

**STATE OF INDIANA
IN THE MARION COUNTY SUPERIOR COURT 10
CAUSE NO.: 49D10 2002 PL 006192**

STATE OF INDIANA

Plaintiff,

vs.

WILDLIFE IN NEED AND
WILDLIFE IN DEED, INC.,
TIMOTHY STARK, and
MELISA LANE,

Defendants.

NOTICE TO COURT

Intervenor, Christina Densford, by counsel, **Bauer & Densford**, provides this *Notice to Court* in compliance with demands tendered by the State of Indiana as follows:

1. Christina Densford, as a former Board Member of Defendant, Wildlife in Need and Wildlife in Deed, Inc., participated in a meeting conducted on September 22, 2020 at which time the Board of Directors voted unanimously to dissolve the Corporation. A true and accurate copy of the *Board Resolution* is attached as Exhibit "A".

2. Christina Densford tendered her formal *Resignation* as Vice President and Member of the Board of Directors of Defendant, Wildlife in Need and Wildlife in Deed, Inc., effective October 1, 2020. A true and accurate copy of the *Resignation* is attached as Exhibit "B".

3. Christina Densford received a *Subpoena for Attendance at Sanctions Hearing* requiring her attendance to give testimony on November 4, 2020 at 9:00 a.m. in the Marion County Superior Court 10. A true and accurate copy of the *Subpoena for Attendance at Sanctions Hearing* is attached as Exhibit "C".

4. The Office of Attorney General acting through its Counsel, tendered written demand upon Christina Densford dated October 15, 2020 requiring as follows:

1. On or before October 30, 2020, Wildlife in Need and Wildlife in Deed, Inc. shall file its Articles of Dissolution with the Indiana Secretary of State and Certify to the Court that it is dissolving and attached the Articles of Dissolution filed with the Secretary of State to the certification.
2. In addition, on or before October 30, 2020, Wildlife in Need and Wildlife in Deed, Inc. shall indicate its agreement in writing sent to the State and the Court of a Receiver by the Court for the purpose of winding down and dissolving WIN, including by turning over all of its assets to the Receiver.

A true and accurate copy of Correspondence from the Office of the Attorney General dated October 15, 2020 is attached as Exhibit "D". Pursuant to Rule 408 of the Indiana Rules of Evidence, Exhibit D is offered for the exclusive purpose of demonstrating compliance with the demands of the Office of the Attorney General and is not tendered to prove liability or the validity of any claims.

5. In compliance with the demands of the Office of the Attorney General, the remaining Board Members of Wildlife in Need and Wildlife in Deed, Inc., convened on October 27, 2020 and filed Articles of Dissolution with the Indiana Secretary of State and agreed to the appointment of a Receiver by the Court. A true and accurate copy of the Board Resolution dated October 27, 2020, together with the Articles of Dissolution filed with the Indiana Secretary of State are attached collectively as Exhibit "E".

WHEREFORE, Intervenor, Christina Densford, by counsel, requests the Court to accept the *Notice to Court*; to include the *Notice to Court* and Exhibits as part of the record of proceedings in this litigation; and for all other proper relief.

BAUER & DENSFORD

/s/ Thomas E. Densford
Thomas E. Densford, # 13955-64

CERTIFICATE OF SERVICE

The undersigned hereby certifies pursuant to Rule 5 of the Indiana Rules of Trial Procedure that a copy of the foregoing motion or pleading was served via E-Filing or by United States First Class Mail, postage prepaid, upon all parties or their counsel of record this 29th day of October, 2020, to:

Philip G. Rizzo
Michelle Anne Alyea
Scott Leroy Barnhart
Justin Gabriel Hazlett
Cory C. Voight
Tamara Lauren Weaver
Office of Attorney General
VIA Electronic E-filing System

Kathy L. Osborn
Faegre Drinker Biddle & Reath LLP
VIA Electronic E-filing System

Wildlife in Need and Wildlife in Deed, Inc.
3320 Jack Teeple Road
Charlestown, IN 47111

Melisa Lane
1927 Harmony Circle
Charlestown, IN 47111

Timothy Stark
3320 Jack Teeple Road
Charlestown, IN 47111

/s/ Thomas E. Densford
Thomas E. Densford, # 13955-64

BAUER & DENSFORD
Attorneys at Law
608 W. Third Street
Post Office Box 1332
Bloomington, IN 47402-1332
(812) 334-0600

**STATE OF INDIANA
IN THE MARION COUNTY SUPERIOR COURT 10
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STATE OF INDIANA

Plaintiff,

vs.

