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CLERK, COURT OF  
APPEALS OF GEORGIA

(December 7, 2014)

**TOTAL RECAP**

**OF THE**

**INCORRECT DECISION**

**MADE BY THE**

**HENRY COUNTY SUPERIOR AND GEORGIA APPEALS COURTS**

**REGARDING**

**THE OWNERSHIP OF NON-TAXABLE, NON-NAVIGABLE RIVERBED,**

**PRIVATE OWNED PROPERTIES, WATER RIGHTS**

**AND**

**MAN-MADE IMPROVEMENTS**

**AS SAID COURTS USED INCORRECT INFORMATION**

**SUPPLIED BY THE PLAINTIFF'S ATTORNEYS**

**IN THE FRAUDULENTLY INITIATED LAWSUIT**

**The Henry County Water and Sewerage Authority**

**Vs**

**Thomas Brothers**

**No. 2008-SU-CV-2714W**

**(Years 2008 thru 2011)**

November 30, 2014

## “GONE WITH THE WATER”

(December of 2007 – June 1, 2011)

### OVERVIEW

What you are about to read is not fiction, but a factual, posthumously written “blow by blow” account of the three years plus, fraudulent, illegal escapades of the participating members of a Henry County, Georgia law firm, financed by the uninformed Henry County taxpayers, involving the solicitation, momentary bribing, attorney-client tutoring of a private, financially sound Henry County resident and Snapping Shoals land owner of 89.2 dry Henry County acres into consciously becoming the pro bono client of said law firm and voluntarily taking on the task of committing perjury in order to mail-order quitclaim and transfer property, water rights and man-made improvements, that said pro bono client did not legally own, from the unsuspecting “real owners” without notice or payment, to an uninformed Henry County government agency for a pre-arranged, but unauthorized \$25,000.00 payment prior to said quitclaimed assets being identified; without a survey or plat, no appraisal, no clear title and no Resolution from said government agency to said law firm to act on any matter at Snapping Shoals, but with a private, mutual codicil that said law firm would represent the sale of the pro bono client’s legally owned 89.2 acres of Henry County property to The Henry County government at an undisclosed price, for a Water Treatment Plant on a River classified by said County as too polluted for use. Both the pro bono client, J.M. Hanger and the government agency, The Henry County Water and Sewerage Authority (HCWSA) were represented by the same private law firm, that firm being Smith, Welch and Brittain (SWB), and in the case of “The HCWSA vs Thomas Brothers” law suit case #2008-SU-CV-2714-W, the Snapping Shoals property and natural resource scam, was directed by SWB attorney A.J. Welch, Jr.. For halting a trespass and illegal survey attempt over into Newton County, said Welch created his own private law suit, on behalf of the uninformed HCWSA, by suing the innocent Thomas Brothers in an attempt to illegally use Henry County taxpayer monies to survey the Newton County property previously mail-order quitclaimed by SWB client J.M. Hanger in an attempt to create a Plat to accompany a Limited Warranty Deed having J.M. Hanger as Grantor and the uninformed HCWSA as Grantee, created by SWB attorneys from the contents of the aforesaid SWB authored mail-order quitclaim deed signed by the “tricked” heirs, of the previous owner, Whitehead Die Casting Company, Ltd (WDCCL), of whom said heirs were unaware that they owned 20.4 acres of the Snapping Shoals Riverbed via inheritance. The combined fraudulent actions of the participating SWB attorneys and said SWB’s pro bono client J.M. Hanger, as supported

posthumously by the HCWSA, under the auspices of the Henry County Superior Court in pursuit of a Summary Judgment in favor of the HCWSA completely destroyed Thomas Brothers 34 year old registered "C" corporation due to the ownership loss of meaningful properties, water rights, man-made improvements and exhausted all the personal family and company monetary funds on fruitless, defensive legal fees. As a result of the SWB initiated lawsuit, the quitclaim actions of J.M. Hanger and the Judge's favorable ruling for the HCWSA, the Thomas Brothers are financially broke, said brother's 34 year old family business is monetarily defunct and the Judge deemed the entire matter "Sharp Business Practices" over in Henry County further ruling that J.M. Hanger and the HCWSA are both innocent of any and all illegal acts, as mutually represented by the SWB law firm, on a free, pro bono basis for said Hanger and a taxpayer funded basis for the HCWSA. The meaning or use of legal terms or the lack thereof, of words such as bona fide or innocent purchaser, consideration or monetary payment, privity or the lack thereof, exploitation of the elderly, unjust enrichment, case laws, fraud, stealing, resolution, perjury, illegal use of taxpayer monies, quitclaim, limited warranty and warranty deeds were all a part of the aforementioned lawsuit, and on all counts the Henry County Superior Court ruled in favor of each term as used by the SWB attorneys representing both J.M. Hanger and the HCWSA against the innocent Thomas Brothers. *As I, (Hoke Thomas), at age 74, continue to study property law, this property and natural resource scam created by the SWB attorneys continues to evolve and take on new meanings and I have come to the realization that if not stopped and the past dealings of said law firm is not evaluated by the federal government for fraud and misuse of taxpayer monies, it will continue un-checked, for no state or county government agency has the ability or fortitude to intervene. I can truly say that my 34 years of ownership of private, industrial properties and man-make improvements are "gone with the water". What the SWB law firm has done to my family is not a contest to prove right or wrong, legal or illegal, but a misuse of money in the form of threats for attorney fees for their clients, beyond reason in an attempt to "buy their lawsuit" and cause my personal financial collapse. Under such circumstances, said SWB law firm will always prevail. What type justice might this be? Neither Thomas Brothers, J.M. Hanger nor the HCWSA initiated this lawsuit, it was the SWB law firm.*

### 1964 to 2007

I (Hoke Thomas) have been a Henry County citizen, property and home owner for 38 years, since 1976. I am also a Newton County business and property owner since the same date, including 1977. Both my home and business are located on both sides of the non-navigable South River in both aforementioned Georgia Counties. Thomas Brother's 1976 and 1977 Warranty deed purchases, contiguous

to the centerline of said South River, were from a common vendor, WDCCL. I (my late brother and I) are one of 11 different property owners of 160 acres situated in both aforementioned counties including the non-navigable, non-taxable South Riverbed; previously owned by WDCCL for 27 years from 1964 to 1991, when the very last portion of said 160 acres was sold to Henry County resident J.M. Hanger, by the acre in 1991, which included 89.2 dry Henry County acres represented by a warranty deed, plat, closing statement, affidavit stating all lines and corners were correct, and a quitclaim. To lower his property taxes, said Hanger put the entire 89.2 acres of dry land in the Henry County Timber Conservation Program, where said property remains today, un-molested. *WDCCL was dissolved in 1994 transferring ownership, if any, of any remaining Snapping Shoals assets to each of the respective heirs of the 7 principals of WDCCL, upon said principal's deaths.*

In 2004 and 2006 Thomas Brothers purchased additional, adjacent Newton County property never owned by WDCCL. In 2007 the Newton County BOC closed a portion of Old Snapping Shoals Road situated between said brother's 1976 and 2004/2006 purchases and deeded said property to Thomas Brothers. *Thomas Brothers has many state and federal water use permits based on ownership of the 1976 and 1977 properties and invested a lifetime (34 years) of development, daily usage and future plans for the continued development of Snapping Shoals.*

WDCCL used the man-made improvements, dam, canal, hydroelectric station and water rights contained within the aforesaid 160 acres for 10 years from 1964 to 1974 to die cast Aluminum. Said company "out-grew" the electrical potential of the Snapping Shoals site and relocated to Atlanta, Georgia in 1974. At the time Thomas Brothers purchased a portion of the 160 acres in 1976 including the man-made improvements, water rights and an easement to use the Snapping Shoals dam for the production of Water Power; WDCCL had previously sold all the Newton County property upstream of the Dam, but said WDCCL retained ownership of the entire riverbed contiguous to said property in that specific area by excluding any riverbed ownership by others as so stated within each respective deed and plat issued by WDCCL as Grantors to the respective Grantees. *Such a deeded arrangement, hopefully, preceded or superseded any OCGA 44-8-2 riverbed claims by each respective contiguous landowner.* Also retained by WDCCL was the riverbed area associated with the aforementioned 89.2 dry acres of property sold in 1991 to J.M. Hanger. *Retaining ownership of 20.4 acres of non-property taxable riverbed hopefully assured WDCCL of exclusive use of the water rights, dating back to 1821, at the Snapping Shoals location. This same agreement was passed on to Thomas Brothers in said brother's 1976 warranty deed from WDCCL and therefore could not have been legally passed on to J.M. Hanger in 1991 by*

WDCCL or the heirs of WDCCL in 2008 via a mail-order quitclaim authored by SWB attorneys. For proof review the attached August 23, 1983 letter from R.K. Whitehead, Sr. to Thomas Brothers regarding ownership of the dam and water rights. Per their own admission, within the SWB January 30, 2008 letter of fraudulent instructions to the 13 WDCCL heirs is contained the wording, **“we (SWB) have done the research and created the correct legal description for the property WDCCL meant to convey to Mr. Hanger in 1991”**. Such a statement proves that the scheming SWB attorneys had discovered that the 13 WDCCL heirs, via inheritance, were probably the legal owners of the aforesaid 20.4 acres of South Riverbed at Snapping Shoals. The remainder of said SWB letter to the innocent heirs makes the statement, **“in order to correct the error, quitclaim deeds with the correct legal description must be signed by all the descendants of the original partners of WDCCL. Therefore, enclosed is a quitclaim deed to properly transfer that portion of property to Mr. Hanger. Please follow these steps in order to execute the enclosed quitclaim deed”**. Innocently, the unsuspecting 13 WDCCL heirs followed the SWB instructions and unknowingly quitclaimed, without the required monetary “consideration” from J.M. Hanger, their Riverbed inheritance to said Hanger. *I (Hoke Thomas) contend that there is no difference between what the SWB attorneys illegally did to the unsuspecting 13 WDCCL heirs and what the infamous Bernie Madoff did to his unsuspecting investors. Both the SWB and Madoff actions equate to a Ponzi--Swindle Scam or a more recent definition, “insider trading”*.

In 1977 WDCCL sold Thomas Brothers the Newton County riverbed where the Snapping Shoals dam is located and a contiguous dry land parcel where the canal and head gates are located. *Thomas Brother’s 1977 purchase from WDCCL is the very same property that said brothers previously purchased an easement to use in 1976.* The controlling principal of WDCCL, R.K. Whitehead, Sr., was Thomas Brother’s mentor, putting said brothers in business in 1976 and due to said brother’s poor financial status at the times of purchase in 1976 and 1977; the WDCCL attorney represented both parties and recorded the respective deeds and plats in both aforesaid counties. The 1976 purchase was a 5 year installment Sale, the 1977 purchase was a cash sale. Unknown to Thomas Brothers and WDCCL, the now deceased WDCCL attorney or the Newton County Clerk of Court failed to record the 1977 deed, recording the 1977 plat only.

