

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAR 17 2008

Douglas Swells
CLERK SUPERIOR COURT

In the Superior Court
of Forsyth County
State of Georgia

Michael D. Peck on Behalf of)
Himself and All Homeowners) Civil Action
Adjacent to Lanier Golf Club) File Number 07CV-2147
f/k/a Canongate on Lanier)
Golf Club,)
 Plaintiffs,)
v.)
Lanier Golf Club, Inc.,)
 Defendant.)

Historical Affidavit
of Carol A. McGregor

State of Georgia
County of Forsyth

Personally appeared before the undersigned attesting officer
comes Carol A. McGregor who states under oath as follows:

1.

My present legal name is Carol A. McGregor and my address is 1605
Dogwood Drive, Cumming, Georgia 30041.

2.

The information presented in this document is given as a summary

MSD

of events that occurred between 1973-1989 that pertain to what is now Lanier Golf Course, and the development of the land around the Golf Course. It is given to the best of my knowledge and current recollection.

3.

In June of 1973, I moved to Forsyth County, Georgia with my then husband Andrew B. McGregor. This was shortly after Andy took the job as project manager for the Lanier Beach South condominium development. At that time, American Resorts was developing the condos. This development was on Lake Lanier just north of Buford Dam Rd. and less than a mile from the Canongate-on-Lanier Golf Club.

4.

We moved into a home on Mable Lake Drive, which was about three miles west of the Golf Club and just off Sanders Rd.

5.

After our move to Cumming we joined several civic organizations and became friends with Jack & LaRose Manton, and our neighbors Jane & Royce Andersen.

6.

Royce was the current project manager for the Habersham on Lanier Development which was being developed by his long-time friend, Billy Martin, President of UniCity, Inc.

7.

I met Billy and his wife, Barbara, on numerous social occasions

both at Royce's house as well as the Golf Club, where Andy and I had a social membership.

8.

At the time we moved to Cumming, I had a toddler. Shortly thereafter, I became pregnant with my second son. Because of my responsibilities as a mother, I was not able to be involved with Andy in his business. Therefore, my knowledge is somewhat limited as to the daily activities of either American Resorts or UniCity. However, I was well aware of the recession that was happening in the real estate market which precipitated the bankruptcies of both American Resorts and UniCity. Below I have listed some of the facts of which I do have knowledge.

9.

Billy Martin, under UniCity, had acquired about 1000 acres of property in Forsyth County. He built the Golf Course, Habersham Marina, and started the Habersham housing development off Nuckolls Rd.

10.

The Course was actually built by Rocky Roquemore, owner of Patton Seed Company. Mr. Roquemore owned several other golf courses on the south side of Atlanta. Mr. Roquemore had an agreement with Billy to allow reciprocal play at the other courses he owned.

11.

The Club was the only Golf Course in Forsyth County at the time and it was an active part of the Cumming community. As an example, it hosted many of the local civic clubs.

CW

12.

Because of the Oil Embargo in 1974, the real estate market was very depressed. Lanier Beach Condo development was foreclosed on and UniCity was also in default.

13.

I was not privy to all the agreements that were made with different investors and lenders by Mr. Martin at that time, but subsequent events did give me some insights.

14.

In 1974, Andy's job was eliminated and he went to work for Phipps Land Company.

15.

In 1976, he was hired by Cousins Properties as VP of Industrial Development.

16.

In 1976, we bought the Campground owned by American Resorts and Andy formed Outdoor Development Corp., of which he was sole stockholder. I worked for Andy by doing bookkeeping and other administrative tasks since he had another full-time job.

17.

While Andy was working at Cousins, he was made aware of the fact that CMEI (Cousins Mortgage and Equity Investments) had acquired, through the foreclosure process, approximately 180 acres of land that had been part of the UniCity Development.

18.

The original planned development of UniCity included tracts or pods in the middle of the golf course as well as tracts surrounding the golf course. All commercial property was along Buford Dam Road or at the marina. These tracts were intended to be developed as single family lots according to the plan that UniCity gave to CMEI and CMEI consequently gave to Arasom. The tracts acquired by Arasom from CMEI included UniCity land in the middle of the golf course and along the north, east, south and southwest side, as well as a tract on the lake which was north of the Buford Dam Rd. Only the property to the west and northwest side (off Nucholls Road) and called the Habersham Development was actually developed by Billy Martin prior to UniCity's liquidation, although a land plan was developed for the entire project.

