

FORSYTH COUNTY CLERK
FILED IN THIS OFFICE

FEB 25 2008

Douglas Bonella
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 Martina W. Power in Support of
Plaintiff's Proposed Class Certification

State of Georgia
County of Forsyth

Personally appeared before the undersigned attesting officer
comes Martina W. Power who states under oath as follows:

1.

My present legal name is Martina W. Power and my address is 2407
Fairway Lane, Cumming, Georgia 30041.

2.

I am an homeowner of real property adjacent to Lanier Golf Club
("Golf Course"). In fact, my house is completely surrounded by

the Golf Course.

3.

I received this house from my father's estate. For a great number of years, my father was the Professional Golfer employed by the current owner and the prior owner to run the Golf Club for them.

4.

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.

5.

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.

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.

I am familiar with numerous property owners around the Golf Course whose homes touch the golf course. They, like me, all stand to lose the most if this 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.

10.

Mr. Peck lives right across the driving range from me. 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.

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.

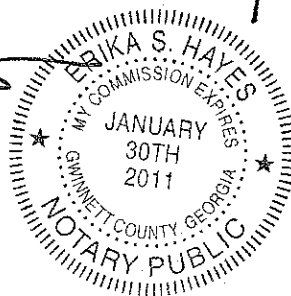
My attention has been directed to the fact that this Affidavit will be relied upon as testimony in this matter by this Honorable Court.

Further Affiant Sayeth Not.


Martina W. Power

Sworn to and subscribed before me this 14 day of February, 2008.


Notary Public



Book 2346
Pages 580 - 581
FORSYTH COUNTY, GA - DOCUMENT STAMP
Recorded 06/28/2002 12:08:51 PM
No. 9999-00094334 1 of 2 Pgs
Fee Amt: 12.00
Douglas Sorrells, SUPERIOR COURT CLERK

But
AFTER RECORDING PLEASE RETURN TO:
WARD & TEASLEY, P.C.
Attorneys at Law
108 Colony Park Drive, Ste. 200
Cumming, Georgia 30040
File No.

EXECUTOR'S DEED

STATE OF GEORGIA,
COUNTY OF FORSYTH.

THIS INDENTURE, made this the 20th day of June, 2002, between MARTINA WILLIAMS POWER, as Executrix under the Last Will and Testament of JAMES EDGAR WILLIAMS, JR., deceased, late of the State of Georgia and County of Forsyth, of the First Part (hereinafter called "Grantor"), and MARTINA W. POWER of the State of Georgia and County of Forsyth, of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH:

That the said Grantor (acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Probate Court of Forsyth County, Georgia), for and in consideration of the sum of OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 (\$10.00) DOLLARS, in hand paid, at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, the following described property:

See Exhibit "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE, in as full and ample a manner as the same was held, possessed and enjoyed, by the said deceased.

IN WITNESS WHEREOF, each Grantor herein has hereunto set hand and seal, the day and year first above written.

Martina Williams Power (SEAL)
MARTINA WILLIAMS POWER, AS EXECUTRIX,
U/W THE LAST WILL AND TESTAMENT OF
JAMES EDGAR WILLIAMS, JR., DECEASED.

Signed, sealed and delivered
in the presence of:

Mary L. Lawson

Witness

Linda M. Strong

Notary Public
My Commission Expires:

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lots 43 and 76 of the 14th District, 1st Section of Forsyth County, Georgia and being designated as Parcel "A", Parcel "B" and Parcel "C" on plat recorded in Plat Book 25, Page 243, Forsyth County, Georgia Records.

The above and within conveyance is made less and except the parcel described on that certain Warranty Deed from James E. Williams, ("the Grantor"), and George R. Bagley and Betty Ann Bagley, ("The Grantee"), dated March 6, 2001 and recorded in Deed Book 2174, Pages 197 and 198, Forsyth County Records as follows:

All that tract or parcel of land lying and being in the 14th District, 1st Section of Forsyth County, Georgia, in Land Lot 43 and being more fully described as follows:

To locate the beginning point of the property, the following courses, distances and directions are given: Start at the Land Lot corner common to Land Lots 216 and 217 of the 2nd District and 1st Section, then proceed South 48° 19' 12" East 1497.00 feet to a point on the Southerly side of Fairway Drive, then proceed South 09° 34' 17" East 12.63 feet to the true point of beginning. Thence from said true point of beginning, South 22° 33' 55" East 173.21 feet to a point; thence South 66° 14' 22" West 40 feet; thence North 9° 34' 17" West 177.90 feet to the true point of beginning.

The above described tract contains 0.079 acres and as shown along with other property as Tract 2 according to the plat from survey of Richard May & Associates, Inc. by Richard N. May, RLS No. 2210, dated November 27, 2000. Said plat is incorporated herein by reference for a full description of said property.

RM
6-20-02

Notes

Martina.power & clore.com

Warranty Deed

LL 43 + 76

14th Dist. / 1st Section

Parcel A, B, C

Platbook 25, 243

Martina W. Power

2407 Fairway Lane

Cumming, GA

30041

678-596-6737 cell

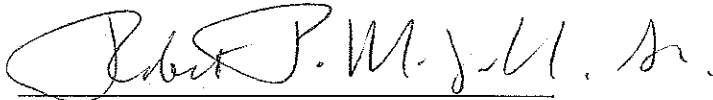


Certificate of Service

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.