At the conclusion of property tax year 1991, all of WDCCL’s 160 acres of property and riverbed at Snapping Shoals had been sold and accounted for and since that date WDCCL has paid no more property taxes in either county, for the 20.4 reserved acres of non-navigable riverbed is not taxed by either Newton or Henry

Counties. Thomas Brothers has paid property taxes on both the 1976 and 1977 purchases for the past 38 years and J.M. Hanger has paid taxes on his 1991 purchase of 89.2 dry Henry County acres for the past 23 years. *Fast forwarding to December of 2007 when SWB attorney A.J. Welch, Jr. monetarily solicited J.M. Hanger as the SWB pro bono client, due to the 1994 dissolution of WDCCL, 13 WDCCL heirs (11 heirs and 2 senior type surviving principals) probably owned 20.4 acres of Riverbed and Thomas Brother's 1977 deed unknowingly remained un-recorded.*

### **WATER IS MONEY**

No doubt, the non-consumptive use of (hydroelectric), or consumptive use of (potable) water equates to money. Although Water belongs to the "public", the use thereof can be obtained via water use permits from the state and federal government regulating agencies. "The love of Money is the root of all evil", fraudulently represented environmental site studies, manipulating or controlling of said water use permits and the specific site location thereof, at taxpayer expense, for personal monetary gains, is also a root of evil and the practice of fraud.

With respect to Snapping Shoals, both state and federal permits are proof that the Thomas Brothers had future plans to raise the Snapping Shoals dam creating a USACE style "multi-purpose", flood control, 26 billion gallon raw water reservoir, 6,000 KW hydroelectric station providing the use of the inter basin transferred waters from the Chattahoochee River and the tremendous run-off from thousands of square miles of Metro Atlanta Areas was to be used by 7 surrounding counties as a "Co-Op" raw water withdrawal site for the production of potable water, while at the same time releasing the impounded (stored) normal South River flows for downstream use and totally negating a \$100,000,000.00 taxpayer funded raw water reservoir as was done recently by Henry County at Tussahaw Creek. The required Georgia EPD presentations for use of the South River waters were made by Thomas Brothers to all 7 surrounding counties. Representing the HCWSA, attorney A.J. Welch, Jr. rejected the Thomas Brothers offer based on a recent HCWSA environmental study citing excessive pollution in the South River, said Welch's public rejection was further backed by a July 30, 2004 written offer (attached to this document) from the HCWSA to purchase Thomas Brother's riverbed for mitigation purposes, and further instructed said brothers why Henry County can never use the South River waters due to pollution. Quoting from the recent HCWSA study " Tussahaw Creek Water Supply Reservoir, Mitigation Plan, WEC Project No. 02-121598" (specific pages attached to this document, page 10): "*Rendering this water source (South River) unacceptable for a safe and reliable public water supply source*", also on page 4 of said HCWSA study: "*Although use*

*of the South River and /or Jackson Lake would produce minimal wetland impacts compared with new reservoir construction, these waters were considered to be infeasible and non-practicable as water supply sources because the South River has substantial water quality problems".* The bottom line; the taxpayer and environmental friendly Snapping Shoals site was rejected for use by Henry County due to pollution and the nearby Tussahaw Creek Reservoir, having the same EPD pollution classification as the Snapping Shoals site, was constructed at the cost of \$60,000,000.00 dollars. But why?

"Why", a deeds researcher found evidence that during the early planning stages of the aforementioned Tussahaw Creek Reservoir, a local investor purchased 520 acres of barren land, at \$990.00 per acre, in and around the proposed Reservoir, on the same day of purchase the HCWSA attorney Welch purchased exactly ½ of said 520 acres, for the same \$990.00 per acre. Attorney Welch changed the owner of his ½ of said 520 acres to the name of "Henry Cork". As the Reservoir began to fill with water, the lake front enhanced residential property was recombined as Bunn & Cork and sold, on August 1, 2005 for \$15,000.00 per acre to a Mark Connor, who one day later, on August 2, 2005, re-sold the same property to a subsidiary of Duke Power Company for \$20,000.00 per acre. *The Tussahaw Creek Reservoir enhanced property transaction, costing Henry County about \$60,000,000.00, netted the 3 profiteers about \$10,000,000.00.* "Water is money". After the completion of the Tussahaw Creek Reservoir and satisfying the future 30 year water needs of Henry County, one would conclude that the HCWSA would "sit back" and do what they are required to do, supply the Henry County citizens with water. Not so, according to Henry County Superior Court transcripts, sometimes in December of 2007, private SWB attorney A.J. Welch, Jr. solicited financially sound Henry County resident J.M. Hanger with a \$25,000.00 unauthorized taxpayer funded mutual plan (no Resolution) to become the SWB pro bono client and accept and transfer any and all properties of unknown location, acreage amounts and values, to the HCWSA, that said SWB law firm might "freely" obtain for said Hanger via a forthcoming January 30, 2008 SWB letter of instructions to the 13 innocent Whitehead heirs to sign a SWB February of 2008 authored quitclaim deed for 273.6 Snapping Shoals acres or 116 acres in excess of that previously owned by WDCCL for 27 years, but now dating back 74 years to 1934 including 7 past Snapping Shoals owners of the same properties. *According to said Hanger's September 3, 2008 sworn deposition, the December of 2007 mutual agreement included the SWB law firm to sell, for an undisclosed price, Hanger's legally owned 89.2 dry Henry County acres to Henry County for a Water treatment plant. Having successfully obtained Hanger's "\$25,000.00 funded" participation in December of 2007 and via deception, the signatures of the 13 Whitehead heirs*

on the February of 2008 SWB authored quitclaim for 273.6 Snapping Shoals acres, once again during Hanger's sworn Deposition, Hanger commits perjury and swears that his 1991 warranty deed purchase of 89.2 acres, by the acre, from WDCCL was incorrect and that said 1991 purchase was from a Whitehead Family Estate Sale for property in excess of the 89.2 Warranty deed acres and that the contents of the 273.6 quitclaimed acres now in 2008 represents what he (Hanger) thought that he purchased from WDCCL in 1991. From the contents of the 273.6 quitclaimed acres, the SWB attorneys formulated a March 10, 2008 Limited Warranty Deed for said Hanger and transferred or sold ownership of all the 273.6 quitclaimed acres, less and except, from Hanger to the uninformed, unsuspecting HCWSA without a survey or plat, no appraisal, no clear title and no Resolution and no notice or monetary payment to the real property owners as previously purchased from WDCCL. On March 30, 2008 the SWB attorneys recorded both the quitclaim and limited warranty deeds, as a full-blown Warranty Deed, on "top of" all the past 11 deeds and plats previously issued by WDCCL over a period of 27 years and the Snapping Shoals property and natural resource scam was completed, lacking only an HCWSA Resolution and survey and plat. However, said March 10, 2008 limited warranty deed sale was conducted 21 days prior to the recording of the mail-order quitclaim deed equating to the SWB pro bono client selling said quitclaimed property to the HCWSA before he possessed a recorded quitclaim deed to do so! On the morning April 26, 2008, following the recent multi-million dollar property deal at Tussahaw Creek Reservoir, a financially fat attorney A.J. Welch, Jr. makes his final assault on Snapping Shoals clandestinely sending Henry County taxpayer paid private surveyors over into Newton County trespassing and making an illegal survey of Thomas Brother's 24.38 acres of 1976 and 1977 property purchases from WDCCL that SWB had quitclaimed for J.M. Hanger. Once the surveyors were discovered, the Thomas Brothers halted the survey, attorney Welch sent letters to Thomas Brothers via the sheriff's deputies and the US Mail stating that he (Welch) has the authority to trespass and make a survey anywhere he desires and furthermore the survey is needed to ascertain exactly what properties his (Welch's) private Henry County client (J.M. Hanger) had sold his Henry County government agency client (HCWSA) over in Newton County. Knowing said brothers had sold none of their properties, the brothers continued to deny Welch the survey. June of 2008, on behalf of the HCWSA, SWB attorneys A.J. Welch, Jr., the now State Representative Andy Welch and Will White sued the Thomas Brothers for refusing the Welch survey attempt. The lawsuit, "HCWSA vs Thomas Brothers" followed and lasted over 3 years as the SWB attorneys attempted to convince the Henry County Superior Court to rule favorable, via a Summary Judgment, for the

HCWSA's purchase of J.M. Hanger's 273.6 quitclaimed Snapping Shoals acres, less and except.

### **HENRY COUNTY SUPERIOR COURT PROCEEDINGS**

As the first of four court proceedings began in June of 2008, the Judge discovered that all the actions conducted by SWB attorneys from December of 2007 to the March 30, 2008 recording of J.M. Hanger's quitclaim and limited warranty deeds, including attorney Welch's taxpayer funded attempted survey of Thomas Brother's properties, was conducted without a Resolution from the HCWSA to do so, and that according to SWB attorney White, Henry County must now purchase said Hanger's legally owned 89.2 dry Henry County acres to build a water treatment plant. Rather than dismiss the law suit on the grounds of illegality, the Judge granted the SWB attorneys additional time to "re-group" and go back to the HCWSA and obtain an after the fact or posthumous Resolution in an effort to make an unlawful property transaction, legal. Once the SWB attorneys obtained the posthumous Resolution, the Judge in Henry County ordered Thomas Brothers in Newton County to allow the Welch survey of said brother's 24.38 acres of properties. However, attorney Welch did not obey the court order, but surveyed the entire 273.6 quitclaimed acres, plus the properties Thomas Brothers purchased in 2004/2006, that were not a part of the lawsuit and were never owned by WDCCL and the closed portion of Old Snapping Shoals Roadway previously deeded to Thomas Brothers by the Newton County BOC. Furthermore, SWB attorney White informed the court of a meeting between the SWB attorneys and the Whitehead heirs; that never took place and also informed the court that the SWB attorneys, of their own volition, need no Resolution from the HCWSA to conduct property purchases for said government agency! The Judge disagreed with attorney White and concluded that a Resolution was needed. *Apparently, SWB attorney White got the cart before the horse, for SWB is a law firm that represents the HCWSA, said law firm is not the government agency, the HCWSA.* Following attorney Welch's April 26, 2011 (3 years to the date after Welch's illegal attempt to survey Thomas Brother's Newton County property on April 26, 2008) attorney Welch sent an unsolicited, ex parte "Final Order" to the court claiming that the Judge was too busy to make his own ruling; the Judge then issued his own June 1, 2011 "Final Order" giving Thomas Brothers an easement to use the water rights that Thomas Brothers purchased in 1976 from WDCCL, but the total ownership loss of Thomas Brothers 1977 purchase including the dam, canal, head gates and roadways, also including the loss of the 2007 closed portion of Old Snapping Shoals Roadway and a "tear drop" shaped portion located right in the middle of Thomas Brother's 2004/2006 property purchases that was not a part of the lawsuit, was overwhelming.

