

**Lake Lemon Conservancy District  
Board of Directors Meeting Minutes**  
Benton Township Senior Citizen Building  
November 16, 2011

**The November 16, 2011 meeting of the Lake Lemon Conservancy District was held at the Benton Township Senior Citizen Building and was called to order by Chairman John Schell at 6:00 p.m.**

**BOARD MEMBERS PRESENT: John Schell, Marty Mann, Tina Thrasher, Pam Dugan, Tim Specht, Bruce Cassal and Dennis Friesel. ALSO PRESENT: Bob Madden, Manager; Adam Casey, Board Recorder; and LLCDC Freeholders (see attached sign-in sheet) ABSENT:; Rachel Atz, CBU Representative.**

**I. OPENING COMMENTS (Schell)**

- Schell thanked all freeholders for attending the meeting.

**II. APPROVAL OF MEETING MINUTES (Schell)**

- Approval of October 19, 2011 Board Meeting Minutes.

**DUGAN MOTIONED TO APPROVE THE OCTOBER 19, 2011 BOARD MEETING MINUTES. THRASHER SECONDED THE MOTION. ALL “AYES.” MOTION CARRIED.**

**III. TREASURER’S REPORT (Friesel)**

- Friesel presented the budget as of October (See Attached).

**FRIESEL MOTIONED TO APPROVE ALLOWANCE OF VOUCHERS FOR THE MONTH OF OCTOBER, 2011. CASSAL SECONDED THE MOTION. ALL “AYES.” MOTION CARRIED.**

**IV. MANAGER’S REPORT (Madden)**

**A. Resolution 11-11-07: 2012 Fees & Charges (See Attached)**

- Madden introduced Resolution 11-11-07: which sets the 2012 Fees and Charges for the LLCDC. Changes to the Fees and Charges were discussed at the October 19, 2011 LLCDC Board of Director’s meeting.
- Management recommended approval of Resolution 11-11-07, 2012 LLCDC Fees and Charges.

**DUGAN MOTIONED TO APPROVE THE 2012 LLCDC FEES AND CHARGES AS DESCRIBED IN RESOLUTION 11-11-07. SPECHT SECONDED THE MOTION. SIX “AYES”, ONE ABSTAINMENT; (SCHELL ABSTAINED FROM VOTING SINCE THE RESOLUTION SETS COMMERCIAL MARINA FEES). MOTION CARRIED.**

## **B. Approval of 2012 Annual Agreements (Madden)**

1. 2012 Surplus Parcel Sublease Agreement: Freeholders.
  2. 2012 Commercial Surplus Parcel Agreement: Sands & Sands Properties, LLC.
  3. 2012 Agreement for the use of Riddle Point Park Property: Boys & Girls Club of Bloomington.
  4. 2012 Marina/Club Agreement: Bloomington Yacht Club.
  5. 2012 Marina/Club Agreement: Indiana University Sailing Club.
  6. 2012 Riddle Point Park Use Agreement: Riddle Point Rowing Association.
- Management briefly discussed the six annual contracts and recommended that all six be approved in one motion. There have been no changes to the terms and conditions of the annual contracts.

**SPECHT MOTIONED TO APPROVE ALL SIX ANNUAL CONTRACTS (SHOWN ABOVE) AS WRITTEN. THRASHER SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.**

## **C. Approval of 2012 Extension Agreements (Madden)**

1. Land Use: Clark
  2. LLC/D Mowing: Anderson
- Management recommended separate motions to accept the aforementioned extension agreements. There have been no changes to the contracts.

**CASSAL MOTIONED TO APPROVE THE CLARK LAND USE EXTENSION AGREEMENT AS WRITTEN. DUGAN SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.**

**CASSAL MOTIONED TO APPROVE THE RIDDLE POINT PARK MOWING EXTENSION AGREEMENT WITH ANDERSON EXCAVATING AND LAWN CARE, LLC., AS WRITTEN. SPECHT SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.**

## **D. 2012 Board of Directors Election Update (Madden)**

- The terms for Director Marty Mann (Sub-Area III) and Director Dennis Friesel (Sub-Area V) are expiring February 1, 2012. Freeholders of Sub-Area III and V have been mailed post cards announcing the vacancies, and instructions on how to nominate a candidate. Additionally, legal notices have been placed in the Bloomington Herald Times and Brown County Democrat newspapers.
- At this time, no candidate nominations have been submitted.

**E. Disclosure Forms: Final Disposition**

- Schell's Conflict of Interest forms have been reviewed by the LLCDC Attorney and forwarded to the appropriate agencies.
- At this time, no agency responses have been received.

**F. Purchase of Dozer Discussion**

- LLCDC barge operator Levi Warthan discussed the need for a bulldozer at the sediment disposal site.
- A list of available wide track dozers was compiled to review potential wide track dozer options. (See Attached)
- Management and the barge operator recommended purchasing a local dozer which had been inspected in person by the operator.

**MANN MOTIONED TO AUTHORIZE THE LLCDC MANAGER TO PREPARE A PURCHASE AGREEMENT/BILL OF SALE AND BUY THE D4C WIDETRACK CAT BULLDOZER FROM CARL RICHARD PAYNE FOR THE PRICE OF TWENTY EIGHT THOUSAND DOLLARS AND NO CENTS (\$28,000.00). CASSAL SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.**

**G. Final 2011 Cubic Yard Dredging Totals**

- Reports were created and presented showing total sediment yardage removal for 2011, and total linear feet of shore-line stabilization (Rip-Rap) completed in 2011 (See Attached).

**H. Dragon Boat Festival Proposal: Solution Tree**

- Madden has met with Solution Tree and discussed the proposed Dragon Boat festival.
- Madden would like the company to create a parking schematic but does recommend the board allow the proposed fundraiser to take place.

**THRASHER MOTIONED TO APPROVE THE DRAGON BOAT FESTIVAL PROPOSAL, SCHEDULED FOR OCTOBER 19<sup>th</sup> AND 20<sup>th</sup>, 2012. A \$900.00 PARK/LAKE USAGE FEE WILL BE CHARGED. SPECHT SECONDED THE MOTION. ALL "AYES". MOTION CARRIED.**

**V. PUBLIC COMMENT**

- Comment included the special benefit tax process and LLCDC newsletter.

**VI. NEW BUSINESS**

- The next Board of Directors Meeting will be held December 21<sup>st</sup>, at the Benton Township Seniors Building.

**VII. ADJOURNMENT**

**DUGAN MOTIONED TO ADJOURN THE MEETING. CASSAL SECONDED THE MOTION. ALL "AYES." MOTION CARRIED. MEETING ADJOURNED AT 7:20 P.M.**

Meeting Minutes submitted by:  
**Adam Casey: Board Recorder**



# *Lake Lemon Conservancy District*

## **LAKE LEMON CONSERVANCY DISTRICT**

Board of Directors Meeting  
Benton Township Senior Citizens Building  
November 16, 2011  
6:00 p.m.

