

In the Superior Court  
of Forsyth County  
State of Georgia

FORSYTH COUNTY GEORGIA  
FILED IN THIS OFFICE

FEB 25 2008

*Douglas Daniels*  
CLERK SUPERIOR COURT

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. )

Affidavit of Gerald Sullivan in Support of  
Plaintiff's Proposed Class Certification

State of Georgia  
County of Forsyth

Personally appeared before the undersigned attesting officer  
comes Gerald Sullivan who states under oath as follows:

1.

My present legal name is Gerald Sullivan and my address is 3408  
Habersham Club Court, Cumming, Georgia 30041.

2.

I am a homeowner of real property adjacent to Lanier Golf Club  
("Golf Course<sup>1</sup>").

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<sup>1</sup> All references to Golf Course is to an 18 hole  
championship golf course and not any type of course that is less  
than 18 holes.

3.

The purpose of this affidavit is to support the motion of Michael D. Peck ("Mr. Peck") to certify the class of other similarly situated homeowners around the Golf Course.

4.

I believe that the other similarly situated homeowners around the Golf Course would be so numerous as to make it impracticable to bring all these persons before the court except in this one pending case.

5.

Michael Peck's interest in this matter is similar to mine and the others who live around the golf course. I believe he would make decisions that would be fair to all the persons that live around the golf course.

6.

I also believe that any contested issues of fact in Mr. Peck's case would be the same contested issue of fact for my other neighbors on the Golf Course.

7.

Any claims that my neighbors on the Golf Course may have would be similar to the claims of Mr. Peck.

8.

I believe that Mr. Peck will adequately represent the interest of this class.

9.

Any claims that my neighbors on the Golf Course may have would be similar to the claims of Mr. Peck. As an example, the persons who live around the Golf Course will all suffer similar losses if the Golf Course is developed for high density housing. The value of a Golf Course Home or a home adjacent to parkland property has considerably lower value than current status, and lower appreciation in the future. This has been documented by the lowering of prices and empty lots since the action by the owners to rezone the property for development - totally distinct from, and irrespective of, any valuation due to current market and economic conditions.

10.

As set out above, I believe that Mr. Peck will adequately represent the interest of this class. I believe that Mr. Peck will provide information to us as to his position on pending matters and I have confidence in him that he will support the objectives of the class. Specifically, I believe that he will work to make sure that no action to rezone the Golf Course Property to a status that would permit development of residential or commercial housing would be allowed. In the alternative, I believe that Mr. Peck would make every effort to ensure that we receive a fair and proper compensation for the negative impact and long-term financial harm such a development might cause.

11.

I have personal knowledge that the golf course owners have stated that they intend to sell their property and the new owners are proposing the elimination of the golf course in favor of a massive residential development. If the course were eliminated each of the property owners adjacent to the course would lose

<sup>718 Hole</sup>  
their premium status as a "golf course lot" and suffer a loss in property value with no offsetting benefit from the proposed development.

12.

<sup>18 hole</sup> I am of the opinion that all of the properties adjacent to the golf course would lose property value if the land, <sup>(in part or in whole)</sup> were developed as proposed.

13.

I bought a vacant lot and built my house. The main reason I bought that lot was that it has a beautiful <sup>18 Hole Championship</sup> golf course view and I paid a premium for that view. I could have purchased other non golf course lots for much less. Since that time I have been assessed higher and pay higher property taxes than my neighbors who have similar homes but without golf course views.

14.

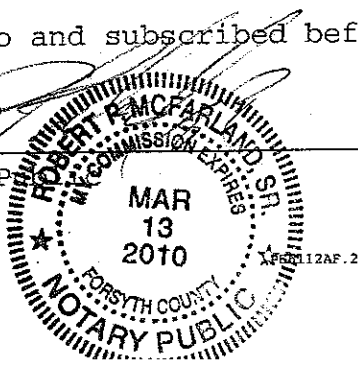
My attention has been directed to the fact that this Affidavit will be relied upon as testimony in this matter by this Honorable Court.

Further Affiant Sayeth Not.

Gerry Sullivan  
Gerry Sullivan

Sworn to and subscribed before me this 22 day of February, 2008.

Notary Public



## Certificate of Service

This is to certify that I have this day duly served opposing counsel with a true and accurate copy of the attached affidavit 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 25 day of February, 2008.



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Robert P. McFarland, Sr.