The “tear drop” property was illegally surveyed by attorney Welch, without a court order, ownership transferred to J.M. Hanger using an illegally obtained Plat not backed by either a quitclaim or deed, but said “stolen” property was a part of the \$25,000.00 unauthorized taxpayer funded transaction between J.M. Hanger and the HCWSA, as directed by attorney Welch. Lastly, as a result of following the SWB January 30, 2008 letter of fraudulent instructions, for signing the mail-order quitclaim for J.M. Hanger, the innocent Whitehead heirs lost their entire inheritance of 20.4 acres of Riverbed. The Court ruled that J.M. Hanger and the HCWSA were “innocent or bona fide” purchasers, that J.M. Hanger paid the 13 Whitehead heirs the necessary “consideration” or monetary payment for signing the 2008 quitclaim deed, retroactive back to J.M. Hanger’s June 17, 1991 purchase of 89.2 acres of Henry County property. The Georgia Appeals Court upheld the Henry County Superior Court’s decision. *In all fairness to the Henry County Superior Court Judge, said Judge recommended a “trial by jury” as Thomas Brothers desired from the start to settle the issues, however the attorneys for both sides disagreed and forced the Judge into doing all the work and making a “Summary Judgment”.*

#### **THOMAS BROTHERS SUES J.M. HANGER**

This lawsuit “went” nowhere. The Henry County Superior Court ruled that Mr. Hanger, just like the HCWSA had inflicted no monetary damage to Thomas Brothers by reducing said brother’s Snapping Shoals property ownership of 24.38 acres as purchased from WDCCL down to only 3.8 acres of property zoned heavy industrial; and that by the doctrine of “Privity, said Hanger in association with the already vindicated HCWSA was also innocent of all charges against him. In fact, the Court deemed J.M. Hanger’s SWB directed actions at Snapping Shoals against the Thomas Brothers and the Whitehead heirs, “Sharp Business Practices” in Henry County. Thomas Brothers have appealed the Henry County Superior Court’s decision of vindication for J.M. Hanger, to the Georgia Appeals Court based on the fact “privity” did not exist between Hanger and the HCWSA, for there was no mutual or common interest in the quitclaimed property that Hanger sold to HCWSA for said Hanger had no earthly idea of the location, amount and value of the quitclaimed property, only that he (Hanger) was monetarily \$25,000.00 fatter from the December of 2007 deal with attorney Welch and to add insult to injury, the HCWSA did not know that said agency purchased Hanger’s quitclaimed property until one day after the transaction, when attorney Welch informed the government agency of their most fortunate purchase. *The only “privity” that existed was that of the SWB law firm, who played “both ends against the middle”.*

## THEFT BY DECEPTION

**Deception:** The act of representing as true what is known to be false; deceiving lying, the misleading of a person; *In law any trick, device, collusion, shift or underhanded practice used to defraud another.* The act or practice of deceiving or misleading. Synonyms are; deceit, fraud, trickery, double-dealing, duplicity, *cheating to make a person believe what is not true.* The facts contained within this lawsuit prove contrary to the rulings by the aforementioned courts. The facts, not the Case Laws, prove that all the properties and natural resources that SWB mail-order quitclaimed for J.M. Hanger and transferred to the HCWSA for a pre-arranged \$25,000.00 payment, were conducted illegally and amount to "Theft by Deception". The following items explain, in a layman's language the dishonesty and illegality of all the aforementioned proceedings:

Whitehead heirs had nothing to quitclaim to J.M. Hanger over in Newton County, for the un-recorded 1977 warranty deed from WDCCL to Thomas Brothers transferred all rights to the 4.82 Newton County acres to Thomas Brothers, therefore the Whitehead heirs had nothing to quitclaim to J.M. Hanger except said heirs 20.4 inherited acres of non-navigable South Riverbed. *Until said heirs mail-order quitclaim was recorded on March 30, 2008, Thomas Brother's unrecorded 1977 deed remained proof that WDCCL had transferred all said WDCCL's rights in the 1977 property to Thomas Brothers, but the illegality lies in the fact, said 1977 property was sold to the HCWSA by J.M. Hanger, with SWB representing both parties, on March 10, 2008, prior to said quitclaim being recorded on March 30, 2008 and Only 8 of the 13 Whitehead heirs received any money or consideration at the time of purchase in 1991 from J. M. Hanger for signing the February of 2008 mail-order quitclaim, rendering said quitclaim deed unfunded and worthless.* A quitclaim deed given in year 2008 from a different vendor, the 13 Whitehead heirs; than a warranty deed given to Thomas Brothers by WDCCL in 1977, for the same Newton County property, has no validity and said quitclaim is worthless even though it was recorded prior to the recording of the once un-recorded 1977 deed. Mr. Hanger made many trips over to Thomas Brothers to obtain ice, it is unbelievable that said Hanger was convinced that Thomas Brother's new buildings, operating hydroelectric station and rebuilt dam and canal were merely a WDCCL easement, not a purchase of ownership. Neither Hanger nor the HCWSA were innocent or bona fide purchasers, for both were aware of Thomas Brother's ownership, for in 2004 the HCWSA sent Thomas Brothers a written proposal to purchase the 20.4 acres of riverbed that Hanger fraudulently sold to the HCWSA. That HCWSA proposal is attached to this document. The un-recorded 1977 deed, signed by all 7 WDCCL principals and notarized, was found

in June of 2008, by a deeds researcher, in the old WDCCL safe at Snapping Shoals and immediately recorded and shown to the SWB attorneys.

### **OCGA44-8-2 vs WDCCL's PAST DEEDS & PLATS AS GRANTOR**

Pursuant to the illegality of the dilemma involving a mail-order quitclaim signed by the deceived, previous, owner's heirs for 273.6 acres of Snapping Shoals property that the Smith, Welch and Brittain (SWB) law firm created (quitclaim) in December of 2007 for said firm's solicited, pro bono client, J.M. Hanger in an effort to fraudulently obtain the non-navigable, non-taxable Riverbed and associated water rights to the South River, and transfer the same properties on to said law firm's government agency client, the Henry County Water and Sewerage Authority (HCWSA), without legally owning the contiguous attached taxable dry land property as mandated by OCGA44-8-2; there are two distinct possibilities:

1. *OCGA44-8-2*

2. *The past deeds and plats issued by Whitehead Die Casting Company, Ltd. (WDCCL) as Grantors to 11 different Grantees, over a past 27 years-time frame from 1964 to 1991, involving the sale of 160 acres (not 273.6 acres) of properties and riverbed*

### **CONFLICTING LAWS**

Attorney Ward Stone of Stone and Baxter of Macon, Georgia was Thomas Brother's defense attorney, Ward's defense was based solely on a non-bona fide or non-innocent purchaser, paying no monetary "consideration" for the aforesaid quitclaim and OCGA 44-8-2 which says that to own non-navigable riverbed and the associated water rights, by law, one must also own the attached contiguous dry land property. *The dry land is property taxed, the riverbed is not. Separation of the two, by law, is not allowed.* **This OCGA44-8-2 law is in direct conflict with the past deeds of WDCCL where said company's principals sold the dry land and separated--omitted out the non-taxable riverbed with each respective Grantor deed, to 11 individual Grantees, describing only the metes and bounds of the respective dry land with absolutely no reference to the respective contiguous Riverbed area; in an attempt to retain ownership of 20.4 acres of the non-taxable riverbed and eventually upon the death of each WDCCL principal, pass this inherited non-taxable riverbed ownership on to said WDCCL principal's heirs.**

*However, private ownership of non-taxable, stand-alone property is not legal within the 159 counties of the State of Georgia and perhaps in all 50 states. The HCWSA and all other county government agencies are not required to pay county property taxes; but when purchasing property, said property must be legally*

*owned by the Grantor; in the case of J.M. Hanger, said Hanger did not and could own the non-taxable Riverbed without also owning the attached taxable contiguous dry land property owned by 10 other individuals, and selling all of said Riverbed and associated water rights to the HCWSA without proof of ownership is totally illegal. In fact, due to the monetary value of said property, it is a felony. The question remains, was this mail-order quitclaim sale a function of J.M. Hanger at his own discretion, or was said Riverbed sale a fraudulent gesture by said SWB law firm? Who is liable, J.M. Hanger or said Hanger's SWB pro bono attorney/attorneys?*

On behalf of SWB's two clients, J.M. Hanger and the Henry County Water and Sewerage Authority, (HCWSA), the Henry County Superior Court Judge overruled OCGA44-8-2 and made the ruling that such a separation of non-taxable riverbed and water rights, from the taxable contiguous dry land, is legal; *for if it were not legal to separate the two, then WDCCL was in error by previously doing the same thing some 44 years previously.*

Conversely, according to OCGA44-8-2, WDCCL should have sold the riverbed, to the centerline of the non-navigable South River, along with the contiguous dry land attached property to each respective property owner as said WDCCL sold off the entire 160 acres and inclusive riverbed in both Henry and Newton Counties. That means, according to OCGA44-8-2 and the SWB law firm, that J.M. Hanger did have an error in his 1991 deed, for said WDCCL deed did not give said Hanger, or the other 10 Grantees any riverbed. But if Hanger is due riverbed, then so are the other 10 contiguous property owners, including Thomas Brothers, and once again the Henry County Superior Court Judge along with the Georgia Appeals court made an incorrect judgment by granting all 20.4 acres of the Snapping Shoals Riverbed belonging to 11 different property owners, only to J.M. Hanger based on the SWB mail-order quitclaim, from the Whitehead heirs, for said Hanger. *According to OCGA44-8-2, the 13 Whitehead heirs had nothing to quitclaim to anyone. The courts will have to reverse their erroneous judgment.*