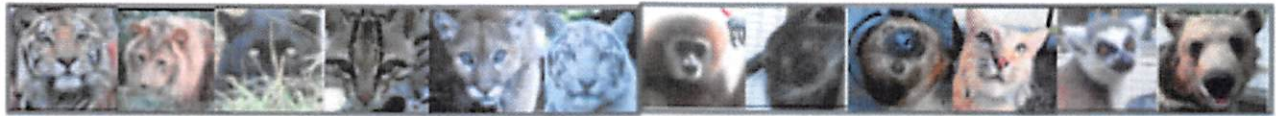
WILDLIFE IN NEED AND
WILDLIFE IN DEED, INC.,
TIMOTHY STARK, and
MELISA LANE,

Defendants.

NOTICE TO COURT

EXHIBIT A

Board Resolution of
Wildlife in Need and Wildlife in Deed, Inc.
dated September 22, 2020



Wildlife in Need, Inc.

3320 Jack Teeple Road Charlestown, IN 47111
Nonprofit 501c3 (812) 256-3894 WildlifeinNeed@aol.com

9/22/2020

Wildlife In Need & Wildlife In Deed, Inc. is a 501c3 nonprofit organization which possessed some of the world's most rare, threatened, endangered and majestic animals through rescues, purchases, and responsible captive breeding in order to exhibit and educate the public on the importance of conservation and preservation of these animals, their environments and habitats. We also provided rehabilitation and release to injured and orphaned indigenous wildlife including mammals, reptiles, and raptors in our community.

At the request of Tim Stark, the current Board of Directors of Wildlife In Need & Wildlife In Deed, Inc. met to consider his proposal to dissolve the corporation. We voted unanimously to dissolve the corporation.

Christina Densford
Elizabeth Kochert
Susan Lewis
Jeanie Bowyer
Chad Holsinger
Max Strong
Rhonda Stark

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Plaintiff,

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WILDLIFE IN NEED AND
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TIMOTHY STARK, and
MELISA LANE,

Defendants.

NOTICE TO COURT

EXHIBIT B

Resignation of Christina Densford dated October 1, 2020



Wildlife in Need, Inc.

3320 Jack Teeple Road Charlestown, IN 47111 (812) 256-3894
WildlifeinNeed@aol.com Nonprofit 501c3

10/1/2020

Dear Tim and WiN's Board Members,

Let this letter serve as my formal resignation as Vice President and member of the Board of Directors at Wildlife in Need and Wildlife in Deed, Inc., effective today. My tenure as a volunteer began in 2007 and as a Board member and Vice President since 2009.

My duties included:

- routine animal care
- assisting in enclosure and storage maintenance
- training of volunteers on site (2009-2014)
- facilitating communications with volunteers
- developing nutrition-enrichment forms
- working with a team to maintain WiN's online presence

As it has been two weeks since all animals have been removed from the property and as I am no longer in communication with our CEO, there is very little function that I can serve moving forward.

Sincerely,

Christina Densford

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Defendants.

NOTICE TO COURT

EXHIBIT C

Subpoena for Attendance at Sanctions Hearing

**STATE OF INDIANA
IN THE MARION COUNTY SUPERIOR COURT 10**

CAUSE NO. 49D10-2002-PL-006192

STATE OF INDIANA

Plaintiff,

v.

**WILDLIFE IN NEED AND
WILDLIFE IN DEED, INC.,
TIMOTHY STARK, and
MELISA LANE,**

Defendants.

**SUBPOENA FOR ATTENDANCE
AT SANCTIONS HEARING**

The State of Indiana to: **Christine Densford
3308 River View Drive
Jeffersonville, IN 47130**

The State of Indiana, by Attorney General Curtis T. Hill, Jr. and Director of Complex Litigation Cory C. Voight, issues this subpoena requiring your attendance at the Sanctions Hearing to provide testimony in the above-entitled cause. You are commanded to attend and give testimony on November 4, 2020 at 9:00 a.m. in the Marion County Superior Court 10, located at 200 E Washington Street, Indianapolis, IN 46204 on the 14th floor of the Center Tower.