### **AGENDA**

- I. Call Meeting to Order / Chairman's Remarks (JS)
- II. Approval of October 19, 2011 Board Meeting Minutes (JS)
- III. Treasurer's Report (DF)
  - A. Report of Claims
- IV. Manager's Report (BM)
  - A. Resolution #11-11-07: 2012 Fees & Charges
  - B. Approval of 2012 Agreements:
    - 1. 2012 Surplus Parcel Sublease Agreement: Freeholders
    - 2. 2012 Commercial Surplus Parcel Agreement: Sands & Sands Properties, LLC.
    - 3. 2012 Agreement for the use of Riddle Point Park Property: BGCB
    - 4. 2012 Marina/Club Agreement: BYC
    - 5. 2012 Marina/Club Agreement: IU Sailing Club
    - 6. 2012 Riddle Point Park Use Agreement: RPRA
  - C. Approval of 2012 Extension Agreements:
    - 1. Land Use: Clark
    - 2. LLCD Mowing: Anderson
  - D. 2012 Board of Directors Election Update
  - E. Disclosure Forms: Final Disposition
  - F. Purchase of Dozer Discussion
  - G. Final 2011 Cubic Yard Dredging Totals
  - H. Dragon Boat Festival Proposal: Solution Tree
- V. Public Comment (JS)
- VI. New Business / Correspondence for Future Agenda (JS)
  - A. Next Board Meeting
    - December 21, 2011
- VII. Adjournment (JS)

7599 North Tunnel Road, Unionville, IN 47468  
Phone 812/334-0233 • Fax 812/335-0038



# Lake Lemon Conservancy District

**MONTHLY MEETING**  
**Benton Township Senior Citizens Building**  
**6:00 PM**

Date: 11-16-11

Name	Lake Address	District
Susan Snider Salmon	707 E Spillway Rd, Unionville	2
Wanda Brist	4385 WATSON RD	7
Lora Schell	9554 E North Shore	4
David Kory	7647 N TUNNEL	1
Celita Shel + Spencer		
MARIE THOMAS	7797 N. JUAN GARCIA RD	ONE
Andrea Juczy	8921 Saul Howard Lane	5
Rex Taylor	6179 N SHARP DR	6
Dave Hobson	4008 Salmon Harbor	7
EVA GALTAA	8920 Southshore Unionville	5

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**October 2011 BUDGET SUMMARY**

<b>1. Income:</b>	<b>\$3,106</b>	Watercraft/launch Permits	\$2,173
		Sublease & Lake Access Fees	\$1,078
		Donations	\$5
		Interest	\$258
		Fish Tourney	\$25
		Park Res/admissions	(\$500)
		Other	\$66
<b>2. Expenses:</b>	<b>\$30,517</b>	Salary/Benefits:	\$10,646
		Supplies:	\$4,330
		Attorney:	\$120
		Grass	\$1,813
		Debt Service	\$11,500
		Accounting	\$450
		Other services & charges	~\$1,650

**3. June 2010/June 2011 Comparison:**

	<u>2010</u>	<u>2011</u>	
<b>Total revenue (-Taxes)</b>	<b>\$193,591*</b>	<b>\$195,365</b>	(\$346,477 including taxes)
<b>Total Expenses</b>	<b>\$378,221*</b>	<b>\$376,915</b>	

*\*Excludes Dredge Equipment Purchase and loan proceeds*

**2011 total Revenue - total Expenses = -\$30k through Oct. 2011**

- 4. Investments:**
- a) \$106,604 in PBS Checking.
  - b) \$181,009 in 2 CD's for General Fund.
  - c) \$55,979 in five CD's for Cumulative Maintenance Fund.
  - d) \$5,267 Cumulative Maintenance Fund Savings.



# Lake Lemon Conservancy District

Date: October 31, 2011

## ALLOWANCE OF VOUCHERS

DENNIS FRIESEL  
Treasurer

### (Report of Claims)

(IC 5-11-10-2 permits the governing body to sign the Accounts Payable Voucher Register in lieu of signing each claim the governing body is allowing.) We have examined the vouchers listed on the foregoing accounts payable voucher register and payroll journal, consisting of 6 pages, and except for vouchers not allowed as shown on the Register such vouchers are allowed in the total of \$29,079.31

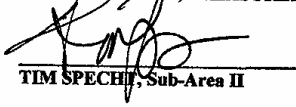
Dated this 16<sup>th</sup> day of November, 2011

### Signature of Governing Board

  
JOHN SCHELL, CHAIRMAN


  
BRUCE CASSAL, VICE CHAIR

  
DENNIS FRIESEL, TREASURER

  
TIM SPECHT, Sub-Area II

  
MARTY MANN, Sub-Area III

  
PAM DUGAN, Sub-Area VI

  
TINA THRASHER, Sub-Area VII

7599 North Tunnel Road, Unionville, IN 47468  
Phone 812/334-0233 • Fax 812/335-0038



**LAKE LEMON CONSERVANCY  
CHECK REGISTER  
Peoples State Bank  
10/ 1/2011 To 10/31/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
00014016	10/24/11	VC SOUTH CENTRAL REMC		-50.00
	1015	PEOPLES STATE BANK	50.00 cr	
	6240	Building & Grounds	50.00 dr	
00014383	10/06/11	VC B & B WATER CORP		-37.79
	1015	PEOPLES STATE BANK	37.79 cr	
	6470	Water	37.79 dr	
00014384	10/06/11	VC NAPA AUTO PARTS		-9.16
	1015	PEOPLES STATE BANK	9.16 cr	
	6250	Boat/Weed Harvester/Truck	9.16 dr	
00014385	10/06/11	VC N ANDERSON EXCAVATING & LAWN		-1,812.50
	1015	PEOPLES STATE BANK	1,812.50 cr	
	6310	Grass	1,812.50 dr	
00014386	10/06/11	VC BLOOMINGTON HARDWARE		-7.30
	1015	PEOPLES STATE BANK	7.30 cr	
	6240	Building & Grounds	7.30 dr	
00014387	10/06/11	VC INDIANA DEPT. OF WORKFORCE DEV		-117.19
	1015	PEOPLES STATE BANK	117.19 cr	
	6020	State Unemployment Tax	117.19 dr	
00014388	10/10/11	VC WHITE RIVER CO-OP		-3,613.05
	1015	PEOPLES STATE BANK	3,613.05 cr	
	6200	Regular Gas	853.05 dr	
	6210	Diesel	2,760.00 dr	
00014389	10/10/11	VC A+ PERFORMANCE TRUCKING & CONV		-545.90
	1015	PEOPLES STATE BANK	545.90 cr	
	6252	Rip Rap/Erosion Control	545.90 dr	
00014390	10/10/11	VC CITY OF BLOOMINGTON UTILITIES		-10.00
	1015	PEOPLES STATE BANK	10.00 cr	
	6560	Water Testing	10.00 dr	

**LAKE LEMON CONSERVANCY  
CHECK REGISTER  
Peoples State Bank  
10/ 1/2011 To 10/31/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
00014391	10/10/11 1015 6480	VC KNIGHT TRASH REMOVAL PEOPLES STATE BANK Trash	10.00 cr 10.00 dr	-10.00
00014392	10/10/11 1015 6320	VC ANDREWS, HARRELL, MANN, CARMIN PEOPLES STATE BANK Attorney	120.00 cr 120.00 dr	-120.00
00014393	10/10/11 1015 6350	VC ZACH REED PEOPLES STATE BANK Other Prof/Secretarial Service	120.00 cr 120.00 dr	-120.00
00014394	10/12/11 1015 6300	VC WATKINS ACCOUNTING PEOPLES STATE BANK Accounting Services	450.00 cr 450.00 dr	-450.00
00014395	10/12/11 1015 6480	VC REPUBLIC SERVICES #694 PEOPLES STATE BANK Trash	140.82 cr 140.82 dr	-140.82
00014396	10/12/11 1015 6190	VC STAPLES CREDIT PLAN PEOPLES STATE BANK General Business Supplies	41.95 cr 41.95 dr	-41.95
00014397	10/13/11 1015 6030	VC PUBLIC EMP. RETIREMENT FUND PEOPLES STATE BANK Retirement	1,818.88 cr 1,818.88 dr	-1,818.88
00014398	10/14/11 1015 6510	VC DYNAMIC COMMUNICATIONS PEOPLES STATE BANK Building & Grounds	350.00 cr 350.00 dr	-350.00
00014399	10/19/11 1015 6040	VC ANTHEM BLUE CROSS BLUE SHIELD PEOPLES STATE BANK Health Insurance	1,215.14 cr 1,215.14 dr	-1,215.14
00014400	10/19/11 1015	VC VISA PEOPLES STATE BANK	18.44 cr	-18.44