### **PINDAR OVERRULES OCGA44-8-2?**

But pursuant to the Real Estate Code, seventh edition, as written by Pindar, if OCGA44-8-2 can be overruled by two specific recorded deeds and plats separating the taxable dry land from the contiguous non-taxable riverbed, overruled as the Henry County Superior Court Judge did so in June of 2011 and WDCCL did so 44 years ago, then the SWB law firm was "correct" in fraudulently quitclaiming the 20.4 acres of riverbed for J.M. Hanger as said law firm committed "theft by deception" by tricking the WDCCL heirs or owners of said riverbed into signing a

bogus, mail-order, unfunded quitclaim for J.M. Hanger in 2008 retroactive back to 1991, transferring ownership of said 20.4 acres of non-taxable riverbed from said heirs to J.M. Hanger. After foolishly signing the SWB authored mail-order quitclaim, the innocent Whitehead heirs never “heard from” the SWB attorneys again. In fact, it was Hoke Thomas that personally informed said heirs of their loss of the 20.4 acres of riverbed properties. *The end result equates to the fact that ownership of the water rights in a non-navigable, non-property taxable riverbed, is only a quitclaim away, regardless of the authenticity or legality of said quitclaim and owning the non-taxable riverbed without owning the attached, contiguous dry land property gives the riverbed owner, ownership of the water rights within the non-navigable river and every asset attached to said riverbed, such as a dam. Such a ruling will create a stampede of quitclaims for the thousands of miles of non-navigable Riverbed and associated water rights, contained within the State of Georgia. Is it legal for the Georgia Real Estate Code to overrule a State Statute?*

#### **OCGA44-8-2 IS A STATE OF GEORGIA STATUTE**

In conclusion, according to attorney Ward Stone, pursuant to OCGA44-8-2, J.M. Hanger does own the riverbed contiguous to his 89.2 dry Henry County acres purchased from WDCCL in 1991, but for Hanger to sell the riverbed to the HCWSA, he must also, simultaneously sell his 89.2 acres. **This was not the SWB plan for Hanger, for the SWB attorneys have already sold the quitclaimed Riverbed attached to Hanger’s 89.2 acres to the HCWSA 21 days prior to said quitclaim being recorded, and presently, according to SWB attorney White, in Henry County Superior Court, are in the process of separately selling Hanger’s 89.2 acres to Henry County, at an undisclosed price, for a water treatment plant . Lastly, pursuant to OCGA44-8-2, Hanger does not own, nor can said Hanger sell the quitclaimed 20.4 acres of riverbed belonging to the other 11 Grantees, for Hanger to sell said 20.4 acres of riverbed to the HCWSA, implies that Hanger must also own the contiguous dry land property attached to the 20.4 acres of riverbed, of which Hanger does not.**

#### **Past deeds & plats issued by WDCCL as Grantors to 11 different Grantees**

If the past WDCCL deeds and the Real Estate Code by Pindar is correct and separation of the non-taxable riverbed and associated water rights from the contiguous taxable dry land property is legal, then via “theft by deception”, the SWB law firm successfully “tricked” the 13 innocent WDCCL heirs into quitclaiming, to J.M. Hanger, said heirs 20.4 acres of inherited riverbed and associated water rights, which were passed on to the HCWSA by the astute SWB attorneys. But the “fly in the ointment” for Hanger are the facts that said mail-order quitclaim was unfunded without the required monetary consideration paid to all 13

heirs at the date of sale back in 1991, bogus due to excessive property quitclaimed that WDCCL never owned and therefore worthless; and both Hanger and the HCWSA were indeed, not bona fide or innocent purchasers.

*Without a valid quitclaim, the Henry County taxpayer funded lawsuit created by private SWB attorneys against the Thomas Brothers must be declared null and void and all the quitclaimed property returned to the rightful owners.*

## **FIRST AMENDMENT RIGHTS**

*In conclusion, both the Henry County Superior and Georgia Appeals Courts, based on the information presented to both courts by the SWB law firm, overruled OCGA44-8-2 and said courts opted for the past deeds & plats issued by WDCCL as Grantors to 11 different Grantees. In doing so, the year 2011 Henry County Superior and the Georgia Appeals Court's rulings are in conflict with the civil and property rights guaranteed all citizens under the first amendment to the U. S. Constitution. Thomas Brothers suggests, the only method to solve these water rights issues is for the federal government, not the county or state governments to assume ownership of all the non-navigable, non-taxable riverbeds in all 50 states, as is presently the case with all navigable waters; such an arrangement would negate any water rights "take-over" by attorneys with deep rooted political ties and having personal monetary goals with a "sack full of" mail-order quitclaim deeds.*

Pursuant to my (Hoke Thomas) recently acquired knowledge of property laws, I suggest that there are 2 possible, but only one legal solution to the property and natural resource scam created by the SWB attorneys at Snapping Shoals:

1. Attorney Ward Stone is correct with his evaluation of OCGA44-8-2, J.M. Hanger, Thomas Brothers and the remaining 9 property owners all "get back" ownership of their respective non-taxable contiguous Riverbed, as attached to the taxable dry land property. The February 11, 2008 mail-order quitclaim, created pro bono by SWB attorneys for J.M. Hanger and signed by the deceived Whitehead heirs is "worthless", for according to OCGA 44-8-2, said heirs had nothing to quitclaim.

2. As far back as 1964, when WDCCL began selling off properties from within the aforementioned 160 acres, WDCCL only deeded contiguous Riverbed to the Thomas Brothers, all others were sold property only to the high water mark on the bank of the South River. In essence, 44 years ago, WDCCL did what SWB attorneys have done in year 2008 with their "less and except" method of acquiring property. Claim it all, "less & except" what you do not intend to purchase or sell. Beginning in 1964 WDCCL owned the 160 acres of Riverbed and contiguous dry land properties, but sold only the taxable dry land properties, leaving or "less and

excepting” ownership of 20.4 acres of non-taxable Riverbed for WDCCL’s use or later, the heirs of said WDCCL. But no one informed the heirs of such an arrangement. However, according to the County Tax Assessor such an arrangement as creating private ownership of non-taxable property creates on BIG problem and is illegal; here is why:

1. Thomas Brothers has paid county property taxes on their two purchases of dry land and contiguous Riverbed from WDCCL for the past 34 years.
2. J.M. Hanger has paid county property taxes on his one purchase of 89.2 acres of dry land, no contiguous Riverbed from WDCCL for the past 18 years.
3. *After selling off each parcel of dry taxable land by 1991, WDCCL paid no more property taxes on the remaining 20.4 acres of non-taxable Riverbed for the past 44 years since 1964, but obviously claimed ownership of said non-taxable Riverbed.*
4. *The 13 Whitehead heirs have never paid property taxes on the 20.4 acres of non-taxable Riverbed or any contiguous dry land property at Snapping Shoals and were not aware of the fact that said riverbed property was “maybe” unknown inheritance, having no separately recorded deed, from their grandfather’s 1994 dissolved WDCCL Company.*

**Solution:** According to the aforementioned Tax Assessor’s office and Pindar’s Georgia Real Estate Law and Procedure, Seventh Edition, personal ownership of non-taxable properties is not legal, when WDCCL made the separation of taxable dry land and contiguous non-taxable Riverbed, without a specific recorded deed to do so for each separate part, said separation was illegal and violated OCGA44-8-2 and although WDCCL “thought” their method of protecting the Snapping Shoals water rights was successful and legal, it was not; for the one combined parcel of dry land and contiguous Riverbed remained “intact” and taxable as a whole, not two separate parts, one taxable and the other not, and OCGA 44-8-2 prevailed. Therefore, the SWB plan of having the 13 innocent Whitehead heirs to sign a mail-order quitclaim for said SWB’s pro bono client J.M. Hanger was a waste of time, effort and Henry County taxpayer monies, for said Whitehead heirs had absolutely nothing to quitclaim to J.M. Hanger. If this is not the case, then the Georgia General Assembly needs to take OCGA44-8-2 “off the books”. Case closed.

### **LIES OF DECEPTION**

During his sworn deposition, HCWSA manager Lindy Farmer denied telling Thomas Brothers that “we are going to put Thomas Brothers out of business”.

During his sworn deposition, HCWSA board chairman Ken Phillips denied making a 28 minute phone call to Hoke Thomas telling said Hoke that the HCWSA was not going to allow attorney Welch to steal Thomas Brother’s property.

During his sworn deposition, J.M. Hanger denied the accuracy of his 1991 warranty deed property purchase, by the acre for 89.2 acres, from WDCCL and committed perjury as said Hanger, after being tutored by attorney Welch, lied stating that his purchase was from an Estate Sale from the Whitehead family members for property in excess of 89.2 acres. *Hanger's signature on the SWB authored March 10, 2008 limited warranty deed selling all the mail-order quitclaimed properties to the HCWSA for a \$25,000.00 pre-payment is all the proof needed to prosecute Hanger for stealing and committing a felony.*

SWB Attorney A.J. Welch, Jr. lied via the SWB January 30, 2008 letter of deception to the 13 Whitehead heirs concerning the status of the 160 Snapping Shoals acres previously owned by WDCCL and the need for said heirs signatures on a mail-order quitclaim for 273.6 acres in order to clear up a SWB fabricated "clerical error" in said Hanger's 1991 warranty deed from WDCCL. Continuing, attorney Welch during the December of 2007 meeting of solicitation with J.M. Hanger lied to said Hanger concerning the acreage of Hanger's 1991 warranty deed from WDCCL.

Continuing again, attorney Welch lied to Thomas Brothers on April 26, 2008 instructing said brothers that he has the authority to trespass on anybody's private property and make a taxpayer funded survey, that he (Welch and his law firm) personally wrote the mail-order quitclaim, claiming a different illegal owner (Hanger) for the same Newton County property.

Continuing one more time, attorney Welch deceived the HCWSA that he is paid to represent, and sold said government agency the mail-order quitclaimed property for an unauthorized \$25,000.00 payment to J.M. Hanger, without said government agency's knowledge or Resolution.

Again, attorney Welch lied in Henry County Superior Court as he convinced the Judge that both of his clients (Hanger and the HCWSA) were bona fide or innocent purchasers. The most devastating item of deception was on April 26, 2011, when Welch sent his unsolicited, ex parte "Final Order" to the Henry County Superior Court making a ruling totally in favor of both of his clients. (who needs a Judge?) Attorney Welch deceived Hanger in December of 2007 via a \$25,000.00 bribe convincing Hanger that WDCCL cheated said Hanger 17 years previously in 1991 and did not give Hanger all the property that he (Hanger) purchased and paid for, and called the lie or deception a "clerical error" in the January 30, 2008 SWB letter of deception to the innocent heirs.

Furthermore, attorney Welch deceived the government agency that he is paid to represent by selling to said agency, Hanger's mail-order quitclaim properties without said agency's knowledge, resolution, survey and plat, clear title or appraisal.

SWB Attorney White deceived the Henry County Superior Court as he lied to the Judge stating that “we went to the heirs and the heirs said yea, we meant to sell Mr. Hanger the quitclaimed property”, when no such meeting took place. Thomas Brothers has had many meeting with the heirs, and I am convinced that the heirs are devastated that they followed the fraudulent SWB written instructions and signed the bogus February 11, 2008 mail-order quitclaim.

