



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

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GREG ZOELLER
INDIANA ATTORNEY GENERAL

September 13, 2011

Kevin and Deborah Zipperle
One Riverpointe Plaza #312
Jeffersonville, Indiana 47130

**RE: Deborah Zipperle Individually, and Kevin Zipperle Individually and as a
Member of The Harbours Homeowners Association Board of Directors**

Dear Mr. and Mrs. Zipperle:

Please find attached a Subpoena Duces Tecum requesting that you produce documentary evidence. We appreciate you providing us with readable, **100 percent (100%) size copies** of the requested information. Please mail to my attention at least two days before the due date.

Should you have questions, please feel free to e-mail me at sally.miller@atg.in.gov as correspondence via e-mail is ideal. If you prefer, you may also contact me by telephone at (317)234-2353. Additionally, you may send questions or documentation via facsimile to (317)233-4393. Your prompt cooperation in this matter is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Sally Miller".

Sally Miller, Investigator
Office Of The Attorney General
Professional Licensing & Homeowner Protection Unit
302 West Washington St. 5th Floor
Indianapolis, IN 46204
Phone: 317-234-2353
Fax: 317-233-4393
Sally.miller@atg.in.gov

Enclosure: Subpoena Duces Tecum

STATE OF INDIANA)
) SS:
COUNTY OF MARION)
)
)
IN THE MATTER OF:)
)
The Harbours Homeowners Association)

Respondent

SUBPOENA DUCES TECUM

TO: Deborah Zipperle, Individually
Kevin Zipperle, Individually and
as a member of the Harbours Homeowners
Association Board of Directors

Gabrielle J. Owens, Deputy Director Licensing Enforcement and Homeowner Protection Unit, Office of the Attorney General, State of Indiana, issues this *Subpoena Duces Tecum* in furtherance of an investigation pursuant to the statutory authority of Indiana Code 4-6-12-7(1).

You, or any one of your employees, agents or counsel, are summoned to produce the following documentation regarding The Harbours Homeowners Association on or before October 1, 2011:

1. All documentation (including contracts and addenda) related to the purchase of The Harbours, Condominium Unit 312, Deborah Zipperle, Buyer.
2. All documentation (including contracts and addenda) related to the purchase of Parking Space Numbers 5, 6, 136, 137, 138, 443, 601, 635, in 2007.
3. Copies of cancelled checks or other proof of payment for Parking Space Numbers 5, 6, 136, 137, 138, 443, 601, 635, in 2007.
4. A list of all parking spot assignments owned by Kevin and/or Deborah Zipperle which have been sold since July 1, 2011, including the name of the buyer and price of the assignment.
5. A list of all parking spot assignments owned by Kevin and/or Deborah Zipperle which have been rented since July 1, 2011, or are currently rented, including the name of the renter and amount per month.

6. See attached email from kzipperle@win.net to bettycan@insightbb.com. Identify the parking spaces referenced in the attached email that the association “received without charge... from the Developer when he sold his final condo” including any subsequent assignments or sales.

WITNESS my hand and seal of the Office of the Attorney General, State of Indiana, this 13th day of September, 2011.

Gabrielle J. Owens

Gabrielle J. Owens
Deputy Director
Licensing Enforcement &
Homeowner Protection Unit



Office of Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Telephone: (317) 234-6843

From: kzipperle@win.net
Subject: Parking, CAI
Date: September 26, 2007 11:55:19 PM EDT
To: bettycan@insightbb.com
Cc: mltraut@insightbb.com

Betty:

As I told you, the Board is not taking up a discussion of parking spaces simply because you ask for it. As usual, you don't have your facts straight and are jumping to all sorts of uninformed conclusions.

Parking space #17 was sold by the Developer to a homeowner in 2003, well before we took control of day-to-day operations. The Developer owned both spaces #17 and #18 at that time. As you know, #18 has been retained by the Association for temporary handicapped parking. The August 2005 action by the Board had nothing to do with reassigning those spaces. It was just housekeeping: removing old paint on the asphalt that no longer served its purpose. For that matter, we do not intend to mark handicapped parking spaces with painted logos on the blacktop since that can confuse people that such spaces are open for any handicapped person to use. The only exception will be the one outside the lobby entrance intended for visitors. Inside spaces that currently have handicapped logos on the ground will not be repainted. And if the opportunity presents itself, the logos may actually be removed as these two were.

If you honestly believe that the Association was wronged by the Developer's sale of space #17, then I suggest you pursue Creekstone about that. Unless compelled to so, this Board will not undertake frivolous proceedings, the type of which you are only too interested in starting. This Association received without charge a number of parking spaces from the Developer when he sold his final condo. Moreover, he handed us \$40,000 in proceeds from the sale of other spaces at about that same time. On balance, we are way ahead of where we could have been in terms of compensation related to parking.

Also be advised that space #17 is currently owned by an attorney, Lonnie Cooper. I assume that Mr. Cooper has no interest in turning his space back over to the Association. You can, if you choose, take on both he and Creekstone--good luck with that.

We previously sought the opinion of an attorney re. our handicapped parking plan. We were advised that our Association is in good standing on this issue. The Association does not need to seize from individual homeowners any parking spaces that we don't already own.

I saw the reference to CAI in your prior email. I've got to ask, whatever happened to that generous offer you made to acquire a compendium of CAI references for our Association? Did I not give you the OK to act on our behalf? And what about this local CAI initiation/formation meeting at Bellarmine that you made every attempt to exclude us from? I can't imagine why you, of all people, would seek to keep The Harbours from resources that could benefit us.