**LAKE LEMON CONSERVANCY  
CHECK REGISTER  
Peoples State Bank  
10/ 1/2011 To 10/31/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>		<u>DIST. AMOUNT</u>
	6180	Postage	18.44 dr	
00014401	10/19/11	VC A T & T		-140.49
	1015	PEOPLES STATE BANK	140.49 cr	
	6370	Phone, LDT, Pager, E-Mail	140.49 dr	
00014402	10/19/11	VC VERIZON WIRELESS		-65.08
	1015	PEOPLES STATE BANK	65.08 cr	
	6370	Phone, LDT, Pager, E-Mail	65.08 dr	
00014403	10/24/11	VC ISON'S DOCK AND LIFT SERVICE		-270.00
	1015	PEOPLES STATE BANK	270.00 cr	
	6510	Building & Grounds	270.00 dr	
00014404	10/24/11	VC COMCAST CABLE		-124.59
	1015	PEOPLES STATE BANK	124.59 cr	
	6370	Phone, LDT, Pager, E-Mail	124.59 dr	
00014405	10/24/11	VC RIDDLE POINT ROWING ASSOCIATIO		-500.00
	1015	PEOPLES STATE BANK	500.00 cr	
	4090	Park Reservations	500.00 dr	
00014406	10/24/11	VC PEOPLES STATE BANK		-11,500.00
	1015	PEOPLES STATE BANK	11,500.00 cr	
	6670	Debt Service (Dredging Equip.)	1,860.29 dr	
	2800	Long Term Notes-Net of Current	9,639.71 dr	
00014407	10/24/11	VC SOUTH CENTRAL REMC		-388.95
	1015	PEOPLES STATE BANK	388.95 cr	
	6460	Electric	388.95 dr	
00014408	10/27/11	VC U S POSTMASTER		-44.00
	1015	PEOPLES STATE BANK	44.00 cr	
	6180	Postage	44.00 dr	

TOTAL TRANSACTIONS: -23,521.23  
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**LAKE LEMON CONSERVANCY  
CHECK REGISTER  
Peoples State Bank  
10/ 1/2011 To 10/31/2011**

<u>REF NO</u>	<u>DATE</u>	<u>TT DESCRIPTION</u>	<u>DIST. AMOUNT</u>
		BC - Bank Check	0.00
		BD - Bank Deposits	0.00
		BI - Bank Interest or Credit	0.00
		BS - Bank Service Charge	0.00
		BT - Bank Transfer	0.00
		BX - Bank Exchanges	0.00
		EC - Payroll Check	0.00
		VC - Direct Disbursement	23,521.23
		VP - Check/Cash Disbursement	0.00

LAKE LEMON CONSERVANCY  
Payroll Summary  
October 2011

Employee Wages, Taxes and Adjustments	ADAM, CASEY		Hopkins, Joseph S		JACOB, MORROW L		Mann, Hunter C	
	Hours	Rate	Oct 11	Hours	Rate	Oct 11	Hours	Rate
Gross Pay								
Salary								
Hour Pay -8110	118	16.00	1,888.00			0.00		
HOURLY PAY-8110		12.50	0.00		0.00	0.00		
Reg Pay-6090			0.00		0.00	0.00		
Reg Pay-6070			0.00	12.5	8.50	106.25	31.75	14.00
Total Gross Pay	118		1,888.00	12.5		106.25	31.75	
Deductions from Gross Pay								
Insurance			0.00			0.00		
Total Deductions from Gross Pay			0.00			0.00		
Adjusted Gross Pay	118		1,888.00	12.5		106.25	31.75	
Taxes Withheld								
Federal Withholding			-175.00			0.00		
Medicare Employee			-27.37			-1.54		
Social Security Employee			-79.30			-4.47		
IN - Withholding			-84.19			-3.82		
Monroe Co.			-19.69			-1.11		
Total Taxes Withheld			-365.49			-10.74		
Net Pay	118		1,522.51	12.5		95.51	31.75	
Employer Taxes and Contributions								
Federal Unemployment			0.00			0.84		
Medicare Company			27.37			1.54		
Social Security Company			117.06			6.59		
IN - Unemployment Company			0.00			0.60		
Total Employer Taxes and Contributions			144.43			9.37		

LAKE LEMON CONSERVANCY  
Payroll Summary  
October 2011

	PATRICK, CAMPBELL		ROBERT, MADDEN E		TOTAL	
	Oct 11	Hours	Oct 11	Hours	Oct 11	Oct 11
<b>Employee Wages, Taxes and Adjustments</b>						
Gross Pay	0.00		4,409.42	188.25	4,409.42	1,888.00
Salary	0.00		0.00		0.00	0.00
Hour Pay -6110	0.00		0.00	3.00	42.00	42.00
HOURLY PAY-6110	42.00	21	0.00	65.25	623.25	
Reg. Pay-6090	0.00		0.00			
Reg. Pay-6070	0.00		0.00			
<b>Total Gross Pay</b>	<b>42.00</b>	<b>21</b>	<b>4,409.42</b>	<b>188.25</b>	<b>6,862.67</b>	
Deductions from Gross Pay						
Insurance	0.00		0.00		0.00	0.00
Total Deductions from Gross Pay	0.00		0.00		0.00	
<b>Adjusted Gross Pay</b>	<b>42.00</b>	<b>21</b>	<b>4,409.42</b>	<b>188.25</b>	<b>6,862.67</b>	
Taxes Withheld						
Federal Withholding	0.00		-504.00		-702.00	
Medicare Employee	-0.61		-2.90		-100.97	
Social Security Employee	-1.76		-8.38		-292.45	
IN - Withholding	-1.43		-149.92		-236.74	
Monroe Co.	-0.44		-45.86		-72.43	
<b>Total Taxes Withheld</b>	<b>-4.24</b>		<b>-948.92</b>		<b>-1,404.59</b>	
<b>Net Pay</b>	<b>37.76</b>	<b>21</b>	<b>3,460.50</b>	<b>188.25</b>	<b>5,558.08</b>	
<b>Employer Taxes and Contributions</b>						
Federal Unemployment	0.25		0.00		4.00	
Medicare Company	0.61		63.94		100.97	
Social Security Company	2.80		273.38		431.69	
IN - Unemployment Company	0.24		0.00		3.76	
<b>Total Employer Taxes and Contributions</b>	<b>3.70</b>		<b>337.32</b>		<b>540.42</b>	

LAKE LEMON CONSERVANCY DISTRICT

Financial Statements

For the Period Ending

January 1, 2011 thru October 31, 2011

**(UNAUDITED)**

**Watkins Accounting  
113 E. 19<sup>th</sup> Street  
Bloomington, IN 47408**

LAKE LEMON CONSERVANCY DISTRICT

I have compiled the accompanying balance sheet for LAKE LEMON CONSERVANCY DISTRICT as of October 31, 2011 and the related statements of income for the period then ended, in accordance with standards established by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures and the statements of retained earnings and cash flows required by generally accepted accounting principles. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's financial position, results of operations and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Shirley Watkins, CPA  
November 8, 2011



**LAKE LEMON CONSERVANCY**  
**BALANCE SHEET**  
**October 31, 2011**

**ASSETS****CURRENT ASSETS**

Monroe Co. Bank-Checking	\$	0.00
Petty Cash		100.00
PEOPLES STATE BANK		106,604.19
Change Fund		200.00
CD's General Fund		181,008.85
CD's Cumulative Maint Fund		55,978.83
Cumulative Maint. Savings		<u>5,267.13</u>

**TOTAL CURRENT ASSETS** **\$ 349,159.00**

**PROPERTY AND EQUIPMENT**

Trucks	\$	110,251.25
Other		7,350.00
Boats		209,750.00
Other Fixed Assets		<u>99,501.66</u>

**TOTAL PROPERTY AND EQUIPMENT** **\$ 426,852.91**

**TOTAL ASSETS** **\$ 776,011.91**

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**LAKE LEMON CONSERVANCY**  
**BALANCE SHEET**  
**October 31, 2011**

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Fica & Federal Taxes Payable	\$	1,628.08	
State and Co. Withholding Pay.		<u>309.17</u>	

TOTAL CURRENT LIABILITIES			\$ 1,937.25
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NON-CURRENT LIABILITIES

LONG-TERM DEBT NET OF CURRENT	\$	<u>150,476.66</u>	
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TOTAL NON-CURRENT LIABILITIES			\$ 150,476.66
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EQUITY