Furthermore, attorney White lied as he fabricated a false aquatic need for Snapping Shoals as he told the Judge that Henry County must now purchase J.M. Hanger’s legally owned 89.2 acres to build a water treatment plant, when White was totally aware of the HCWSA environmental study disqualifying the South River as ever being usable by Henry County as a water source.

In the SWB 1-30-08 letter of deception to the 13 Whitehead heirs, said law firm admitted that they had done the research and no doubt had discovered that the 13 heirs had probably inherited the 20.4 acres of riverbed, that Thomas Brothers 1977 deed was un-recorded, that Thomas Brothers owned via clear title Newton County properties never previously owned by WDCCL, that the Newton County BOC had in 2007 deeded Thomas Brothers the closed portion of Old Snapping Shoals Road. Knowing all this, why did the SWB attorneys elect to circumvent the HCWSA authority and lack of an HCWSA Resolution and fraudulently quitclaim all the aforementioned properties and assets for J.M. Hanger, instead of notifying the HCWSA and via proper channels purchase the above mail-order quitclaimed properties from the legal owners? Why did the SWB attorneys deceive the innocent Whitehead heirs and “fleece said heirs out of their WDCCL inheritance?”

Attorney Welch’s April 26, 2008 trespass, illegal survey of Thomas Brother’s Newton County properties and said Welch’s illegal use of taxpayer monies to survey J.M. Hanger’s mail-order quitclaimed properties in order to ascertain exactly what properties said Hanger had sold to the HCWSA is pure B.S. for SWB attorneys wrote Hanger’s quitclaim and limited warranty deeds and full-well knew exactly what properties and natural resources they (SWB) had quitclaimed for Hanger. Thomas Brothers had a recorded 1977 Plat, so why was it necessary to survey the quitclaimed property represented by a recorded Plat? Via SWB letters of deception delivered to Thomas Brothers by the Sheriff’s deputies and the US Mail, attorney Welch attempted to deceive the Thomas Brothers in a similar fashion as was done to the 13 Whitehead heirs. *In Thomas Brother’s opinion, attorney A.J. Welch, Jr. is a master of deception.*

Welch and White deceived the Georgia Appeals Court by stating that all we want are Thomas Brothers water rights, we do not care what the brothers do with the

property; but months later Welch was detected at Snapping Shoals over in Newton County attempting to purchase the adjacent property to Thomas Brothers that the Oak Hill Church of Christ is located upon. *Lastly, to prove my point of illegal property acquisition, attorney Welch illegally surveyed Newton County property belonging to Thomas Brothers, not a part of this lawsuit, and without a deed or quitclaim, only a fraudulently obtained plat, transferred ownership of said property to J.M. Hanger, then to the HCWSA, and all these illegal dealings were financed with Henry County taxpayer monies, the cost of the survey, the \$25,000.00 paid to J.M. Hanger and the legal/illegal attorney fees paid to the SWB law firm in the practice of deception.* In conclusion, attorney Welch deceived the Henry County taxpayers with over 3 years of an unnecessary lawsuit that he (Welch) self-generated for his (Welch's) private, pro bono client, J.M. Hanger. The bottom line is the fact that the SWB attorneys, with malice and forethought, accompanied by their pro bono client J.M. Hanger, intentionally sold stolen Newton County property to a Henry County government agency.

Regretfully, when the Henry County Superior Court Judge agreed with the SWB attorneys to overrule the HCWSA environmental study denying Henry County use of the South River waters, the Henry County taxpayers were deceived for the cost of said environmental study, as approved by the state and federal regulating agencies, had been monetarily destroyed without any state or federal approval.

More deception: In 1999 Mr. and Mrs. East purchased the Henry County property upstream of the Snapping Shoals dam. At the time of purchase, ownership of the riverbed might have belonged to WDCCL or Whitehead heirs. The SWB law firm was the closing attorneys for Mr. East. Said law firm closed the property purchase to the centerline of the South River giving to Mr. East the riverbed probably owned by the WDCCL heirs. In June of 2008 Mr. East was shocked to discover that SWB had taken from him (East) without notice or payment the same riverbed, transferred ownership to J.M. Hanger, then to the HCWSA. Mr. East personally asked the SWB attorneys, "what have you done to me and my property that you closed in 1999"? *According to Mr. East, the SWB attorneys told said East that in 1999 they (SWB) made a mistake, that the HCWSA really owns the riverbed, they (HCWSA) purchased said riverbed from J.M. Hanger on March 10, 2008. And that is a true story.*

#### A NEW CASE LAW

Pursuant to the recent rulings by the Henry County Superior Court, backed up by the Georgia Appeals Court regarding the lawsuit "HCWSA vs Thomas Brothers",

as created by private SWB attorneys; said courts have created a new case law making the following illegal acts, legal:

It is now legal for a private attorney to falsify his intentions regarding the ownership of property and fraudulently trick the real owners into signing an unfunded quitclaim deed transferring ownership, without notice or payment, of said real owner's properties to a third party represented by said private attorney. Furthermore, it is now legal for said private attorney, to sell or transfer ownership of the fraudulently quitclaimed property to an uninformed government agency, also represented by said private attorney.

It is now legal for a private attorney to falsify the status of said private attorney's client and so deem said status as bona fide or innocent.

It is now legal for a private attorney to use an unfunded, mail-order quitclaim in lieu of a warranty deed.

It is now legal for a private attorney to obtain a quitclaim on property having a recorded plat, but an unrecorded deed, while knowledgeable of said quitclaim property's real owner, without notice or payment to the real owner, transfer ownership to said attorney's client.

It is now legal for a private attorney, using unauthorized taxpayer funds, to solicit a pro bono client to act as a "straw-man" or "stand-in" for said attorney in the conquest of illegally acquiring property and natural resources.

It is now legal for a private attorney, without notice or payment to the real property owner, to trespass, survey and transfer ownership of privately owned property, to said attorney's third party client, without a deed or quitclaim deed to back up ownership of the illegally surveyed property. In other words, it is now legal for a private attorney to steal property, transfer same to said attorney's private client, then sell the stolen property to an uninformed government agency without said agency's knowledge, resolution, survey or plat, no appraisal and no clear title.

It is now legal for a private attorney to overrule a taxpayer funded environmental study condemning the use of the waters of a specific aquatic site, then to sell the same condemned waters to an unsuspecting county government agency as a future raw water withdrawal site located adjacent to said private attorney's client's riverside property, and represent said private client in the sale of the riverside property.

It is now legal for a private attorney to lie to a county Superior Court Judge and lie to a Georgia Appeals Court in order to obtain a favorable ruling for said attorney's clients.

It is now legal for a private attorney to use the local sheriff's deputies and the US Mail to perpetuate a crime of misinforming said attorney's victims, with a motive to steal.

It is now legal for a private attorney to use taxpayer monies of his own volition.

It is now legal for a private attorney's clients, both pro bono and paid government agency clients and said agency's taxpayer funded board members to lie under oath.

It is now legal for a private attorney's government agency client, using fraud and posthumous resolutions, to put a private company out of business.

It is now legal for a private attorney, via said attorney's solicited pro bono client, to exploit the elderly, inflict pain and suffering on the elderly, and unjustly enrich his private client's financial status at the detriment of the elderly.

### **PROSECUTION AND RESTITUTION**

Pursuant to the recently completed Tussahaw Creek Reservoir and the Snapping Shoals property and natural resource scam, some of the illegal dealing of the SWB law firm exceed the Statue of limitations, that is to say, said dealing involving making millions of dollars in personal monetary gains from municipal water projects while simultaneously being paid to represent said projects, the illegal taking of private properties without notice or payment to the rightful owners must be stopped and restitution made. If a bank robber's crime matures past a certain time limit or exceeds the statute of limitations, is it OK for said bank robber to continue robbing banks? *Is it legal for the SWB law firm to continue robbing the Henry county taxpayers of said taxpayer's monies in the form of unnecessary legal fees resulting from "self-generated" lawsuits, and the Newton County property owners from their lifetime of financial savings, properties and assets?*

  
Hoke Thomas

### ITEMS FROM THE PAST

WHEN ATTEMPTING TO SOLVE THE MYSTERY OF THE 1977 UN-RECORDED WARRANTY DEED WHITEHEAD DIE CASTING COMPANY, LTD. CASH SALE OF 4.82 ACRES OF DRY LAND, DAM, CANAL AND RIVERBED TO THOMAS BROTHERS, A DEEDS RESEARCHER DISCOVERED THE ATTACHED "PAPER" ALONG WITH THE MISSING DEED IN THE OLD WHITEHEAD DIE CASTING COMPANY, LTD. SAFE LOCATED IN THE REAR OF THOMAS BROTHER'S SNAPPING SHOALS OFFICE. SAID SAFE WENT THROUGH THE 1994 FLOOD AND WAS OPENED BY AN INDIVIDUAL WHO WORKS ON SAFES, PREVIOUS TO THAT EVENT, SAID SAFE HAD ONLY BEEN OPENED BY R.K. WHITEHEAD, SR., FOR THOMAS BROTHERS DID NOT HAVE THE COMBINATION TO OPEN THE SAFE. R.K. WHITEHEAD, SR. DIED IN 1990

AUGUST 23, 1983 LETTER FROM WHITEHEAD DIE CASTING COMPANY TO THOMAS BROTHERS REFERRING TO DAM, WATER RIGHTS AND GENERATORS THAT THOMAS BROTHERS PUT IN AT SNAPPING SHOALS.

ITEMIZED LIST WRITTEN BY R.K. WHITEHEAD, SR. LISTING ALL THE ITEMS SOLD TO SAID BROTHERS IN 1976, NOTE: "ALL WATER RIGHTS" BELONGING TO 3 PREVIOUS OWNERS. THIS PROVES THAT THE WATER RIGHTS WERE PURCHASED BY THOMAS BROTHERS IN 1976, SAID WATER RIGHTS WERE NOT AN EASEMENT AS THE HENRY COUNTY SUPERIOR COURT RULED. THE EASEMENT WAS FOR ACCESS RIGHTS TO THE DAM AREA, TO UPPER TRASH RACKS, CANAL AND TO HAFLEY ROAD OF WHICH ALL THESE EASEMENT ITEMS WERE PURCHASED BY THOMAS BROTHERS IN 1977 AS WHAT R.K. WHITEHEAD CALLED "AREA H".

Include

Stone

Block & Power House

Parcel F

" E

Area (H)

4.82 ACRES  
AT THE DAM  
1977



All Water Rights, formerly belonging to  
Wm Reid, or to Rked or V. E. Long

All access rights to land area, to  
upper trash racks, canal & to  
Hofley Road

Generators Asheville + 3 Transformers + Ho st  
\$2,500<sup>00</sup> (\$1,000 Cash, bal in 1 year)



## WHITEHEAD DIE CASTING COMPANY

1216 Zonolite Road, N. E. — Atlanta, Georgia 30306 — Telephone (404) 875-5594, 875-0836  
Telex No. 54-2559

August 23, 1983

Dear Hoke and Mike;

You may want to get some advice from a lawyer about the City of Atlanta or the Environmental Protection Agency (EPA)

They threaten to dam and reroute your South River water 10 or 15 miles overland and dump it back in the Chattahoochee River.