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Plaintiff,

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WILDLIFE IN NEED AND
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TIMOTHY STARK, and
MELISA LANE,

Defendants.

NOTICE TO COURT

EXHIBIT D

Correspondence from the Office of the Attorney General
dated October 15, 2020



STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
302 WEST WASHINGTON STREET | INDIANAPOLIS, IN 46204-2770
www.AttorneyGeneral.IN.gov

CURTIS T. HILL, JR.
INDIANA ATTORNEY GENERAL

TELEPHONE: 317.232.6201
FAX: 317.232.7979

October 15, 2020

Christina Desnford
3308 River View Drive
Jeffersonville, IN 47130

RE: *State of Indiana v. Wildlife in Need and Wildlife in Need, Inc., Timothy Stark, Melisa Lane*
Cause Number: 49D10-2002-PL-006192 – Rule 408 Letter

Dear WIN Board of Directors:

The State currently has ample grounds under the Indiana Nonprofit Corporation Act to request the appointment of a receiver to recover and liquidate WIN's assets, and to add the WIN Board of Directors individually as Defendants. The State became aware that the Board voted to dissolve WIN on September 22, 2020. The decision, however, does not suspend or abate the pending proceeding and does not alter the standards of conduct applicable to officers and directors of WIN. Ind. Code § 23-17-22-5. The State has considered the possibility of adding Jessica Amin, Christina Densford, Max Strong, Susan Lewis, Rhonda Stark, Beth Kochert, Jeanie Bowyer, and Chad Holsinger as Defendants. Abdication of the Board's fiduciary responsibilities – as detailed below – may warrant the State pursuing each of the aforementioned Board members in their personal capacities as they may be liable for Tim Stark's unlawful distributions from WIN to himself. This letter is an attempt to resolve the matter as it relates to WIN short of further action against current or former Board members.

An essential difference between a for-profit corporation and a nonprofit corporation is that profits made by a nonprofit may not be distributed to shareholders. The Nonprofit Corporation Act states in unequivocal terms that a nonprofit "corporation may not make distributions" (Ind. Code § 23-17-21-1), where a "distribution" is "a direct or an indirect transfer of money or other property or incurrence or transfer of indebtedness by a corporation to or for the benefit of a person." Ind. Code § 23-17-2-10(a). WIN has regularly made "distributions" to Tim Stark, in violation of this prohibition with the assent of the Board of Directors. Nonprofit corporations are further prohibited from misapplying or wasting assets. Ind. Code § 23-17-24-1. The considerable and repeated use of corporate funds for Tim Stark's personal benefit as well as for purposes unrelated to WIN's mission constitutes misapplication and waste of corporation assets. The State has an abundance of evidence showing Tim Stark using WIN corporate assets for his own personal benefit for years. Board members who assent to unlawful distributions are personally liable monetarily for the value of the unlawful distributions. Ind. Code § 23-17-13-4. The State has evidence showing the amount of unlawful distributions from WIN to Stark totals at least several hundreds of thousands of dollars.

Discovery to date includes ample evidence of the above misdeeds. Tim Stark and Melisa Lane paid their property taxes with WIN money in the amount of \$636.40 on 10/29/19 and \$2,032.56 on 11/1/19 from WIN's New Washington State Bank account. Tim Stark uses WIN corporate funds to



STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL

CURTIS T. HILL, JR.
INDIANA ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
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TELEPHONE: 317.232.6201
FAX: 317.232.7979

pay for his attorney, Micah Ayache, in an Oklahoma lawsuit brought by Tim Stark, personally, against Jeff Lowe, in an amount of at least \$6,363.12 from WIN's New Washington State Bank account. Tim Stark's personal credit card statements, along with WIN's New Washington State Bank account statements paint a picture of an individual running wild with corporate funds. Dozens of records in 2019 and 2020 alone show Tim Stark using corporate funds, including federal emergency COVID-19 loan funds, to make payments on his personal Chase and Discover credit cards as well as WIN's Elan credit card. The credit cards have been used for non-WIN purposes. The amount of emergency loan funds used to pay off these credit cards totals over \$50,000. Wildlife in Need's PayPal account, which is funded by WIN, has also been used by Tim Stark to purchase items that have no connection to WIN's mission.

