

June 19, 2020

Stephen R. Donham  
Thrasher Buschmann & Voelkel  
151 N. Delaware Street  
Suite 1900  
Indianapolis, IN 46204  
[donham@indiana-attorneys.com](mailto:donham@indiana-attorneys.com)

VIA EMAIL

**RE: Robert and Julia Taylor - 11865 Loudoun Place, Fishers, Indiana 46037**

Mr. Donham:

The above referenced firm has been retained to represent Robert and Julia Taylor in regard to your June 19, 2020 letter. Please direct all future communications to [Brian@dehemlaw.com](mailto:Brian@dehemlaw.com).

First, on May 15, 2020, prior to the airing of the related WTHR story, Mr. Taylor sent correspondence to you directly informing you of the justification, purpose, and intended use for the wading pool at issue. Moreover, Oak Hall Homeowners Association, Inc. ("Oak Hall") prevented Mr. and Mrs. Taylor from attending any meetings regarding the pool. On June 3, 2020, you even acted in a rude and callous manner toward Mrs. Taylor when she attempted to provide additional information and suggestions for possible resolution.

Mr. and Mrs. Taylor did everything short of beg Oak Hall to listen, and Oak Hall had every opportunity to investigate and obtain additional information. Instead, Oak Hall, Kirkpatrick Management Company, Inc. ("KMC"), and Thrasher Buschmann & Voelkel decided to make unfounded allegations and threaten litigation without proper investigation, which you now tacitly admit.

To be clear, despite their repeated good faith efforts to explain the facts of the situation, Mr. and Mrs. Taylor are under absolutely no obligation to inform Oak Hall of its own rules. Instead, it is the duty of Thrasher Buschmann & Voelkel and KMC to do so; however, based upon the documented record here, both KMC and Thrasher Buschmann & Voelkel utterly failed to fulfill its duty to Oak Hall and its homeowners. In short, this embarrassing episode to Oak Hall and its homeowners was directly created by KMC and Thrasher Buschmann & Voelkel.

Now, in a heavy-handed attempt to cover up this negligence and intentional misconduct, you attempt to insert additional requirements into the applicable Covenants by way of an unnecessary settlement agreement. Mr. and Mrs. Taylor reject your offer.

As you know, pursuant to the Covenants, Oak Hall adopted specific Architectural and Landscape Design Standards, which remain applicable today. These standards include an express approval of the wading pool at issue by stating:

The [Architectural Review Board] has adopted a policy that some exterior modifications will not require approval. They include . . .  
. Portable or inflatable wading pools without filters, up to two feet in height, and located in back yards[.]

The wading pool at issue here is (1) portable, (2) inflatable, (3) less than 24 inches in height, (4) located in the backyard, and (5) without a filter. Each of these facts were certified by the City of Fishers by issuance of a “Fishers Town Development Certificate of Compliance for Child Wade Pool” provided on June 12, 2020. Again, all of this information and corresponding documentation is currently in your possession. The fact that KMC and Thrasher Buschmann & Voelkel continue to pursue this matter is nothing short of bad faith and harassment.

Here, I provide Mr. and Mrs. Taylor’s counteroffer: **Oak Hall will send correspondence indicating that it has withdrawn its prior demand to remove or alter the wading pool and will further direct counsel and its property manager to immediately cease all investigation and harassing conduct regarding the same.**

Lastly, Mr. and Mrs. Taylor love their community and their neighbors. They want nothing more than to see Oak Hall and its homeowners flourish, including HOA President Ken Juskow and all other Board Members. They believe that in addition to their own family, Mr. Juskow and the community members at-large are good and decent people who have been victimized by KMC and Thrasher Buschmann & Voelkel’s misconduct, which has brought embarrassment and unnecessary harassment upon everyone involved. It is time for this matter to come to a close.

Please govern yourself accordingly.

Very truly yours,



Brian R. DeHem

[Brian@dehemlaw.com](mailto:Brian@dehemlaw.com)

cc: Brian Kavanaugh  
Ken Juskow