General Fund	\$	569,950.09	
Encumbered Fund		55.00	
Cumulative Maintenance Fund		38,441.47	
NET INCOME (LOSS)		<u>15,151.44</u>	

TOTAL EQUITY			\$ <u>623,598.00</u>
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TOTAL LIABILITIES AND EQUITY			\$ <u>776,011.91</u> =====
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**LAKE LEMON CONSERVANCY  
INCOME STATEMENT  
For The Period**

	<b>October 01, 2011 To October 31, 2011</b>	<b>January 01, 2011 To October 31, 2011</b>
<b>SALES</b>		
Watercraft Permits	\$ 2,173.00	\$ 97,952.00
Launch Fees	1,078.00	17,522.00
Marina & Club Fees	0.00	9,012.50
Sublease & Lake Access Fees	0.00	26,885.00
Property Tax - Brown Co.	0.00	41,565.35
Property Tax - Monroe Co.	0.00	109,546.61
Interest	258.38	2,223.09
Grants & Donations	5.00	6,381.90
Fishing Tournament	25.00	850.00
Park Reservations	( 500.00)	3,900.00
Park Admission Fees	0.00	30,521.00
Other	66.50	117.21
	\$ 3,105.88	\$ 346,476.66
<b>Total SALES</b>	<b>\$ 3,105.88</b>	<b>\$ 346,476.66</b>
<b>Total GROSS PROFIT</b>	<b>\$ 3,105.88</b>	<b>\$ 346,476.66</b>
<b>GENERAL &amp; ADMINISTRATIVE</b>		
Manager	\$ 4,409.42	\$ 44,094.20
Fica	532.66	9,156.11
State Unemployment Tax	117.19	310.69
Retirement	1,818.88	7,231.14
Health Insurance	1,215.14	11,842.92
Life Insurance	0.00	1,263.00
Gate Attendant	623.25	14,145.14
Park Maintenance Technician	42.00	2,628.50
Lake Patrol	0.00	4,359.00
Lake Biologist	1,888.00	14,332.50
Dredger	0.00	17,792.00
Dredger (other)	0.00	10,160.00
Assistant Dredger	0.00	7,840.00
Assistant Dredger (Other)	0.00	4,336.00
Season & Launch Permits	0.00	1,148.33
Daily Permits	0.00	294.24
Receipt/Tickets Books	0.00	344.89
Printer, Copier & Computer Sup	0.00	688.64
Miscellaneous-Other	0.00	1,142.38
Postage	62.44	1,152.45
General Business Supplies	41.95	356.16

**LAKE LEMON CONSERVANCY  
INCOME STATEMENT  
For The Period**

	<b>October 01, 2011 To October 31, 2011</b>	<b>January 01, 2011 To October 31, 2011</b>
Regular Gas	\$ 853.05	\$ 4,923.91
Diesel	2,760.00	12,171.88
Building & Grounds	57.30	3,095.99
Boat/Weed Harvester/Truck	9.16	692.01
Dredging Supplies	0.00	7,183.09
Rip Rap/Erosion Control	545.90	545.90
Radio/Communication Equipment	0.00	590.00
Signs & Nautical Markers	0.00	2,020.87
Accounting Services	450.00	4,500.00
Grass	1,812.50	10,875.00
Attorney	120.00	6,465.00
Consulting Engineer	0.00	100.00
Other Prof/Secretarial Service	120.00	446.60
Phone, LDT, Pager, E-Mail	330.16	3,033.89
Subscriptions	0.00	228.40
Newsletter	0.00	772.14
Ads	0.00	265.64
Other	0.00	1,242.30
Insurance	0.00	42,796.00
Electric	388.95	5,063.80
Water	37.79	506.35
Trash	150.82	917.73
Port- O-Lets	0.00	608.00
Pump Holding Tank	0.00	175.00
Building & Grounds	620.00	5,482.00
Boat	0.00	1,717.00
Dredging Equipment Maintenance	0.00	3,921.60
Equipment Rental	0.00	818.50
Water Testing	10.00	3,791.00
Lake Weed Treatment	0.00	15,185.00
Contingency Funds 10%	0.00	100.00
6% Marina Permit Sales	0.00	2,011.08
Dam/Spillway Inspection	0.00	222.50
Disposal Site Preparation	0.00	10,991.68
Debt Service (Dredging Equip.)	1,860.29	7,759.93
Other Services and Charges	0.00	1,512.14
Fireworks	0.00	6,500.00
Ramp Repairs	0.00	5,575.00
Patrol Boat	0.00	1,900.00

**LAKE LEMON CONSERVANCY  
INCOME STATEMENT  
For The Period**

	<b>October 01, 2011 To <u>October 31, 2011</u></b>	<b>January 01, 2011 To <u>October 31, 2011</u></b>
Total GENERAL & ADMINISTRATIVE	\$ <u>20,876.85</u>	\$ <u>331,325.22</u>
Total NET OPERATING INCOME (LOSS)	\$ <u>( 17,770.97)</u>	\$ <u>15,151.44</u>
NET INCOME (LOSS) BEFORE TAX	\$ <u>( 17,770.97)</u>	\$ <u>15,151.44</u>
NET INCOME (LOSS)	\$ <u>( 17,770.97)</u> =====	\$ <u>15,151.44</u> =====

**LAKE LEMON CONSERVANCY DISTRICT  
INCOME OVER EXPENDITURES SUMMARY  
GENERAL FUND  
For the One Month Ended October 31, 2011**

	CURRENT MONTH	2011 ACTUAL	2011 BUDGET	Positive (Negative) Budget Variance
<b>REVENUES</b>				
4000 Watercraft Permits	\$ 2,173.00	97,952.00	\$ 98,000.00	\$ (48.00)
4010 Launch Fees	1,078.00	17,522.00	14,500.00	3,022.00
4020 Marina & Club Fees	-	9,012.50	8,000.00	1,012.50
4030 Sublease & Lake Access Fees	-	28,885.00	25,000.00	1,885.00
4040 Property Tax - Brown Co.	-	41,565.35	50,000.00	(8,434.65)
4050 Property Tax - Monroe Co.	-	109,546.61	200,000.00	(90,453.39)
4060 Interest	258.38	2,223.09	500.00	1,723.09
4070 Grants & Donations	5.00	6,381.90	5,800.00	581.90
4080 Fishing Tournament	25.00	850.00	700.00	150.00
4090 Park Reservations	(500.00)	3,900.00	2,500.00	1,400.00
4100 Park Admission Fees	-	30,521.00	22,000.00	8,521.00
4110 Concessions	-	-	-	-
4120 Other	66.50	117.21	-	117.21
4130 Dredging/Rip-Rap Income	-	-	10,000.00	(10,000.00)
4140 Dredging Equipment Loan Proceeds	-	-	-	-
<b>TOTAL REVENUES</b>	<b>3,105.88</b>	<b>346,476.66</b>	<b>437,000.00</b>	<b>(90,523.34)</b>
<b>EXPENDITURES</b>				
<b>WAGES &amp; BENEFITS</b>				
<b>SALARIES &amp; BENEFITS</b>				
6000 Manager	4,408.42	44,094.20	52,913.00	8,818.80
6010 FICA	532.66	9,156.11	9,150.00	(6.11)
6020 State Unemployment Tax	117.19	310.69	588.00	277.31
6030 Retirement	1,818.88	7,231.14	7,098.00	(133.14)
6040 Health Insurance	1,215.14	11,842.92	14,000.00	2,157.08
6050 Life Insurance	-	1,263.00	1,265.00	2.00
<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>8,093.29</b>	<b>73,898.06</b>	<b>85,014.00</b>	<b>11,115.94</b>
<b>HOURLY WAGES</b>				
6070 Gate Keeper	623.25	14,145.14	15,000.00	854.86
6080 Seasonal Labor	-	-	-	-
6090 Park Maintenance Technician	42.00	2,628.50	5,600.00	2,971.50
6100 Lake Patrol	-	4,359.00	4,800.00	441.00
6110 Lake Biologist	1,889.00	14,332.50	12,500.00	(1,832.50)
6111 Dredger	-	17,792.00	16,000.00	(1,792.00)
6112 Dredger(Other)	-	10,160.00	3,200.00	(6,960.00)
6113 Assistant Dredger	-	7,840.00	8,000.00	160.00
6114 Assistant Dredger(Other)	-	4,336.00	1,600.00	(2,736.00)
<b>TOTAL HOURLY WAGES</b>	<b>2,553.25</b>	<b>75,593.14</b>	<b>66,700.00</b>	<b>(8,893.14)</b>
<b>GRAND TOTAL WAGES &amp; BENEFITS</b>	<b>10,646.54</b>	<b>149,491.20</b>	<b>151,714.00</b>	<b>2,222.80</b>
<b>SUPPLIES</b>				
<b>OFFICE SUPPLIES</b>				
6120 Season & Launch Permits	-	1,148.33	1,000.00	(148.33)
6130 Daily Permits	-	294.24	200.00	(94.24)
6140 Receipt/Ticket Books	-	344.89	300.00	(44.89)
6150 Checks	-	-	200.00	200.00
6160 Printer, Copier & Computer Sup	-	688.64	500.00	(188.64)
6170 Miscellaneous/Other	-	1,142.38	800.00	(342.38)
6180 Postage	62.44	1,152.45	1,500.00	347.55
6190 General Business Supplies	41.95	356.16	500.00	143.84
<b>TOTAL OFFICE SUPPLIES</b>	<b>104.39</b>	<b>5,127.09</b>	<b>5,000.00</b>	<b>(127.09)</b>
<b>OPERATING SUPPLIES</b>				
6200 Regular Gas	853.05	4,923.91	3,500.00	(1,423.91)
6210 Diesel, Oil, Grease	2,760.00	12,171.88	10,000.00	(2,171.88)
6220 Janitorial Supplies	-	-	-	-
6230 Medical Supplies	-	-	-	-
<b>TOTAL OPERATING SUPPLIES</b>	<b>3,613.05</b>	<b>17,095.79</b>	<b>13,500.00</b>	<b>(3,595.79)</b>
<b>REPAIR &amp; MAINTENANCE SUPPLIES</b>				
6240 Building & Grounds	57.30	3,095.99	3,000.00	(95.99)
6250 Boats, Trucks	9.16	692.01	2,000.00	1,307.99
6251 Dredging Supplies	-	7,183.09	4,000.00	(3,183.09)
6252 Rip Rap/Erosion Control	545.90	545.90	10,000.00	9,454.10
<b>TOTAL REPAIR &amp; MAINT SUPPLIES</b>	<b>612.36</b>	<b>11,516.99</b>	<b>19,000.00</b>	<b>7,483.01</b>