The examples above are just the tip of the iceberg. We have direct evidence from bank records obtained through discovery showing payments from WIN's NWSB account to known animal traffickers. Yet we have Stark's testimony in a deposition for PETA that he, not WIN, owns all of the animals at WIN; he claims in his lawsuit against Jeff Lowe to own the animals subject to that suit; and Stark has represented repeatedly to the Court that the animals belong to him personally. Ultimately, Tim Stark has unlawfully used WIN money to purchase animals in hopes of keeping the animals for himself.

Additionally, Stark's failed business venture with Jeff Lowe in Oklahoma was funded with money from WIN. We have witnesses who will testify that Stark took equipment from WIN to Oklahoma to start a for-profit zoo with Jeff Lowe; this was equipment that was purchased with money from WIN. Additionally, there are an abundance of charges in Oklahoma for gas, restaurants, and stores such as Best Buy, on the personal credit card statements referenced above from the dates we know Stark was there for his business venture with Lowe. This venture, including the removal of animals, equipment and other property from WIN to Oklahoma was done without the approval, or even a meeting of, the Board of Directors.

We also have Stark on video from the March 6, 2020 inspection, stating that he takes the cash visitors pay to have their pictures taken with animals and uses it to make cash purchases without depositing it in WIN's bank account or otherwise formally accounting for it.

In sum, Board members- who owed a fiduciary duty to oversee WIN and not allow for unauthorized use of WIN assets- allowed Tim Stark to remove animals and equipment belonging to WIN to Oklahoma; they allowed Stark to pay for his personal credit cards with money from WIN; they allowed Stark to purchase animals with WIN's money and claim the animals as his own; they allowed Stark to keep cash paid for photographs with animals at shows without accounting for it; and they failed to intervene in the lawsuit filed by Stark for the return of the animals in Oklahoma to WIN. The Board members' failure to recover for WIN assets which Stark has misappropriated for personal uses including his unapproved WIN-funded Oklahoma venture constitutes a grave failure of the Board members to abide by their fiduciary duties and amounts to acquiescence to Stark's misappropriation.



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OFFICE OF THE ATTORNEY GENERAL

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INDIANA ATTORNEY GENERAL

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Based on the evidence the State has, the Board of Directors was either ignorant of Tim Stark's actions, which show a grave lack of oversight, severe inability to govern, and failure to uphold their fiduciary duties, or they were aware of Tim Stark's actions in using corporate funds for his personal benefit, showing at the bare minimum an inability to govern as well as a clear breach of their fiduciary duties in their assent and approval of his actions. In lieu of adding the current or former Board members as defendants in this matter, the State demands as follows:

1. On or before October 30, 2020, Wildlife in Need and Wildlife in Deed, Inc. shall file its Articles of Dissolution with the Indiana Secretary of State and certify to the Court that it is dissolving and attaching the Articles of Dissolution filed with the Secretary of State to the certification.
2. In addition, on or before October 30, 2020, Wildlife in Need and Wildlife in Deed, Inc. shall indicate its agreement in writing sent to the State and the Court to appointment of a Receiver by the Court for the purpose of winding down and dissolving WIN, including by turning over all of its assets to the Receiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Voight".

Cory Voight
Director of Complex Litigation
Office of Attorney General Curtis Hill

A handwritten signature in black ink, appearing to read "Scott Barnhart".

Scott Barnhart
Chief Counsel and Director
Consumer Protection Division
Office of Attorney General Curtis Hill

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Plaintiff,

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WILDLIFE IN NEED AND
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TIMOTHY STARK, and
MELISA LANE,

Defendants.

NOTICE TO COURT

EXHIBIT E

Board Resolution of Wildlife in Need and Wildlife in Deed, Inc., dated October 27, 2020,
together with the Articles of Dissolution



Wildlife in Need, Inc.