This would ruin your Power Development and should make you subject to a great loss on the Dam, Water Rights, Generators, etc. that you have put in there at Snapping Shoals.

You can keep this article. EPA Address is available. Good to have visited with your mother.

Best Regards to you both

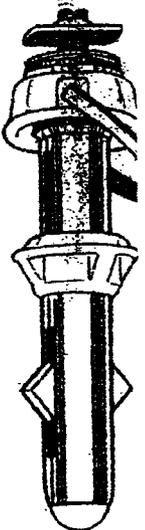
Jack Whitehead SR.

Snapping Shoals,

Rt 5 Box 161,

Covington, Ga.

30209



Nov. 13, 1977

Mr. Hoke Thomas,  
Thomas Bros. Mfg. Co.,  
Route 1, Box 555,  
Snapping Shoals,  
Covington, Georgia

Dear Holt and Mike;

I enclose a copy of our Henry County Paid Tax Bill and estimate that of this \$190.10, that somewhere close to \$ might be your part. And I also enclose a copy of our final notices (2 tax bills) from Newton County, one for a total of \$351.51 and the other for a total of \$154.55. I paid \$246.25 on one and I paid \$123.63 on the other back in June or July and I attached last week checks for \$205.26 and for \$25.92 so that all the tax for you and for us is PAID now if I understand correctly that yours was included in ours. I would estimate that \$125 to \$150 of this Newton Co. \$606.06 total would be yours.

So if you will go by the two courthouses and see if your tax has been included in our totals, I will sure appreciate it. AND see if you can if your portion of the Henry Co. \$190.10 would be somewhere around \$50.00 and if your portion of the Newton Co. totals would be somewhere around \$150.00 making a total of \$200.00 or near that you are due the W.D.C.Ltd. for your portion. It may be, Hoke that the \$154.55 separate bill was the Thomas Bros. portion. Then it would still be about \$200.00 total due LTD. Be sure at Henry Co. that your old Hosp. House and the 6 or so acres in Henry Co. of yours across the old bridge are paid.

Whatever you find out let me know and it will suit me. I just didn't want to let these Taxes go past the due date.

Sure am tickled that you and Mike are doing so well. Hope to get by and see the new tail race first time I'm going that way.

With best of wishes for your continuing success. I am,

Sincerely yours,

WDCG LTD

*[Handwritten signature]*  
Partner Dick

rkw  
encls. Keep these copies of the paid Tax Bills for your receipts.  
if you find they are correct. D.

### **LETTER**

SMITH, WELCH & BRITAIN LETTER OF JANUARY 30, 2008 TO THE 13 INNOCENT WHITEHEAD HEIRS INSTRUCTING SAID HEIRS TO SIGN A QUITCLAIM DEED FOR J.M. HANGER IN ORDER TO CORRECT A NEWLY FOUND "CLERICAL ERROR" IN SAID HANGER'S 1991 WARRANTY DEED PURCHASE FROM WHITEHEAD DIE CASTING COMPANY, LTD.

### **LETTER READS AS FOLLOWS**

"WE HAVE DONE THE RESEARCH AND **CREATED** THE CORRECT LEGAL DESCRIPTION FOR THE PROPERTY WHITEHEAD DIE CASTING COMPANY, LTD. **MEANT** TO CONVEY TO MR. HANGER IN 1991"

"IN ORDER TO **CORRECT** THE ERROR, QUITCLAIM DEEDS WITH THE CORRECT LEGAL DESCRIPTION **MUST BE SIGNED** BY ALL THE DESCENDENTS OF THE ORIGINAL PARTNERS OF WHITEHEAD DIE CASTING COMPANY, LTD."

### **BOGUS MAIL-ORDER QUITCLAIM**

THE SMITH, WELCH & BRITAIN QUITCLAIM DEED, WRITTEN ON A PRO BONO BASIS, FOR J.M. HANGER, WAS FOR 273.6 SNAPPING SHOALS ACRES DATING BACK TO 1934, NOT THE 160 ACRES PREVIOUSLY OWNED BY WHITEHEAD DIE CASTING COMPANY, LTD. FOR 27 YEARS FROM 1964 TO 1991.

### **UNFAIR TO THE DECEASED**

THE SMITH, WELCH & BRITAIN JANUARY 30, 2008 LETTER TO THE WHITEHEAD HEIRS WAS TOTALLY "OUT OF CHARACTER", FOR 5 OF THE 7 PRINCIPALS OF THE DISSOLVED WHITEHEAD DIE CASTING COMPANY, LTD. ARE DECEASED AND THEREFORE CANNOT OBJECT TO THE FRAUDULENT ACTIONS OF THE SMITH, WELCH & BRITAIN ATTORNEYS.

Ernest M. Smith (1911-1992)  
A. J. Welch, Jr., PC  
J. Mark Brittain  
Byrd Garland  
Bruce McFarland  
John P. Webb, PC  
Walter Fendergrass, III  
William A. White, PC  
Pandora E. Palmer, PC (HI & GA)  
L. Scott Mayfield  
Mark C. Walker  
Andrew J. Welch, III (NY & GA)

# Smith Welch & Brittain LLP

**ATTORNEYS AT LAW**

*Providing a lifetime of service*

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William M. Roberts  
Roslyn C. Grant

2200 KEYS FERRY COURT • PO BOX 10 • MCDONOUGH, GEORGIA 30253

Telephone: 770-957-3937 • Facsimile: 770-957-0115

www.swblawfirm.com

January 30, 2008

William E. Green III  
192 Pineview Church Road  
Blythewood, SC 29016

RE: Corrective Title Work for John Hanger regarding Henry County, Georgia Property

Dear Mr. Green:

Our firm <sup>↓ PRO BONO</sup> represents Mr. John Hanger. In 1991, Mr. Hanger purchased <sup>↓ LIE</sup> all of the remaining property that the Whitehead Die Casting Company, Ltd. had an interest in. Due to clerical error at the time of purchase, title to a portion of the property Mr. Hanger paid for was not transferred to him. The correct legal description should have been the legal description of the company's original property, less and except all of the portions the company conveyed over the years. We have done the research and created the correct legal description for the property Whitehead Die Casting Company, Ltd. meant to convey to Mr. Hanger in 1991.

In order to correct the error, quitclaim deeds with the correct legal description must be signed by all the descendents of the original partners of the Whitehead Die Casting Company, Ltd. Therefore, enclosed is a quitclaim deed to properly transfer that portion of property to Mr. Hanger. Please follow these steps in order to execute the enclosed quitclaim deed:

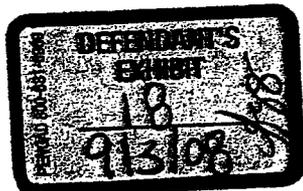
- 1) On Page 1: Please fill in the State and County where you live.
- 2) On Page 1: Please fill in the month and day you sign the deed.
- 3) On Page 2: Please sign above your name. Your signature must be done in the presence of a Notary Public and a Witness (the Notary and Witness must be two different people and can not be your family members).
- 4) On Page 2: Both the witness and the Notary Public must sign the deed on the lines provided. Please be sure to also have the Notary Public affix their notary seal.

Once you complete the above items, please return the original signed quitclaim deed in the prepaid envelope enclosed. Your prompt attention to this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

SMITH, WELCH & BRITTAIN

Anna C. Dougherty, Esq.



**COPIES OF PAGES OF THE MITIGATION PLAN FOR THE TUSSAHAW  
CREEK WATER SUPPLY RESERVOIR, PROJECT NO. 02-121598**

THE HIGHLIGHTED PORTIONS OF THE MITIGATION PLAN PROVE THAT HENRY COUNTY COULD NEVER USE THE WATERS OF THE SOUTH RIVER AS A HENRY COUNTY WATER SUPPLY, THAT THE TUSSAHAW CREEK AREA WAS THE ONLY POSSIBLE SOURCE OF WATER FOR USE BY HENRY COUNTY. THIS ENVIRONMENTAL STUDY ALONG WITH OTHER ITEMS OF ENCOURAGEMENT WAS USED TO PERSUADE THE HENRY COUNTY SUPERIOR COURT TO APPROVE OF AN ESTIMATED \$60,000,000.00 IN REVENUE BONDS NEEDED TO CONSTRUCT THE TUSSAHAW CREEK RESERVOIR AND COMPLETELY ELIMINATE ANY FUTURE POSSIBILITIES OF DEVELOPING SNAPPING SHOALS OR THE WATERS OF THE SOUTH RIVER FOR A HENRY COUNTY WATER SUPPLY.

**NOT SO,** LESS THAN 3 YEARS AFTER THE TUSSAHAW CREEK RESERVOIR FILLED WITH WATER, ATTORNEY A.J. WELCH, JR. WAS CAUGHT BY THOMAS BROTHERS TRESPASSING OVER INTO NEWTON COUNTY AND HAVING PRIVATE SURVEYORS, PAID BY HENRY COUNTY TAXPAYERS, MAKING AN ILLEGAL SURVEY OF SNAPPING SHOALS AND THE SOUTH RIVER, FOR A WATER TREATMENT PLANT.

AFTER 3 SMITH, WELCH & BRITAIN ATTORNEYS SUED THE THOMAS BROTHERS ON BEHALF OF THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY, THE HENRY COUNTY SUPERIOR COURT, POSTHUMOUSLY AGREED AND OVERTURNED SAID MITIGATION PLAN ALLOWING HENRY COUNTY TO USE THE POLLUTED WATERS OF THE SOUTH RIVER FOR A FUTURE HENRY COUNTY WATER SUPPLY.

## 1.0 INTRODUCTION

The Henry County Water and Sewerage Authority (the Authority) has proposed the construction of the Tussahaw Reservoir as a water supply source to support the rapidly growing population in Henry County. According to the Atlanta Regional Commission (ARC), the population growth in Henry County from 1990 to 2000 was the highest in the Atlanta Region, growing 103 percent during that period. The population growth has resulted in an increase in water demand, which will exceed the Authority's current water supply capacity by mid-2004. To meet this need the Authority has proposed the construction of the Tussahaw Reservoir. The Tussahaw Reservoir will have a safe yield for water supply of approximately 26.3 million gallons per day (MGD). This additional supply will provide the Authority a total water supply capacity of 50.3 MGD.