**LAKE LEMON CONSERVANCY DISTRICT  
INCOME OVER EXPENDITURES SUMMARY  
GENERAL FUND  
For the One Month Ended October 31, 2011**

	CURRENT MONTH	2011 ACTUAL	2011 BUDGET	Positive (Negative) Budget Variance
<b>OTHER SUPPLIES</b>				
6270 Boat Equipment	-	-	300.00	300.00
6280 Radio Equipment	-	590.00	500.00	(90.00)
6290 Signs & Nautical Markers	-	2,020.87	1,800.00	(220.87)
<b>TOTAL OTHER SUPPLIES</b>	<b>-</b>	<b>2,610.87</b>	<b>2,600.00</b>	<b>(10.87)</b>
<b>GRAND TOTAL SUPPLIES</b>	<b>4,329.80</b>	<b>36,350.74</b>	<b>40,100.00</b>	<b>3,749.26</b>
<b>SERVICES &amp; OTHER CHARGES</b>				
<b>PROFESSIONAL SERVICES</b>				
6300 Accounting Services	450.00	4,500.00	5,400.00	900.00
6310 Grass	1,812.50	10,875.00	18,000.00	7,125.00
6320 Attorney	120.00	6,465.00	7,000.00	535.00
6325 Fish Management Survey	-	-	-	-
6330 Consulting Engineers	-	100.00	14,000.00	13,900.00
6350 Other Services	120.00	448.60	500.00	53.40
<b>TOTAL PROFESSIONAL SERVICES</b>	<b>2,502.50</b>	<b>22,386.60</b>	<b>44,900.00</b>	<b>22,513.40</b>
<b>COMMUNICATION &amp; TRANSPORTATION</b>				
6370 Phone, LDT, Pager, Voice Mail	330.16	3,033.89	3,400.00	366.11
6380 Travel	-	-	200.00	200.00
6390 Hotel	-	-	200.00	200.00
6400 Meals	-	-	100.00	100.00
6410 Subscriptions/Memberships	-	228.40	300.00	71.60
<b>TOTAL COMMUNICATION &amp; TRANSPORTATION</b>	<b>330.16</b>	<b>3,262.29</b>	<b>4,200.00</b>	<b>937.71</b>
<b>PRINTING &amp; ADVERTISING</b>				
6420 Newsletter	-	772.14	800.00	27.86
6430 Ads(Legal Notices)	-	265.64	300.00	34.36
6440 Ballots & Other Printing	-	1,242.30	1,500.00	257.70
<b>TOTAL PRINTING &amp; ADVERTISING</b>	<b>-</b>	<b>2,280.08</b>	<b>2,600.00</b>	<b>319.92</b>
<b>INSURANCE</b>				
6450 Liab, Bldg, Equip, Work Comp	-	42,796.00	35,000.00	(7,796.00)
<b>TOTAL INSURANCE</b>	<b>-</b>	<b>42,796.00</b>	<b>35,000.00</b>	<b>(7,796.00)</b>

**LAKE LEMON CONSERVANCY DISTRICT  
INCOME OVER EXPENDITURES SUMMARY  
GENERAL FUND  
For the One Month Ended October 31, 2011**

