be getting those taken care of soon. I am not sure how I can verify, but I think/hope Russ is honest enough to let me know when that problem has gone away. I think you should know this as you prepare to call for depositions.

Best Regards and I hope you had a great Easter,

Thomas Pike
thomashpike@cs.com

No virus found in this message.

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Version: 2015.0.5577 / Virus Database: 4257/8892 - Release Date: 01/08/15

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Tuesday, April 02, 2013 1:03 PM
To: Charles Fugate
Cc: debbiezp@gmail.com [BLIND]
Subject: Permanent Proxies

By the way, I remember what I wanted to pass along from Larry Wilder. The mention of permanent proxy is nowhere in our by-laws which means they are not legal.. He said that Jack Vissing could be held accountable under the law for allowing that to happen under the KZ regime.

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Tuesday, April 02, 2013 11:53 AM
To: thedaylily@insightbb.com; solivagant001@reagan.com;
chuck@chuckfugate.com; Phila3224@bellsouth.net; kathy.mathews@gmail.com;
Dinelle, Jenna
Cc: debbiezp@gmail.com [BLIND]
Subject: Issues that have been brought to my attention

Good afternoon all,

It has been brought to my attention and verified that our staff has been going into the units of absentee owners to not only clean and ready their condos for their return but also to do things as simple as changing light bulbs. It was noted by the owner that has a staff member clean their place before their return that it is free and does not cost anything. The person who shared this plans on approaching this owner to have them sign an affidavit so this will not be hear-say. The owner is a straight-shooter and would never intentionally do something wrong but just was not thinking that this is not fair to the rest of the community at large. We are a community of owners / not renters and this should not be done. When our staff spends their day (which we pay for with our HOA fees) cleaning individual units at no charge and/ or going in to change light bulbs, it takes away from duties they should be performing for us as a whole.

A simple way to remedy this is to make it clear to the staff that this is NOT acceptable and will no longer be tolerated. Perhaps having weekly meetings to monitor what work is being done, would be a place to start . . . at least for a while until the necessary changes have become the routine instead of the exception.

Things cannot change if they are not brought to the surface for all to see, so I am making each of you aware of this information that has been given to me.

Respectfully,
Debbie Zoeller Pullen
502-386-7838
debbiezp@gmail.com

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

From: Debbie Zoeller-Pullen <dzoellerpullen@athene.com>
Sent: Monday, April 01, 2013 5:38 PM
To: pagetwo; Paul Ranney
Cc: debbiezp@gmail.com [BLIND]
Subject: RE: Discussion w/L.Wilder

Nora / Paul,

Larry had also mentioned earlier today that Dawn will be getting a list of who has backed off and who remains on the suit.

Let's the three of us connect and discuss Larry's thought on using the HOA as "cash cow" since she does not have many other clients. He is also amazed that there has been no legal action taken against her because of conflicts of interest representing the HOA (all of us) and the "three" defendents. Larry said he warned her about this early on but thinks that since she does not have many other clients she did not heed his warning.

Debbie

From: pagetwo [mailto:pagetwo@bellsouth.net]
Sent: Monday, April 01, 2013 4:32 PM
To: Paul Ranney; Debbie Zoeller-Pullen
Subject: Discussion w/L.Wilder

Had discussion with Larry Wilder.....He is receiving affadavits (didn't discuss how many). He confirmed that in order to remove petitioners from the Derivative he has to involve the Courts. A judge must be assigned, a motion made, and a hearing scheduled (don't know in what order).....which will take time (his assistant was doing the prep work as we spoke). I specifically asked him if Dawn Elston becomes privy to the affadavits as he receives them. He said "no.....not until an action is taken via motion/court.....at which time all affadavits supplied must be revealed.....and Dawn then joins in on action via HOA dime....."

Larry called while I was unavailable; I just sent a message saying that I can be reached by phone or e-mail. Will update you as soon as we talk.

In the meantime I will peruse the other messages and let you know my thoughts.

-----nora

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

From: Debbie Zoeller-Pullen <debbiezp@gmail.com>
Sent: Monday, April 01, 2013 9:38 AM
To: Larry Wilder **[BLIND]**
Subject: Re: Harbours Derivative Suit

So it cannot just be dropped????? It was my understanding that once it falls below the 10%, it can simply be dropped.

On Apr 1, 2013 7:33 AM, "Larry Wilder" <lowilder40@aol.com> wrote:

I will file the motions today. I will ask for a hearing.

Sent from my iPad

On Apr 1, 2013, at 6:43 AM, Debbie Zoeller-Pullen <debbiezp@gmail.com> wrote:

Larry, Knowing the # of folks that have now dropped off the case, it is well below 10%. Would you please let all of us know once the case has been dropped.

Thank you,
Debbie Zoeller Pullen

No virus found in this message.

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

From: sheilalrudder@yahoo.com
Sent: Monday, April 01, 2013 4:35 AM
To: Marty Haley; Greg; Chuck Fugate; Bob Ferguson; Director Fred
Strohm; Nora Strohm; Paul Ranney
Cc: **Miller, Sally**; Miller, David; Beller, Jennie; Chris Arnheiter;
Linda Dornbush; Louis & Louise; Robin Meshew; Kathy; dfinne4735; Dawn
Elston
Subject: IMG00026-20130104-1424.jpg
Attachments: IMG00026-20130104-1424.jpg

Zipperle appropriated countless HOA Parking Spaces & thinks the Fire Lane
blocking the Front Door is his, too...

Sent via BlackBerry by AT&T

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5577 / Virus Database: 4235/8707 - Release Date: 12/09/14