

McFarland & McFarland, P. C.

309 Pirkle Ferry Road, Suite B-400

Cumming, Georgia 30040

Telephone: 770-889-2522

Robert P. McFarland, Sr.

R. Parker McFarland, Jr.

Attorneys at Law

Fax Line: 770-889-1099

E-Mail: bob@mcfarlandmcfarland.com

E-Mail: parker@mcfarlandmcfarland.com

Web Page: www.mcfarlandmcfarland.com

Transmit Via E-Mail

July 29, 2009

Michael D. Peck
2930 Samples Road
Cumming, Georgia 30040

Re: Michael D. Peck on Behalf of Himself and All Homeowners
Adjacent to Lanier Golf Club f/k/a Canongate on Lanier Golf
Club v. Lanier Golf Club, Inc., File Number 07CV-2147, Court
of Appeals No. A09A0639 ("Class Action Case")

Dear Michael:

This is an update of the situation since the 9th District assigned the case to Judge Frank Mills. Brenda Whitfield is Judge Mills' clerk. Ms. Whitfield conducted a conference call yesterday with me and Ms. Jones. This was in the morning before I got the attached letter from Judge Mills.

The purpose of the conference call was to determine if either Ms. Jones or I were requesting that Judge Mills hold a hearing before he makes a decision on this case. I told her that our position was to allow the court to make the decision based on the record and not hold a hearing. Ms. Jones said that she may go along with this method; however, she would like to consult with her client first.

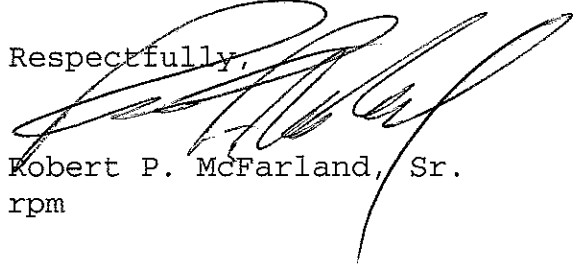
Later in the day, I got the letter from Judge Mills. I was startled to find out that he was asking the 9th District to come up with the funds to pay Judge Pickett to re-decide the case. I immediately called Ms. Whitfield back to find out how I could protest any decision on the part of the 9th District to remove Judge Mills from the case. Then she told me that Judge Mills had already received a response from the 9th District and they told

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him that there are no funds to re-hire Judge Pickett or any other senior judge.

The bottom line of all this is that Judge Mills will have to decide the case. Mr. Whitfield said that she spoke to Judge Mills after our conference call, and that the judge said it may be next year before the court is in a position to issue a ruling on the case. I still have not heard from Ms. Jones as to whether Lanier Golf Club, Inc. is requesting a hearing.

Respectfully,



Robert P. McFarland, Sr.
rpm



Blue Ridge Judicial Circuit

FRANK C. MILLS, III
CHIEF JUDGE

July 22, 2009

SUPERIOR COURT OF
CHEROKEE COUNTY

Robert P. McFarland, Sr., Esq.
McFarland & McFarland, P.C.
309 Pirkle Ferry Road, Suite B-400
Cumming, Georgia 30040

Re: Michael D. Peck on Behalf of Himself and All Homeowners Adjacent to
Lanier Golf Club f/k/a Canongate on Lanier Golf Club vs.
Lanier Golf Club, Inc., Case # 07CV-2147

Dear Mr. McFarland:

I am aware of the assignment of the above-styled case; however, as you are aware, the case was remanded by the Court of Appeals for the previous judge to make a finding of fact and render order in keeping with that opinion. The previous judge who conducted the above hearing and is familiar with the case is apparently not available due to the lack of funding. It makes no sense for a new judge to conduct an additional hearing if it can be avoided. Therefore, I have requested the Ninth District to see whether emergency funding might be available to facilitate with the additional hearing. I have not yet heard their response. If that is approved and there are additional matters to be heard after that judge has ruled, I assume the case will be assigned to me. If that is not approved, the matter will have to be re-scheduled for hearing other matters as counsel shall suggest.

So you will know, it will be a considerable amount of time before I can schedule a hearing on this matter due to case load in this circuit and additional assigned cases in the Appalachian Circuit which take precedence.

Yours truly,

Frank C. Mills, III, Chief Judge
Superior Court of Cherokee County
Blue Ridge Judicial Circuit

FCM:baw

Copies to: Andrea Cantrell Jones, Esq.
Mr. Steve Ferrell, District Court Administrator