	CURRENT MONTH	2011 ACTUAL	2011 BUDGET	Positive (Negative) Budget Variance
<b>UTILITY SERVICES</b>				
6460 Electric	388.95	5,063.80	5,000.00	(63.80)
6470 Water	37.79	506.35	600.00	93.65
6480 Trash	150.82	917.73	1,000.00	82.27
6490 Port-O-Lets	-	608.00	2,400.00	1,792.00
6500 Pump Holding Tank	-	175.00	800.00	625.00
<b>TOTAL UTILITY SERVICES</b>	<b>577.56</b>	<b>7,270.88</b>	<b>9,800.00</b>	<b>2,529.12</b>
<b>REPAIR &amp; MAINTENANCE</b>				
6510 Building & Grounds	620.00	5,482.00	4,500.00	(982.00)
6520 Boat & Harvester	-	1,717.00	1,000.00	(717.00)
6530 Truck	-	-	1,500.00	1,500.00
6540 Sluice Gate Inspection	-	-	-	-
6541 Dredging Equipment	-	3,921.60	7,000.00	3,078.40
6542 Equipment Rental	-	818.50	3,500.00	2,681.50
<b>TOTAL REPAIR &amp; MAINTENANCE</b>	<b>620.00</b>	<b>11,939.10</b>	<b>17,500.00</b>	<b>5,560.90</b>
<b>DEBT SERVICE</b>				
6550 Operating Loan	-	-	-	-
<b>TOTAL DEBT SERVICE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>OTHER SERVICES &amp; CHARGES</b>				
6560 Water Testing	10.00	3,791.00	3,800.00	9.00
6570 Lake Weed Treatment	-	15,185.00	60,000.00	44,815.00
6580 Erosion Control/Matching Funds	-	-	-	-
6590 Contingency Funds 10%	-	100.00	10,000.00	9,900.00
6600 6% Marina Permit Sales	-	2,011.08	2,300.00	288.92
6610 Cumulative Maintenance Fund	-	-	5,000.00	5,000.00
6620 Dam/Spillway Inspection	-	222.50	-	(222.50)
6630 Spillway Repairs (Cum Maint Fund)	-	-	1,500.00	1,500.00
6640 Soil Testing IDEM	-	-	-	-
6660 Dredging Engineering	-	-	-	-
6661 Disposal Site Preparation	-	10,991.68	30,000.00	19,008.32
6662 Debt Service - Dredging Loan	9,639.71	38,240.07	46,000.00	7,759.93
6683 Silt Container, Barge Assembly etc	-	-	-	-
6670 Debt Service (Dredging Loan-Int.)	1,860.29	7,759.93	-	(7,759.93)
6680 Other Services and Charges	-	1,512.14	3,000.00	1,487.86
6681 Fireworks	-	6,500.00	7,000.00	500.00
6682 Ramp Repairs	-	5,575.00	6,000.00	425.00
<b>TOTAL OTHER SERVICE &amp; CHGS</b>	<b>11,510.00</b>	<b>91,888.40</b>	<b>174,600.00</b>	<b>82,711.60</b>
<b>GRAND TOTAL SERVICES &amp; CHARGES</b>	<b>15,540.22</b>	<b>181,823.35</b>	<b>288,600.00</b>	<b>106,776.65</b>
<b>OTHER CAPITAL OUTLAYS</b>				
<b>MACHINERY &amp; EQUIPMENT</b>				
6690 Office Equipment	-	-	0.00	-
6700 Computer Equip.	-	-	0.00	-
6701 Barge	-	-	0.00	-
6702 Push Boat	-	-	0.00	-
6703 Excavator & Buckets	-	7,350.00	0.00	(7,350.00)
6704 Off Road Truck	-	-	0.00	-
6705 Utility Truck	-	-	0.00	-
6710 Boat Dock	-	-	-	-
6720 Utility Vehicle	-	-	-	-
6730 Patrol Boat	-	1,900.00	-	(1,900.00)
<b>TOTAL MACHINERY &amp; EQUIPMENT</b>	<b>-</b>	<b>9,250.00</b>	<b>-</b>	<b>(9,250.00)</b>
<b>OTHER CAPITAL OUTLAYS</b>				
6730 Patrol Boat/Trailer	-	-	-	-
6740 Weed Harvester	-	-	-	-
6750 Truck Payments 12 mos.	-	-	-	-
6760 Other Capital Outlays	-	-	-	-
<b>TOTAL OTHER CAPITAL OUTLAYS</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL CAPITAL EXPENDITURES</b>	<b>-</b>	<b>9,250.00</b>	<b>-</b>	<b>(9,250.00)</b>
<b>TOTAL EXPENDITURES BUDGET</b>	<b>30,516.56</b>	<b>376,915.29</b>	<b>480,414.00</b>	<b>103,498.71</b>
<b>Excess Expenditures over Revenue</b>	<b>\$ (27,410.68)</b>	<b>\$ (30,438.63)</b>	<b>\$ (43,414.00)</b>	<b>\$ 12,975.37</b>





*Lake Lemon Conservancy District*

**RESOLUTION 11-11-07**

**WHEREAS**, it is necessary and desirable to establish and approve the District's annual fees and charges; and

**WHEREAS**, this resolution supercedes all previous fees and charges resolutions;

**IT IS THEREFORE RESOLVED AND ESTABLISHED** that the attached "2012 Fees and Charges" schedule is approved.

**PRESENTED** to the Board of Directors of the Lake Lemon Conservancy District this 16<sup>TH</sup> day of November 2011.

**ADOPTED BY THE FOLLOWING VOTE:**

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
<u>JOHN SCHELL, CHAIRMAN</u>	_____	_____
<u>BRUCE CASSAL, VICE-CHAIR</u>	_____	_____
<u>DENNIS FRIESEL, TREASURER</u>	_____	_____
<u>TIM SPECHT, Sub-Area II</u>	_____	_____
<u>MARTY MANN, Sub-Area III</u>	_____	_____
<u>PAM DUGAN, Sub-Area VI</u>	_____	_____
<u>TINA THRASHER, Sub-Area VII</u>	_____	_____

**ATTEST:** \_\_\_\_\_  
LLCD Board Recorder

7599 North Tunnel Road, Unionville, IN 47468  
Phone 812/334-0233 • Fax 812/335-0038

**Lake Lemon Conservancy District  
2012 Fees and Charges**

<b>Annual Boat Permits*</b>	<b>2012** Resident</b>	<b>2011 Resident</b>	<b>2012 Non- Resident</b>	<b>2011 Non- Resident</b>
All boats with motors 10 HP and larger	\$68.00	\$63.00	\$95.00	\$89.00
All boats with motors less than 10 HP including row boats and sail boats	\$41.00	\$38.00	\$68.00	\$63.00
Personal Water Craft	\$123.00	\$115.00	\$150.00	\$140.00
<b>Daily Boat Permits***</b>	<b>2012 Resident</b>	<b>2010 Resident</b>	<b>2012 Non- Resident</b>	<b>2010 Non- Resident</b>
All boats with motors 10 HP and larger	\$10.00	\$10.00	\$10.00	\$10.00
All boats with motors less than 10 HP including row boats and sail boats	\$7.00	\$7.00	\$7.00	\$7.00
Personal Water Craft	\$17.00	\$16.00	\$17.00	\$16.00
<b>Boat Launch (ramp) Fees - Riddle Point Park</b>	<b>2012 Resident</b>	<b>2010 Resident</b>	<b>2012 Non- Resident</b>	<b>2010 Non- Resident</b>
Daily	\$5.00	\$5.00	\$5.00	\$5.00
Annual	\$33.00	\$31.00	\$33.00	\$31.00

\*Canoes, paddleboats, and kayaks are excluded from Boat Permit Fees but are required to pay launch fees if ramp is used. Education discount – 50%.

\*\*Resident is defined as:

1. Private property owners (Freeholders) within the Conservancy District boundaries.
2. City of Bloomington Utilities (CBU) water company customers, if a copy of CBU water bill is provided at time of annual boat permit purchase.
3. Commercial, not for profit, and educational marina's wet and dry slip renters and members.

\*\*\*Sailing regatta special event daily boat permit fee – 50% discount.

<b>Fishing Tournaments</b>	<b>2012 Resident</b>	<b>2011 Resident</b>	<b>2012 Non- Resident</b>	<b>2011 Non- Resident</b>
Application Fee Per Tournament	\$25.00	\$25.00	\$25.00	\$25.00
Tournament Fee Per Boat (in addition to Daily Boat Permit)	\$1.00	\$1.00	\$1.00	\$1.00

<b>Sub-Lease Fees</b>	<b>2012 Resident</b>	<b>2011 Resident</b>
Sublease Agreement Fee (Discount of \$40 if paid by March 1 <sup>st</sup> )	\$190.00	\$190.00
Commercial Sublease Agreement Fee	\$500.00	\$500.00

**Lake Lemon Conservancy District  
2012 Fees and Charges**

<b>Commercial Marina Fees</b>	<b>2012</b>	<b>2011</b>
Annual Fee	\$1000.00	\$1000.00
Occupied Wet Boat Slips	\$75.00/slip	\$75.00/slip
Occupied PWC Slips	\$37.50/slip	\$37.50/slip
<b>Not for Profit / Educational Yacht and Sailing Club Fees</b>		
Annual Fee	\$500.00	\$500.00
Occupied Wet Boat Slips	\$37.50/slip	\$37.50/slip

<b>Riddle Point Park Fees</b>	<b>2012</b>	<b>2011</b>
Special Use Fee	\$250.00/day/event	\$250.00/day/event
Shelter Fee (+\$100.00 refundable damage deposit)	\$125.00 per day	\$125.00 per day

<b>Riddle Point Park Entrance Fees</b>	<b>2012</b> (Memorial Day Weekend to Labor Day Weekend, 7 days per week)	<b>2011</b> (Memorial Day Weekend to Labor Day Weekend, 7 days per week)
Daily Admission Fee (Mon – Fri)	\$5.00/motorized vehicle	\$4.00/motorized vehicle
Daily Admission Fee (Sat, Sun & Holidays)	\$5.00/motorized vehicle	\$5.00/motorized vehicle
Seasonal Pass Admission Fee	\$60.00/motorized vehicle	\$50.00/motorized vehicle

<b>Administrative Fees</b>	<b>2012</b>	<b>2011</b>
Public Record Copy Charge	\$0.10 per page	\$0.10 per page