19.

Because of all the complicated negotiations regarding land swaps, it took Andy over a year to work out agreements for the transfer of these properties. I believe these transfers were in the 1978/1979 time frame. At the time, Andy was working with David Loughlin, another employee of Cousins. Eventually, the property was sold to a group of investors headed by Dr. Juergen Burkhardt of Munich, Germany.

20.

Dr. Burkhardt formed an offshore entity known as Arasom, Inc. to receive the property owned by CMEI. Andy was hired as their development manager. He introduced Juergen to attorney Emory Lipscomb. Mr. Lipscomb handled all the local legal needs of the company, while Outdoor Development Corp. handled development and sales for the company.

21.

Unfortunately, just after development commenced, another economic downturn occurred with interest rates going to unprecedented heights. This project, which was called at that time, The Canongate-on-Lanier Subdivision, barely held on. However we were able to sell a few of the early developed lots.

22.

In 1984, Andy left me and his children to start a new life with a younger woman in Florida. By default, I inherited the relationship with Arasom that Andy had in the past.

23.

With Emory Lipscomb's help, I formed my own company and called it Outdoor Development and Construction Corp ("ODCC"). Andy's company was dissolved, and a new development contract was rewritten with Arasom. Arasom later dissolved and reformed itself as two Delaware LLCs, Cumming Investments I and Cumming Investments II.

24.

I continued ODCC until 1989, by which time I had finished the development and sales for these two new entities.

25.

I am well aware that different parts of the original UniCity development went back to different investors or lenders.



26.

Dr. Mark Mashburn took back a part that later became the Haw Creek Development. Another lender took a part that was later partly sold to John Weiland, and the commercial property to Charlie Tuller.

27.

Just prior to the settlement, Jack Manton acquired the Habersham Marina, the property between it, and Buford Dam Rd. It was my understanding that it was then that Mr. Roquemore also got the full title to the Golf Course.

28.

In the negotiations with the purchase of the property from CMEI, Andy, on behalf of Arasom, arranged for the swap of some land from Roquemore and the CMEI tract to the mutual benefit of both.

29.

During my tenure in development for Arasom, Jack Manton and George Bagley, Jr., purchased the Golf Course from Mr. Roquemore.

30.

They terminated all memberships with the current members and began selling memberships at a much higher rate.

31.

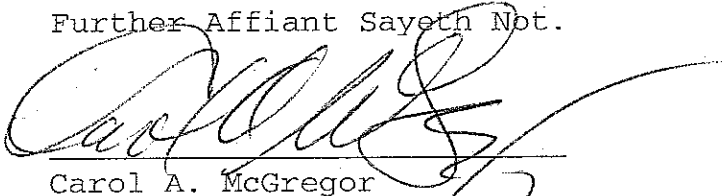
I sold several tracts to the Golf Course, some to Mr. Roquemore, and some later to Jack and George. This included the property where the driving range is now located. It also includes some

land on Samples Road that was later developed and sold as lots by Jack and George.

32.

My attention has been directed to the fact that this Affidavit will be relied upon as testimony in this matter by this Honorable Court.

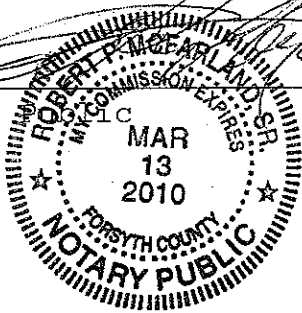
Further Affiant Sayeth Not.



Carol A. McGregor

Sworn to and subscribed before me this 17 day of March, 2008.

Notary



Certificate of Service

This is to certify that I have this day duly served opposing counsel with a true and accurate copy of the Historical Affidavit of Carol A. McGregor in a manner prescribed by law by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Andrea Cantrell Jones
Dillard & Galloway, LLC
Suite 760
3500 Lenox Road
Atlanta, Georgia 30326

This 17th day of March, 2008.



Robert P. McFarland, Sr.