The Authority evaluated 19 water supply alternatives to the proposed Tussahaw Reservoir. All proved to be inadequate due to insufficient yield, greater wetland impacts, and/or substantially higher construction and operation costs. The proposed Tussahaw Reservoir is the least environmentally damaging practicable alternative that meets the needs of the Authority and the citizens of Henry County.

Construction of the Tussahaw Reservoir will permanently impound approximately 252 acres of wetlands and 90,200 linear feet of streams. These impacts will be offset through the implementation of a mitigation plan consisting of 1,423 acres of wetland restoration, wetland preservation, and upland buffer preservation, and 135,900 linear feet of riparian corridor restoration and preservation encompassing 553 acres. Mitigation measures will be implemented prior to reservoir impoundment.

Additional mitigation within the framework of "watershed-oriented mitigation" is provided by the Authority. The Authority is conducting a watershed assessment to determine the existing water quality and biological health of the County's streams and the development of a program to maintain and improve these same streams. The applicant has established the Cubihatchia Outdoor Learning Center, in cooperation with the Henry County Board of Education, between the Long Branch and Lower Towaliga Reservoirs. This Center has been designed to provide an outdoor classroom for the students and teachers (elementary through senior high) where they will learn

### 3.0 MINIMIZATION OF JURISDICTIONAL WATER IMPACTS

The applicant evaluated 19 water supply alternatives, as presented in detail below. In evaluating reservoir sites, the applicant considered numerous factors, including stream and wetland impacts, cost of land acquisition and reservoir construction, and water yield. Of eight alternative dam locations and dam heights evaluated on Tussahaw Creek, the proposed Tussahaw Reservoir has the highest water yield, lowest wetland percentage (wetland acres ÷ reservoir surface acres), lowest cost-to-yield ratio (construction cost ÷ yield), and lowest wetland impact-to-yield ratio (wetland acres ÷ yield). Other streams with watersheds of sufficient size to generate adequate water yield, Walnut Creek and Big Cotton Indian Creek, were considered infeasible and non-practicable because of existing water supply withdrawals by Clayton County and the City of McDonough, existing wastewater discharges into these watersheds, excessive land acquisition costs, numerous and costly infrastructure relocations, and the displacement of a large number of residences and businesses. Although use of the South River and/or Jackson Lake would produce minimal wetland impacts compared with new reservoir construction, these waters were considered to be infeasible and non-practicable as water supply sources because the South River has substantial water quality problems, and the GEPD and Georgia Power have stated that Jackson Lake is unavailable as a water supply source.

WOW, MUST HAVE COST MILLIONS

### 3.1 TUSSAHAW RESERVOIR ALTERNATIVES

The Authority evaluated 19 alternatives to the proposed Tussahaw Reservoir. These alternatives are comprised of the following: Alternatives 1-4) expansion of four existing water supply reservoirs; Alternatives 5 and 6) development of a new reservoir on Walnut Creek or Big Cotton Indian Creek; Alternatives 7-13) seven different combinations of dam location and dam height on Tussahaw Creek; Alternatives 14 and 15) the South River and a pumped storage reservoir adjacent to the South River; Alternative 16) Jackson Lake; Alternatives 17 and 18) the Ocmulgee River and a pumped storage reservoir adjacent to the Ocmulgee River; and Alternative 19) ground water. These alternatives are presented in greater detail below.

THIS IS IT

MGD. The cost-to-yield ratio is \$1.32M/MGD, while the wetlands-to-yield ratio is 43.5 acres/MGD (Table 1).

Lowering the reservoir to a full pool elevation of ~~686~~<sup>580</sup> feet would result in a 996-acre reservoir that would impound 620 acres of wetlands, have a drainage area of 23 square miles, a storage capacity of 16,000 acre-feet, and an expected yield of approximately 11.0 MGD. The cost-to-yield ratio is \$1.24M/MGD, while the wetlands-to-yield ratio is 56.4 acres/MGD (Table 1).

Further lowering to ~~660~~<sup>560</sup> feet (421 surface acres) would impound 313 acres of wetlands, have a drainage area of 23 square miles, a storage capacity of 5,000 acre-feet, and an expected yield of approximately 5.5 MGD. The cost-to-yield ratio is \$1.33M/MGD, while the wetlands-to-yield ratio is 56.9 acres/MGD (Table 1). These three alternatives were considered infeasible because of excessive wetland impacts and insufficient yield.

### 3.1.4 South River, Pumped Storage, and Jackson Lake

— READ THIS —

The concept of constructing a reservoir on a small stream adjacent to the South River as a storage reservoir for water pumped from the South River was evaluated by the Authority. This alternative was determined to be unacceptable for several reasons, including the poor water quality in the South River. According to our review of GEPD National Pollution Discharge Elimination System (NPDES) permit records; the South River receives wastewater from 18 water pollution control plants, with a combined discharge of approximately 70 MGD. Numerous NPDES permit violations have occurred at some of these treatment plants, resulting in large volumes of untreated municipal wastewater being discharged into the South River, rendering this water source unacceptable for a safe and reliable public water supply source.

Further, the South River only partially supports its designated use of fishing because of contamination by fecal coliform bacteria, lead, copper, zinc, PCBs, and chlordane [Water Quality in Georgia 1996-1997 (Georgia 305(b) Report), GEPD]. The Georgia Department of Natural Resources (GDNR) has a fish consumption advisory in place for the South River because of the PCB and chlordane contamination. Furthermore, ARC classifies the

South River as unsuitable as a water supply source due to urban runoff pollution and treated wastewater discharges

Jackson Lake also was considered as a potential water supply source. This alternative was determined to be unacceptable because of the poor water quality and lack of availability as a water supply source. Our review of GEPD NPDES permit records shows that the Jackson Lake watershed receives approximately 97 MGD of municipal wastewater. Numerous NPDES permit violations have occurred at some of these treatment plants, resulting in large volumes of untreated municipal wastewater being discharged into the Jackson Lake watershed, rendering this water source unacceptable for a public water supply. Furthermore, GEPD has stated that Jackson Lake is not available as a municipal water supply source (GEPD letter to Mr. Greer Tidwell, USEPA, and GEPD letter to Mr. John Dean, ARCADIS, Appendix A).

Also, the GEPD (letter dated November 2, 2000), in response to a request by USEPA (letter dated October 6, 2000), has stated that Jackson Lake "... is not an acceptable source of water supply. Therefore, it is not a practicable alternative ..." (Appendix B).

In Mr. Harold Reheis', Director GEPD letter (Appendix C) to Ms. Marcie Seleb, General Manager, Butts County Water and Sewer Authority (BCWSA), dated February 12, 2002, he indicates that GEPD continues to have concerns regarding the suitability of Jackson Lake as a water supply source due to poor water quality. Further, Mr. Reheis states "...Jackson Lake and other candidate options for regional long-term water supply solutions should not be viewed as an alternative to on-going efforts (e.g., Bear Creek, Tusahaw Creek, and Butts County's proposed 9.7 MGD withdrawal from the Ocmulgee River) to meet immediate water needs. I understand from our meeting that you do not contend otherwise" (emphasis added).

The Tusahaw Creek "arm" of Jackson Lake periodically exhibits relatively good water quality. However, during summer months when water demand is highest and the flows in Tusahaw Creek are low, poor quality water from the remainder of Jackson Lake moves into the Tusahaw Creek "arm". Also during this time, treated wastewater comprises a substantially higher proportion of the water entering Jackson Lake. The Tusahaw Creek arm of Jackson Lake also experiences substantial algae blooms from

April to October. Municipal water demands are substantially higher during this time than the remainder of the year. The algae blooms result in taste and odor problems if used as a source of drinking water, and make Jackson Lake unsuitable as a municipal water supply source, as stated by GEPD (GEPD letter to Mr. Bill Jones, Butts County Water Authority, Appendix D).

Another significant factor against using Jackson Lake as a water supply source is the Federal Energy Regulatory Commission requirements related to Georgia Power's hydroelectric generation at the Jackson Lake Dam. Sedimentation of the lake since its construction in the 1930s has substantially reduced the water storage capacity of the lake, which adversely affects electricity generation during low flow periods, which typically coincide with periods of high electricity demand. Dam releases also must occur to maintain minimum downstream flows to avoid adverse effects to aquatic life in the Ocmulgee River, and to provide cooling water for the coal-fired Plant Scherer electricity generation plant located downstream of Jackson Lake. ~~Georgia Power~~

Jackson Lake unavailable for water supply due to their emergency contingency plan to provide cooling water for Plant Hatch, a nuclear-powered electricity generation facility located in southeastern Georgia on the Altamaha River, immediately downstream of the confluence of the Ocmulgee and Oconee Rivers (Georgia Power letter to Authority, Appendix E).

In Mr. Glenn Ivie's, Land Management Manager, Georgia Power letter to Mr. J.B. White, Chairman, BCWSA, dated February 14, 2002 (Appendix F), he concurs with Mr. Reheis' letter of January 14, 2002 addressed to the BCWSA concerning the Federal Energy Regulatory Commission license requirements, GEPD withdrawal requirements and the unavailability of Jackson Lake as a water supply source to a single political jurisdiction. Mr. Ivie concludes his letter to Mr. White stating "In view of all these considerations, we do not believe it is prudent for us to consider water withdrawals for the Authority from Jackson Lake at this time."

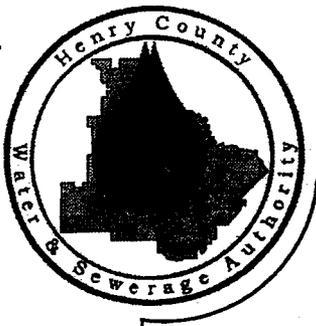
### 3.1.5 Ocmulgee River and Pumped Storage

The Ocmulgee River was evaluated as a potential water supply. The Authority considered the river both as a sole source and as the primary water source for an off-line

**JULY 30, 2004 LETTER FROM THE HENRY COUNTY WATER AND  
SEWERAGE AUTHORITY**

THIS LETTER OF THANKS TO THOMAS BROTHERS FOR MAKING HENRY COUNTY AN OFFER TO BE A PARTICIPANT IN THE DEVELOPMENT OF SNAPPING SHOALS FOR A WATER TREATMENT PLANT, FOLLOWED BY AN EXPLANATION AS TO WHY HENRY COUNTY CAN NEVER USE THE POLLUTED WATERS OF THE SOUTH RIVER, FOLLOWED BY AN OFFER TO PURCHASE THE SNAPPING SHOALS RIVERBED, IS ALL THE PROOF NEEDED TO CONCLUDE THAT THE SMITH, WELCH & BRITTAİN ATTORNEYS, J.M. HANGER AND THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY WERE NOT BONA FIDE OR INNOCENT PURCHASERS OF THE FEBRUARY 11, 2008, MAIL-ORDER QUITCLAIMED PROPERTIES OF SNAPPING SHOALS, FOR ALL 3 PARTIES WERE AWARE OF THOMAS BROTHERS OWNERSHIP.