<b>Barge Fees</b>	<b>2012</b>	<b>2011</b>
Dredging	\$500.00/Barge Load	\$500.00/Barge Load
Shoreline Erosion Control (Rip-Rap)	\$100.00/Hour Plus Current LLCD tonnage cost for Gabion Rip/Rap	\$100.00/Hour Plus Current LLCD tonnage cost for Gabion Rip/Rap



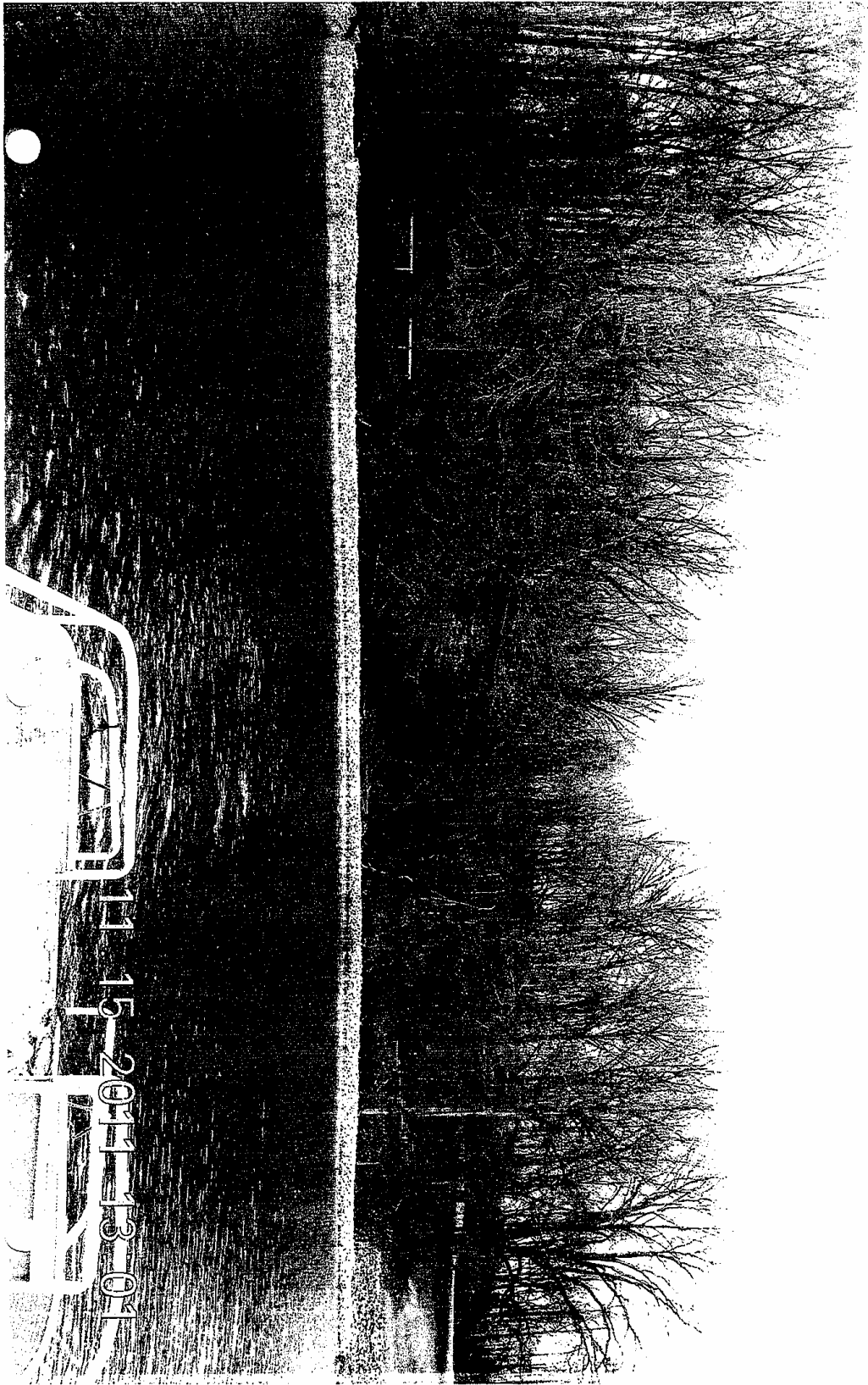
*Lake Lemon Conservancy District*

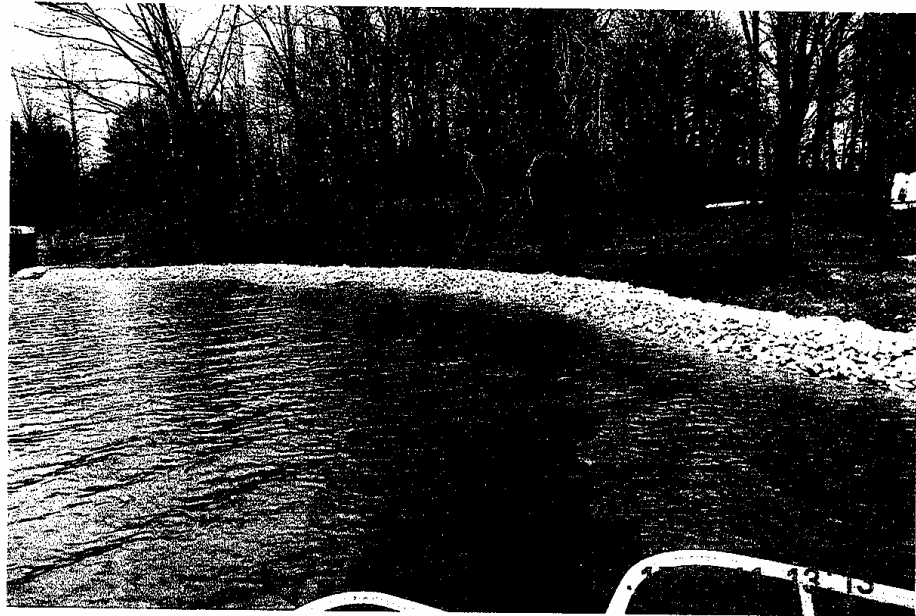
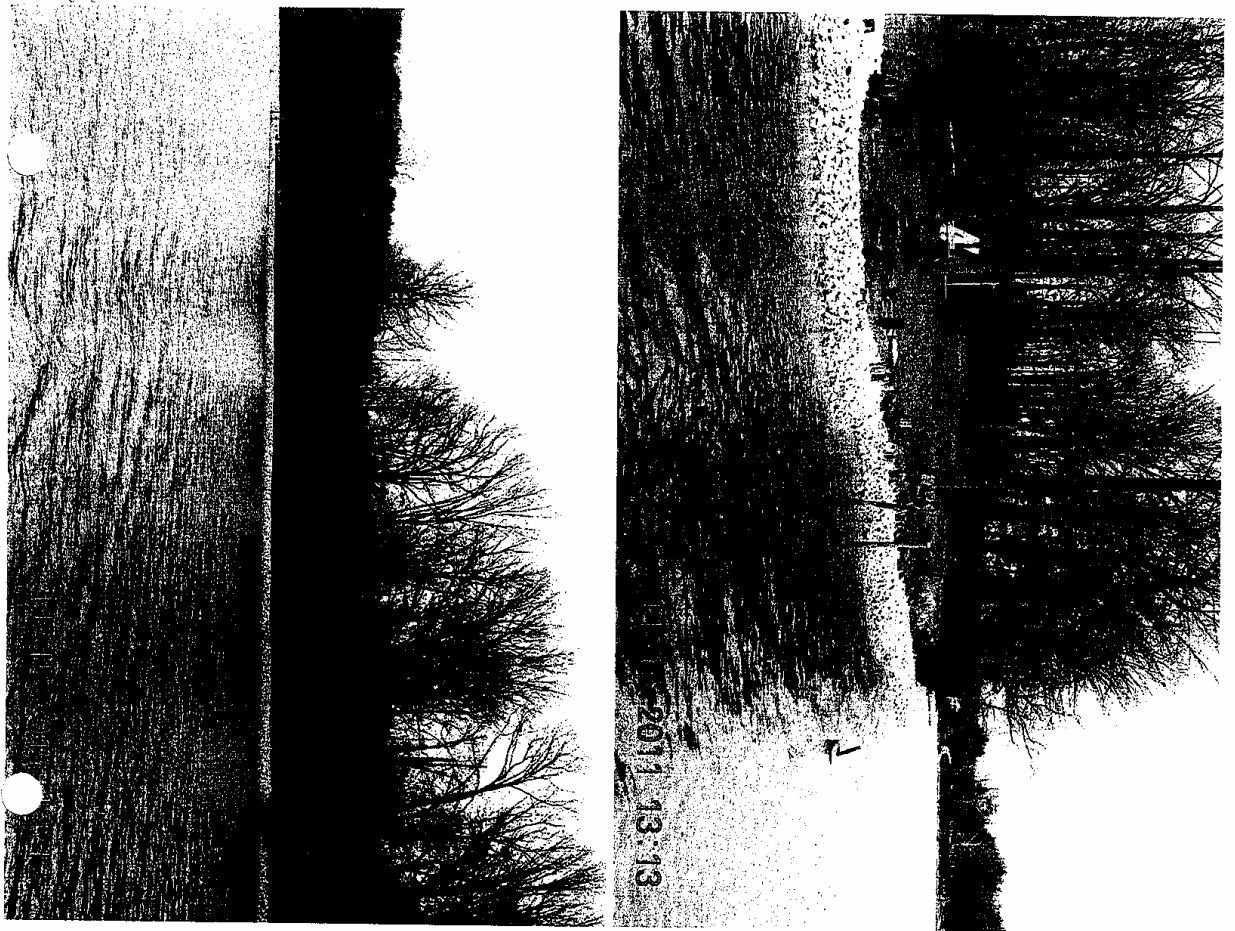
**LLCD Final 2011 Shore-Line Stabilization (Rip-Rap)  
Summary**

