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September 30, 2013

Documented Fraud Against Your Client,
the Loch Lomond Property Owners Association

Dear Mr. Nesbit:

On June 24, 2013, I mailed a letter to with the heading "Documented Organization's Use of Corporate Name and Property For Illegal Activities." They used the LLPOA's name and assets to defraud the LLPOA.

With this letter, and the enclosed copies of a postcard and a letter to the ARDC, I am once again informing you that certain individuals have defrauded your client, the Loch Lomond Property Owners Association.

The LLPOA's 1957 charter shows that the three separate subdivisions subdivided by the McIntosh company from its McIntosh Acreage, and given similar names, was a "community known as Loch Lomond" by those who incorporated the LLPOA. In a manner contrary to the LLPOA's 1957 charter by which the incorporators limited membership eligibility in the Loch Lomond Property Owners Association to those who own lots in the "community known as Loch Lomond" certain persons, without having any property rights to do so, caused a false document to be recorded so as to self-grant the right to be officers, directors, and voters in the LLPOA without being Loch Lomond Property Owners.

The LLPOA's 1961 deed to the lake shows that the LLPOA expressly accepted the lake subject to the easement rights created in the CC&Rs and other terms in the CC&Rs. The deed also shows that the LLPOA accepted the lake subject to a deed restriction by which the LLPOA agreed to not allow persons to use the Loch Lomond lake unless they are owners and/or occupants of the lots in the three Loch Lomond subdivisions identified in the recorded CC&Rs "numbered 822721, 903401 and 874973." In a manner contrary to that deed restriction, certain persons, without having any property rights to do so, caused a false document to be recorded so as to self-grant the right to use the Loch Lomond lake without being Loch Lomond Property Owners.

Since they recorded that false document in 1981, they and those who worked with them, have staged a number of mock elections in the name of the LLPOA. The charter requires annual elections and the LLPOA bylaws require that Robert's Rules be followed. For 2013, they didn't even bother to hold a mock election. No election was held in 2012 for 2013 because of a lack of a quorum. Yet in violation of the charter, the bylaws, and Robert's Rules, such persons did not schedule another election meeting but simply continued to collect money and transfer money out of the corporation's accounts without authorization.

They collectively removed money without authority from LLPOA accounts and transferred funds for unauthorized purposes. Among other things, they paid adults and teenagers to physically obstruct easement owners without lake-front properties from accessing the lake unless the easement owners agreed to be members of the LLPOA and pay money to those collecting it in the name of the LLPOA.

You are the attorney for the LLPOA. As indicated in the letter to the ARDC, certain persons posing as LLPOA directors recently distributed a legalese-sounding document which they represented was prepared by the LLPOA's attorneys. You already know that I and other informed persons will never be members of the LLPOA. As a way to continue to act against the deed restriction and the charter restriction, they apparently intend to include outside lot owners by providing a "Legal Description to be inserted" later. They represent that with the legal advice they received, they can change the Loch Lomond CC&Rs and compel all of us to be LLPOA members with an approval of 2/3rds of the lot owners rather than requiring unanimous consent.

I respectfully suggest, if you do not approve of their actions, you should promptly take action to disavow their planned actions at the upcoming meeting on October 5th and thereafter.

Sincerely,

J. G. Wahlert

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