FURTHERMORE, SAID LETTER AS SIGNED BY MANAGER LINDY FARMER, IS ONE AND THE SAME LINDY FARMER THAT IN 2008, FOLLOWING THE CONCEPTION OF THE SMITH, WELCH & BRITTAİN LAWSUIT AGAINST THOMAS BROTHERS, FOR THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY, THAT TOLD THOMAS BROTHERS AND A DEEDS RESEARCHER, "WE ARE GOING TO PUT YOU OUT OF BUSINESS".



## HENRY COUNTY WATER AND SEWERAGE AUTHORITY

1695 HWY 20 WEST • McDONOUGH, GEORGIA 30253  
TELEPHONE (770) 957-6659 • FACSIMILE (678) 583-2140

July 30, 2004

Mr. Hoke Thomas, Jr.  
Thomas Brothers Hydro, Inc.  
115 Snapping Shoals Road  
Covington, Georgia 30015

Re: South River Water Supply

Dear Mr. Thomas:

Thank you for attending our Board Meeting this past Tuesday and presenting your South River Water Supply Proposal to our Board members, counsel, staff, and me. At this time, and as expressed in our meeting, we have a number of concerns and reservations concerning your proposal. These concerns relate to water quality, permit feasibility, inter-basin transfer, storage, and other matters more fully described hereinafter.

The Henry County Water and Sewerage Authority ("Authority") has evaluated the South River as a potential water supply source in depth on three occasions over the past 16 years:

1. We originally evaluated the South River as a water supply source in 1988 during our initial permitting of the Upper Towaliga and Long Branch Reservoirs.
2. We again evaluated the South River in 1996 prior to the expansion of the Upper Towaliga Reservoir.
3. We also evaluated the South River in 2000 during the permitting of the Tussahaw Reservoir.

On each occasion it was determined that the South River was not a feasible alternative for water supply by not only the Authority, but also by the State of Georgia, Department of Natural Resources, Environmental Protection Division (EPD) and the U. S. Army Corps of Engineers.

Mr. Hoke Thomas, Jr.  
July 30, 2004  
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One of the primary concerns regarding the South River that severely limits its feasibility as a water supply source is its poor water quality. As indicated in your letter, the South River Drainage Basin is comprised of 468 square miles at the proposed raw water intake location, with the upper reaches of the watershed comprised of the extensively urbanized and industrialized Atlanta Metro Area. Also, as indicated in your letter, the mid and lower reaches of the watershed (i.e., Newton, Rockdale, Henry, and Walton Counties) are ranked among the fastest growing industrial and residential communities in the country. The existing and growing urbanization of this watershed in the absence of a watershed protection has led to significant water quality problems in the South River rendering it unsuitable for water supply.

To support our opinion, we provide the following facts:

1. Within this watershed, there are 18 Water Pollution Control Plants with a combined permitted discharge of 70 million gallons per day (MGD) of treated wastewater, as well as two combined sewer overflows in the City of Atlanta that discharge raw sewage into the South River.

2. The urban stormwater runoff from the City of Atlanta and surrounding urban areas flows into the South River and its tributaries as untreated runoff. These discharges have resulted in a significant degradation of the river's water quality. Specifically, the EPD has determined that 123 miles of the South River and its tributaries above the projected water intake fail to meet water quality standards for its designated use. Also, another 16 stream miles only partially meet its designated use [Source: Georgia Environmental Protection Division, 303(d) Report for Streams, dated January 9, 2004]. The referenced report goes on to specify water quality concerns such as poor dissolved oxygen levels, elevated levels of fecal coliform and PCBs (a known carcinogen), as well as provide fish consumption guidance for fish taken from the South River.

Mr. Hoke Thomas, Jr.  
July 30, 2004  
Page Three

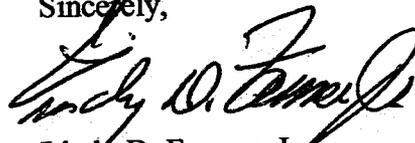
3. These known discharges and related water quality issues generate substantial public acceptance problems if waters containing these contaminants are used as municipal water supply, especially if cleaner water is available. Regardless of public perception, the EPD has stated that the South River is unsuitable for water supply; "The South River basin... is one of the most urbanized river basins in Georgia. It contains two major wastewater treatment plant discharges, combined sewer overflows, and stormwater runoff from industrial and urban areas. EPD does not consider the quality of this river to be suitable for drinking water." (Source: Letter from H. Reheis, Director of EPD, to S. Hay, dated February 21, 2003.)

4. In addition, approximately 60% of the flow in the South River during low flow periods is comprised of treated waste water discharges originally from the Chattahoochee River basin. Given the ongoing problems with the "tri-state water war" between Georgia, Alabama, and Florida regarding inter-basin transfer, the future availability of these waters is uncertain. As indicated in your letter, without this water flow your project is not feasible without the construction of a reservoir to store water to meet project demand. The Authority would be at considerable financial risk if we were to invest in the needed infrastructure for this project only to have the water unavailable.

However, on a positive note, we may be interested in acquiring your project site for mitigation purposes. If you would like to discuss this further, please contact me at your convenience and I will arrange a meeting to include my staff, consultants, and counsel.

If you have questions regarding this letter, or if you would like to arrange a meeting to discuss potential site acquisition, please call me at (770) 957-6659.

Sincerely,

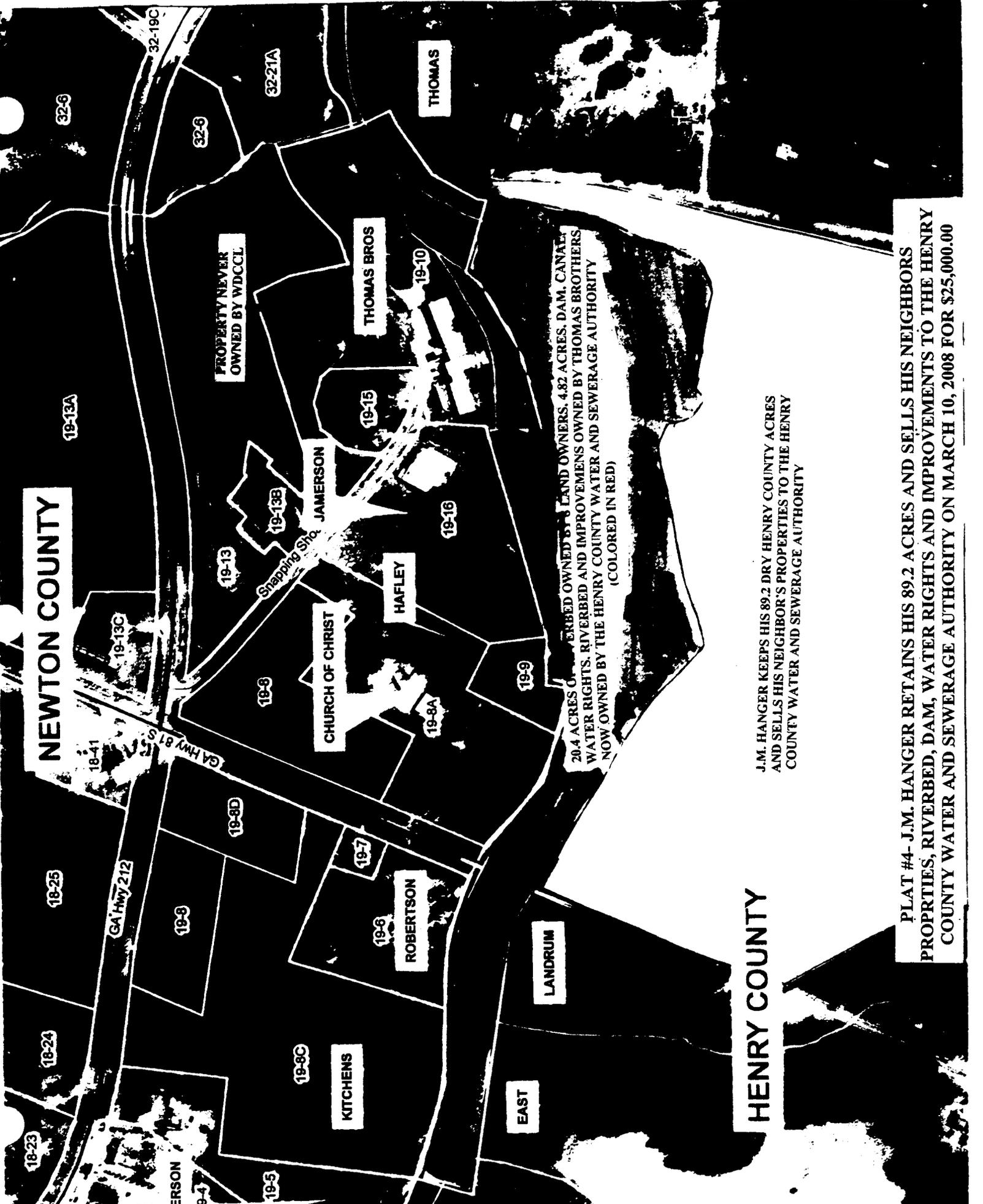


Lindy D. Farmer, Jr.  
General Manager

**PLAT SHOWING IN "RED" THE MAIL-ORDER, QUITCLAIMED  
PROPERTIES THAT J.M. HANGER SOLD TO THE HENRY COUNTY  
WATER AND AUTHORITY ON MARCH 10, 2008 USING A SMITH,  
WELCH & BRITTAIN, PRO BONO, FABRICATED LIMITED  
WARRANTY DEED AND BOTH DEEDS RECORDED AS A "FULL-  
BLOWN" WARRANTY DEED ON MARCH 30, 2008**

# NEWTON COUNTY

# HENRY COUNTY



PROPERTY NEVER OWNED BY WDCCL

20.4 ACRES OF PROPERTY OWNED BY 8 LAND OWNERS, 4.82 ACRES, DAM, CANAL, WATER RIGHTS, RIVERBED AND IMPROVEMENTS OWNED BY THOMAS BROTHERS NOW OWNED BY THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY (COLORED IN RED)

J.M. HANGER KEEPS HIS 89.2 DRY HENRY COUNTY ACRES AND SELLS HIS NEIGHBOR'S PROPERTIES TO THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY

PLAT #4-J.M. HANGER RETAINS HIS 89.2 ACRES AND SELLS HIS NEIGHBORS PROPERTIES, RIVERBED, DAM, WATER RIGHTS AND IMPROVEMENTS TO THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY ON MARCH 10, 2008 FOR \$25,000.00