

Patty,

This appears to be a
MFR - filed up in 10 day,
but no certificate of service.
I intend to return it, but
wanted your thoughts.

Alan

- * correct
- * has atty of record +
he references he has an
attorney
- * NO exhibits permitted

July 14, 2015

To: The Court of Appeals
Office of the Clerk
47 Trinity Avenue
Suite 501
Atlanta, GA 30334

Attn: Judge Ellington
Judge Dillard
Judge McFadden

US Attorney's Office
75 Spring St SW
Richard B. Russell Building
Atlanta, GA 30303
Attn: Attorney John Horn

From: Hoke and the late Mike Thomas
115 Snapping Shoals Road
Covington, GA 30016
Phone #404-386-1256
Email: hokethomasjr@aol.com

RECEIVED IN OFFICE
2015 JUL 22 AM 11:48

Subj: Plea for Reconsideration for the July 13, 2015, Georgia Court of Appeals, A15A0185, Thomas et al. v. Hanger ruling as based on fraudulent, incorrect information

Ref: (a) Georgia Court of Appeals July 13, 2015 ruling, "red-lined"
(b) July 4, 2015 document, "Sharp Business Practices"
(c) Many attached references

1. I hereby request a period of Reconsideration for subject ruling based on the erroneous ideas allowed by the Henry County Superior Court to be entered into Court records, unchallenged, and the many repeated, intentional errors entered into reference (a) ruling by the same Appeals Court now interpreted as a possible conspiracy with the lower County Court, not equal justice, between the two aforesaid Courts. Furthermore, it is requested that the U.S. Attorney's office investigate the illegal use of the information contained in references (a), (b) and (c) used by both courts to mutually agree on a ruling in favor of the Defendant. Thomas Brothers is of the opinion that not only has said brother's properties, business assets, federal permits and loss of a lifetime of monetary savings been obliterated by said Defendant and the Defendant's pro bono attorneys at the Smith, Welch and Brittain, (SWB) Henry County law firm, but also Thomas Brother's property, civil and First Amendment Rights. My attorney, Scott Cole of Hall, Booth & Smith has taken this case as far as any attorney can do so, but Scott is not a policeman, it is now time for Scott to "pass the ball" to the U.S. Attorney.

2. The information contained in reference (a) can only be comprehended and understood by knowing the various players in this farce. The July 13, 2015 verdict by the Georgia Appeals Court cannot be interpreted as an ordinary chain of court actions, or random events; for said verdict is a carefully orchestrated series of moves to steal privately owned property, business assets and water rights, that could have been legally purchased by the Defendant or the receiving Henry County government agency, if the correct and legal protocol had been implemented in lieu of the aforementioned farce, created by the aforesaid SWB law firm. This makes the culmination of subject Verdict even more heinous and obscene, for said Verdict cannot be understood without realizing that it is a cleverly orchestrated chain of events by various players, some more sinister than others, but all contributing to theft by taking and the clandestine transferring of stolen and mail-order quitclaimed properties to an unsuspecting, posthumously operated Henry County government agency backed up by over 3 years of a totally un-necessary, privately created, taxpayer funded SWB lawsuit, "The Henry County Water & Sewerage Authority vs. Thomas Brothers, #2008-SU-CV-2714-W.

3. Erroneous Ideas entered into the Henry County Superior Court records:

The Defendant's legal June 17, 1991 warranty deed purchase of 89.2 dry Henry County acres, by the acre, no more, no less, from Whitehead Die Casting Company, Ltd; (WDCCL) to retroactively count 17 years later as the payment or "consideration" for the 13 grandchildren's (heirs) signatures on a February 11, 2008, SWB authored, mail-order quitclaim for the Defendant, J.M. Hanger; while said heirs were different property vendors in year 2008, than the now deceased principals of WDCCL back in 1991, whose principals previously owned only 160 acres at Snapping Shoals, not the bogusly mail-order quitclaimed 273.6 acres, is totally ludicrous.

To allow the Defendant, J.M. Hanger, to lie under oath and commit perjury and retroactively claim a misunderstanding with his 1991, 17 year old Warranty Deed purchase of 89.2 acres, by the acre, from WDCCL, but to enter into the court records, per Hanger's own September 3, 2008 sworn Deposition, that he (Hanger), after being tutored in December of 2007 by pro bono attorney Welch, now thinks, in year 2008, that the 1991 property sale 17 years ago was from a Whitehead Family Estate Sale for more property than the 89.2 acres, hence the need for the signatures of the 13 Whitehead grandchildren (heirs), 17 years later, on the aforementioned mail-order quitclaim retroactively back 74 years to 1934, before said Hanger was even born! As a result of perjury, Hanger walked away from the Henry County Superior Court owning an additional 26.62 acres of riverbed and riparian water rights per OCGA 44-8-2 that belonged to 8 contiguous riverfront

private owners, Thomas Brother's 1977 purchase from WDCCL of 4.82 acres of Newton County property, the dam and canal, the closed Newton County portion of Old Snapping Shoals Road, a portion of 4.1 Newton County acres purchased by Thomas Brothers in 2004 and NOT a part of this lawsuit, and ownership of Thomas Brothers deeded water rights, to the South River, as purchased from WDCCL via a 1976 warranty deed. All total, over a 17 year period of time, the Defendant, J.M. Hanger's 89.2 dry acres of Henry County property amazingly grew to an additional 35.54 acres of property, assets and water rights in both Henry and Newton Counties, or adding this "quit-claimed" growth to his legally purchased 89.2 acres, equals 124.74 acres that Defendant Hanger acquired at no additional cost, even the SWB legal fees were free (pro bono)!!!! Defendant Hanger sold his freely obtained 35.54 acres to the Henry County Water and Sewerage Authority (HCWSA) on March 10, 2008 for \$703.34 per acre, without a survey or plat, no appraisal, no clear title and no HCWSA Resolution to purchase, for the aforementioned December of 2007 pre-arranged payment of \$25,000.00, with SWB attorneys representing both parties. One day later on March 11, 2008, SWB attorney Welch informed the uninformed HCWSA of said government agency's most fortunate purchase from his (Welch's) pro bono client, Defendant, J.M. Hanger. According to Court records, SWB attorney White stated that said law firm is selling, at an undisclosed price, the Defendant's legally purchased 1991, 89.2 river front acres to Henry County to build a water treatment plant.

