

FORSYTH COUNTY GEORGIA  
FILED IN THIS OFFICE

FEB 25 2008

*Rouglas Donnell*  
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.                        )

Affidavit of John Henry Allen in Support of  
Plaintiff's Proposed Class Certification

State of Georgia  
County of Forsyth

Personally appeared before the undersigned attesting officer  
comes John Henry Allen who states under oath as follows:

1.

My present legal name is John Henry Allen and my address is 2565  
Fairview Drive, Cumming, Georgia 30041.

2.

I am an homeowner of real property adjacent to Lanier Golf Club  
("Golf Course").

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.

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.

6.

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

7.

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

8.

The owners whose homes touch the golf course all stand to lose the most if the property changes from golf course to high density development. The loss is in actual value of their property and the loss of the view they paid a premium for when they purchased

their property. Not to mention the disruption of the serene atmosphere we enjoy in our back yards.

9.

Likewise, 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 that 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.

I know that recent property sold way below normal market with just the uncertainty of what may happen if the Wellstone deal went through.

11.

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.

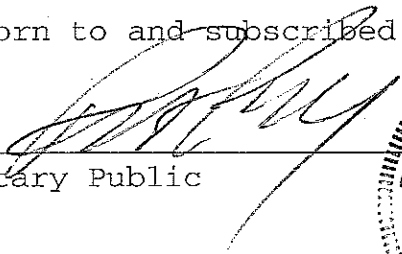
12.

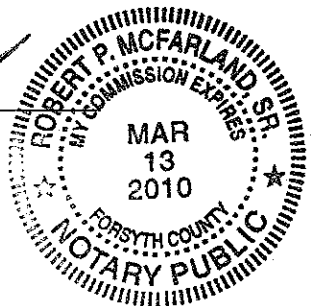
My attention has been directed to the fact that this Affidavit will be relied upon as testimony in this matter by this Honorable Court.

Further Affiant Sayeth Not.

  
\_\_\_\_\_  
John Henry Allen

Sworn to and subscribed before me this  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.

  
\_\_\_\_\_  
Robert P. McFarland, Sr.