3320 Jack Teeple Road Charlestown, IN 47111
Nonprofit 501c3 (812) 256-3894 WildlifeinNeed@aol.com

10/27/2020

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, IN 46204-2770

Re; State of Indiana v. Wildlife in Need and Wildlife in Deed, Inc., Timothy Stark, Melisa Lane
Case Number: 49D10-2002-PL-006192

Dear Mr. Voight and Mr. Barnhart,

As requested in the letter dated 10/15/20 from Messrs. Voight and Barnhart, and in lieu of adding current or former Board members as defendants in state's case against Wildlife in Need and Wildlife in Deed, Inc., the Board has:

- 1) filed the attached Articles of Dissolution with the Secretary of State before October 30, 2020, and,
- 2) the Board is agreeable to the appointment of a Receiver by the Court for the purpose of liquidating WIN's fixed assets and dissolving the corporation.

on behalf of the remaining Board Members of Wildlife in Need, Inc.

Tim Stark
Elizabeth Kochert
Chad Holsinger
Susan Lewis
Rhonda Stark



ARTICLES OF DISSOLUTION OF A DOMESTIC NONPROFIT CORPORATION

State Form 39080 (R10 / 11-17) / Corporate Form 364-5
Approved by State Board of Accounts, 2017

Indiana Code 23-17-22-3
23-0.5-8-17

FILING FEE: \$30.00

The undersigned officer of the Indiana Nonprofit Corporation named in Article I below (hereinafter referred to as the "Corporation") desiring to give notice of corporate action effectuating the dissolution of the Corporation pursuant to the provisions of the Indiana Nonprofit Corporation Act of 1991 (hereinafter referred to as the "Act"), certifies the following facts.

ARTICLE I - CORPORATE NAME

Name of corporation

Wildlife in Need and Wildlife in Deed, Inc.

ARTICLE II - DATE OF INCORPORATION

Date of incorporation (month, day, year)

8/13/1999

ARTICLE III - AUTHORIZATION

Dissolution was authorized (pursuant to Indiana Code 23-17-22-2) on (month, day, year)

9/22/2020

ARTICLE IV - APPROVAL OF BOARD OF DIRECTORS

Dissolution was approved by a sufficient vote of the Board of Directors.

☒ Yes ☐ No

ARTICLE V - APPROVAL OF MEMBERS

IF APPROVAL OF MEMBER WAS NOT REQUIRED:

Dissolution was approved by a sufficient vote of the Board of Directors.

☒ Yes ☐ No

Dissolution was approved by a person other than the members, and that approval pursuant to Indiana Code 23-17-22-2(b)(3) was obtained.

☐ Yes ☐ No

IF APPROVAL OF MEMBERS WAS REQUIRED, A OR B MUST BE COMPLETED:

A. VOTES CAST FOR OR AGAINST DISSOLUTION:	TOTAL	MEMBERS OR DELEGATES ENTITLED TO VOTE AS A CLASS		
		A	B	C
MEMBERS OR DELEGATES ENTITLED TO VOTE				
MEMBERS OR DELEGATES VOTED IN FAVOR				
MEMBERS OR DELEGATES VOTED AGAINST				
B. FOR USE WHEN VOTES ARE UNDISPUTED:	TOTAL	MEMBERS OR DELEGATES ENTITLED TO VOTE AS A CLASS		
		A	B	C
MEMBERS OR DELEGATES ENTITLED TO VOTE				
TOTAL NUMBER OF UNDISPUTED VOTES				

In witness whereof, the undersigned being the Elizabeth Kochert of said Corporation, hereby executes
(Title)

these Articles of Dissolution and verifies, subject to penalties of perjury, that the statements contained herein are true,

this 27th day of October, 20 20.

Signature Elizabeth Kochert

Printed name
Elizabeth Kochert

NOTE: Notice of Voluntary Dissolution must be filed with the following State agencies: The Unclaimed Property Section of the Attorney General of Indiana (IC 32-34-1-25); the Department of Revenue (IC 6-8.1-10-9); and the Indiana Department of Workforce Development (IC 22-4-32-23). Clearances from these agencies are no longer necessary.

Indiana Department of Revenue
Compliance Division
100 N. Senate Ave., Rm. N203
Indianapolis, IN 46204
Telephone: (317) 232-2118

Indiana Attorney General, Unclaimed Property
PO Box 2504
Greenwood, IN 46142
Telephone: (866) 462-5246
E-mail: UPD@atg.in.gov

Indiana Department of Workforce Development
Employers Audit Section
10 N Senate Ave
Indianapolis, IN 46204
Telephone: (317) 232-6348