

**REORGANIZATION COMMITTEE**  
**OF**  
**WHITE RIVER TOWNSHIP & CITY OF GREENWOOD**

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609 TREYBOURNE DR., SUITE A. GREENWOOD, IN 46142  
www.wrt-gw.org

August 14, 2009

Town of Bargersville  
Town Council  
P.O. Box 420  
Bargersville, IN 46106

**Re: Town of Bargersville's Purported White River Township Annexation**

Dear Council Members:

I am writing to follow-up on my letter of June 23, 2009 to the Town of Bargersville ("Bargersville"). As I am sure you remember, I wrote to you on behalf of the White River Township/City of Greenwood Reorganization Committee ("Reorganization Committee") and explained why Bargersville's attempt to annex a portion of White River Township is prohibited under Indiana law. Unfortunately, the Reorganization Committee has received no response from Bargersville and, by all accounts, Bargersville intends to continue with its efforts to annex outside of its jurisdictional authority without regard to applicable law.

In review, a reorganization involving White River Township and Greenwood was statutorily initiated in 2008. See Ind. Code § 36-1.5-4-9. Sometime thereafter (in 2009), Bargersville initiated an attempt to annex portions of the same area under Ordinance No. 2009-2. Under Indiana law, however, the first-in-time reorganization strips Bargersville of jurisdiction to entertain Ordinance No. 2009-2. See, e.g., Taylor v. City of Fort Wayne, 47 Ind. 274 (1874); Ensweller v. City of Gary, 350 N.E.2d 658 (Ind. Ct. App. 1976); Town of Fishers v. Hamilton County Commissioners, Cause No. 29D01-0710-PL1181 (Dec. 14, 2007). Bargersville, therefore, has no authority to consider or adopt Ordinance No. 2009-2 until the Reorganization Committee's efforts are complete.

Under the circumstances, the Reorganization Committee is hereby providing notice that **Ordinance No. 2009-2 is void** and cannot be given any effect. Indiana law provides that Bargersville's lack of jurisdiction is "not simply a defect or irregularity in the proceedings," but "there [is] an absolute want of jurisdiction of the subject-matter." See, e.g., Strosser v. City of Fort Wayne, 100 Ind. 443 (1885). The problem "can not be cured." Id. That is, Bargersville's annexation is void and cannot be fixed regardless of what steps Bargersville may take. Furthermore, neither the State of Indiana nor any of its agencies could ever treat Ordinance No. 2009-2 as being effective. By copy of this letter, we are also providing notice to applicable state and local agencies to ensure that they do not incorrectly treat Ordinance No. 2009-2 as a valid annexation.

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PATRICK SHERMAN, CPA  
DON HANLAN

DALE TUMEY  
FORREST CHAMBERS

PAUL REED

DAVID PAYNE  
DR. ERIC KAPKE

Despite Bargersville's apparent attempt to force through a void annexation, the Reorganization Committee remains open to working amicably with Bargersville. Please contact me at your earliest convenience if Bargersville has any interest in discussing how to move forward in the interest of the community.

Sincerely,



Patrick A. Sherman, CPA

cc: Via Certified Mail:  
Johnson County Auditor  
Johnson County Circuit Court Clerk  
Johnson County Board of Voter Registration  
Indiana Secretary of State  
Indiana Office of Census Data  
Johnson County Recorder  
Indiana Department of Local Government Finance