Service Zone (District)	Total Tons (Rip-Rap) Stone	Total Linear Feet
107 (III)	744.33	255'
114 & 115 (II)		540'

Total Cost of Rip-Rap Stone: \$9,862.37

7599 North Tunnel Road, Unionville, IN 47468  
Phone 812/334-0233 • Fax 812/335-0038







## *Lake Lemon Conservancy District*

### **BILL OF SALE**

For valuable consideration, as set forth and provided in that certain Equipment Purchase Agreement ("Agreement"), dated the 28<sup>th</sup> day of November, 2011, the receipt and sufficiency of which is hereby acknowledged, Carl Richard Payne d/b/a Payne Excavation ("Seller") hereby sells, assigns, and transfers to Lake Lemon Conservancy District ("Buyer") the D4C Wide Track Bulldozer, Year 1994, Serial Number: 9BG00508.

The undersigned hereby covenants with the Buyer that the undersigned is the lawful owner of said Bulldozer; that the Bulldozer is free and clear of all liens and encumbrances; and that the undersigned has full and good right and title to sell and transfer the Bulldozer to Buyer as provided in the Equipment Purchase Agreement.

Executed this 28th day of November, 2011.

**SELLER:**

Carl Richard Payne d/b/a Payne Excavation

338390/11820-70

7599 North Tunnel Road, Unionville, IN 47468  
Phone 812/334-0233 • Fax 812/335-0038



# Lake Lemon Conservancy District

## EQUIPMENT PURCHASE AGREEMENT

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**THIS EQUIPMENT PURCHASE AGREEMENT** is entered into this 28<sup>th</sup> day of November, 2011, by and among Carl Richard Payne, ("Payne"), and Lake Lemon Conservancy District, ("LLCD").

WHEREAS, the Lake Lemon Conservancy District is a duly authorized and existing entity by virtue of I.C. 14-33 *et seq*;

WHEREAS, the LLCD manages and operates property owned by the City of Bloomington known as Lake Lemon located in Monroe County and Brown County, Indiana;

WHEREAS, LLCD desires now to set forth the terms and conditions of the purchase of a bulldozer from Payne as set forth specifically below:

NOW, THEREFORE, in consideration of the premises and mutual covenants herein, and consideration which the parties agree is sufficient, LLCD and Payne hereby agree:

1. Sale and Purchase of Equipment. Payne agrees to sell to LLCD, free from all liabilities and encumbrances and LLCD agrees to purchase the 1994 Caterpillar D4C Wide Track Dozer Serial Number: 9BG00508 ("Bulldozer"), subject to the terms and conditions of this Agreement.
2. Purchase Price, Delivery Charges, and Manner of Payment.  

The total purchase price for the Bulldozer shall be Twenty-Eight Thousand Dollars and 00/100 (\$28,000.00) (hereinafter referred to as "Purchase Price") at Closing.
3. Date of Delivery. LLCD will be responsible for the transport of Bulldozer. Payne will provide Legal Title to the Bulldozer on the date of Closing.
4. Closing. The Closing shall take place on or before November 28, 2011 at such time and place which is mutually acceptable to the parties ("Closing Date").
5. Assumption of Liabilities. LLCD has not agreed to assume or agreed to pay, discharge or perform any liabilities, contracts, and obligations of Payne except as expressly agreed as a part of this transaction.



6. Inspection of Assets. The Bulldozer shall be available for inspection by the LLCD prior to delivery by Payne. The parties agree and understand that Seller is selling the Bulldozer in its "as is" condition and makes no warranty herein.
7. Representations and Warranties of Parties. The parties make the following representations and warranties in conjunction with this transaction:
  - a. Each party has the power to enter into this Agreement and to carry out its obligations hereunder. The execution and delivery of this Agreement and consummation of the transactions provided for herein will be binding upon execution.
  - b. Payne shall pay all personal property taxes, if any, which are due and owing, using currently, assessed rates up to the date of closing.
  - c. Payne is the owner of and will deliver to LLCD good and marketable title to the Bulldozer free from all security interests, liens and encumbrances and will execute Bills of Sale and any other transfer document necessary to convey and grant ownership of the Bulldozer to LLCD.
  - d. Payne has not entered into any other contract to sell the Bulldozer or any portion thereof.
  - e. All representations and warranties of the parties shall survive the closing and transfer of the Bulldozer contemplated hereunder.
8. Waiver of Breach. Failure of either party to exercise any right under this Agreement shall not be construed as a waiver of any breach by the party nor shall it prevent either party from enforcing strict compliance with any and all terms of this Agreement.
9. Default and Remedies. A party who breaches the terms and conditions of this Agreement shall be responsible for the attorney fees, costs, and expenses incurred by a non-breaching party to enforce the terms and conditions of this Agreement.
10. Survival. All representations, covenants, and warranties made by Payne shall survive the Closing and Date of Delivery.
11. Notice and Payment Address. All payments to Payne and any notice which may be required to be given by either party to the other hereunder shall be in writing and shall be sent by United States, postage prepaid, at the following addresses:

If to Payne: Carl Richard Payne  
1373 E. Mel Curry Road  
Bloomington, Indiana 47408

If to LLCD: Lake Lemon Conservancy District  
Attn: Robert Madden  
7599 North Tunnel Road  
Unionville, Indiana 47468

12. Miscellaneous.

- a. This Agreement constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior agreements, understandings, representations and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument signed by the party against whom the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.
- b. This Agreement shall be governed by, and construed in accordance with; the laws of the State of Indiana and any dispute shall be heard in the Monroe Circuit Courts in Bloomington, Indiana.
- c. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs or successors and permitted assigns.
- d. This Agreement may be executed in multiple counterparts, each of which shall be treated as an original.

IN WITNESS WHEREOF, the parties have executed this Equipment Purchase Agreement as of the date next to their signature.

SELLER:

Date: November 28, 2011

Carl Richard Payne  
Carl Richard Payne d/b/a Payne Excavation

BUYER:

LAKE LEMON CONSERVANCY DISTRICT

Date: November 28, 2011

By: Rolande Madden  
Its: MANAGER

This Instrument Prepared By  
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