



STEPHEN R. DONHAM, ESQ.
donham@indiana-attorneys.com

Via U.S. First Class Mail, Postage Prepaid
Via Electronic Mail (bobxtaylor@hotmail.com)

June 5, 2020

Robert M. Taylor
11865 Loudoun Place
Fishers, Indiana 46037

RE: Oak Hall Homeowners Association, Inc. – Covenant Violation at 11865
Loudoun Place, Fishers, Indiana 46037

Dear Mr. Taylor:

As you know from prior correspondence, this law firm represents Oak Hall Homeowners Association, Inc. (“Association”). Per your request, the Association met with you on June 3, 2020, pursuant to Indiana Code § 32-25.5-5-11, regarding your pool and specifically the grievance set forth in the Association’s letter to you dated May 12, 2020. The meeting was held via Zoom, rather than in-person, as agreed.

In advance of the meeting, you were asked to provide “the manufacturer, retailer, and model number of your swimming pool.” This information would help confirm whether the pool is indeed in violation of the Article X of the *Declaration of Covenants, Conditions and Restrictions for Oak Hall*, recorded in the Office of the Recorder of Hamilton County, Indiana on December 31, 2003, as Instrument No. 200300128069, which states:

Section 6. Swimming Pools. No above-ground swimming pools shall be permitted. No in-ground pool shall be installed without the prior approval of the Committee.

You did not, however, provide any of the requested information in advance of the meeting. During the meeting, the same request was made for you to provide this information. You again refused to provide the requested information. Accordingly, the parties were unable to settle this matter at the meeting, and, therefore, this matter has reached impasse as defined in Indiana Code § 32-25.5-5-12. If you wish to reconsider your refusal to provide the requested information, or otherwise allow for an up-close inspection of your pool, please let me know.

At this time, however, the Association renews its request that you remove your above-ground swimming pool within ten (10) days from the date of this letter.

Pursuant to Indiana Code § 32-25.5-5-12, you may request in writing, within (10) days from the date of this letter, that this violation be submitted to mediation or binding arbitration. **Please note:** if you wish to mediate or arbitrate this dispute, you will be fully responsible for the costs of the mediator

PRACTICAL ADVICE. PERSONAL ATTENTION.

Robert Taylor
June 5, 2020
Page 2 of 2

or arbitrator in accordance with Indiana Code § 32.25.5-5-12(c). If you wish to have this dispute submitted to mediation or arbitration, please send your request to Brian Kavanaugh, Kirkpatrick Management Company, 5702 Kirkpatrick Way, Indianapolis, IN 46220. Once your request is received, the Association will work with you to find a mutually acceptable mediator or arbitrator and to set a date for the mediation or arbitration to be conducted.

If you do not take action as described above or request mediation or arbitration by the foregoing deadline, the Association has the right to file a lawsuit against you and seek a court order (injunction) to compel the removal of the pool and to reimburse the Association its legal fees and costs, if the governing documents allow for such recovery.

The Association looks forward to your anticipated cooperation so that no further action on its part becomes necessary.

Very truly yours,

THRASHER BUSCHMANN & VOELKEL, P.C.

Stephen R. Donham

By: Stephen R. Donham, Esq.

cc: Oak Hall Homeowners Association, Inc. (c/o Brian Kavanaugh via email)