J.M. Hanger and the HCWSA were all ruled as innocent or bona fide purchasers; implying that neither party was aware Thomas Brothers owned the aforesaid mail-order quitclaimed properties and assets. The truth of the matter is back in 2004, the HCWSA sent Thomas Brothers a written proposal to purchase said quitclaimed properties and Defendant Hanger often visited the Thomas Ice Plant over in Newton County to obtain ice. At a public meeting in 2004, attorney A.J. Welch, Jr. refused to allow the HCWSA to participate in the development of Snapping Shoals as a 30 MGD potable water treatment plant, due to excessive pollution in the South River per a recent HCWSA environmental study!! No matter what your point of view may be, all the above parties knew of Thomas Brothers 34 years of daily operations and uncontested use of Snapping Shoals, therefore none of the aforesaid parties were innocent or bona fide purchasers!!!

4. Repeated, intentional errors by the Georgia Appeals Court:

Page 3 of reference (a) ruling states that Thomas Brother's 1977 property purchase from WDCCL is located in Henry County, which it is NOT, it is located in Newton County in its entirety and goes to the center of the South River!

Said 1977 purchased property was not attached in 1977 nor 1991 to any property owned by the Defendant, J. M. Hanger.

Page 3 of Reference (a) ruling states that in 1991, the Defendant, J.M. Hanger purchased property abutting the Thomas' property in Henry County from the HEIRS OF WHITEHEAD DIE. This is wrong, there is no recorded deed in either of the two counties that state this, Hanger's purchase was from WDCCL, as was Thomas Brothers two purchases and the remaining other 10 Grantees of WDCCL's previous ownership of the original 160 acres, not the excessive, illegal claim of 273.6 acres contained in the SWB authored February 11, 2008 mail-order quitclaim that said 13 heirs were "tricked" into signing as per a SWB January 30, 2008 letter of fraudulent instructions claiming a "clerical" error in J.M. Hanger's 1991 purchase from WHITEHEAD DIE CASTING COMPANY, LTD. **NOT THE WHITEHEAD HEIRS!!!** (You cannot have it both ways).

This statement on page 3 of reference (a) sets the tone for the entire Snapping Shoals property scam, for the Appeals Court has made this same ruling on 3 different occasions with both lawsuits, first the HCWSA vs Thomas Brothers, then Thomas vs Hanger. After 3 times, it is very difficult to believe that this is simply a mistake, it appears to be intentional, for this one statement supports the previous judgment in favor of Defendant Hanger, by the Henry County Superior court, for if back in 1991, Hanger did purchase his 89.2 acres from the 13 heirs of WDCCL, then the monies paid to the 13 heirs for the 89.2 acres back in 1991 would suffice for the "consideration" paid to the same heirs in 2008 for said heirs signatures on the mail-order quitclaim, BUT that is not the case, the recorded property records in the Henry County Court House prove that on June 17, 1991, Defendant J.M. Hanger purchased via a warranty deed, 89.2 acres, by the acre, from WDCCL, NOT the Whitehead heirs. **This is the crux of both lawsuits and both Courts have got it wrong!!!!** In conclusion, knowing the facts, it is impossible for any Court to rule that the SWB authored year 2008 mail-order quitclaim for J.M. Hanger was funded, it was not, no consideration was paid and this entire property and natural resource scam created by one SWB attorney, is predicated on an unfunded, bogus, mail-order quitclaim deed and must be forwarded to the U.S. Attorney's office for investigation and prosecution. WDCCL was dissolved in 1994; only 3 of the original 7 principals remain alive today. Since the date of purchase in 1991, to lower his property taxes, Defendant Hanger's 89.2 dry Henry County acres has been in the Henry County Timber Conservation program; while Thomas Brothers has paid property taxes to Newton County on all their properties, even those properties stolen and mail-order quitclaimed by Defendant Hanger.

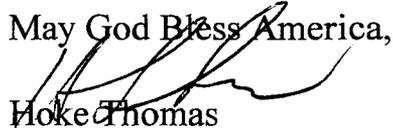
Pursuant to the instructions on reference (a) document, I have 10 days from July 13, 2015 to file a motion for reconsideration, please accept this letter dated July 14, 2015 as my reply, however, neither my attorney nor I can make a meaningful appeal with either the Georgia Appeals or Superior Courts until the incorrect information in reference (a) Verdict has been corrected; thereby allowing either of the aforementioned Courts to properly evaluate the true facts of this case. Otherwise, the Appeals or Superior Courts would "send me packing".

5. I (Hoke Thomas) close on these notes:

I do apologize to the Georgia Appeals Court, its judges and staff, for I greatly admire and respect the Judicial systems of both Henry County and the State of Georgia, but as a taxpayer, Veteran, business owner prior to the culmination of this lawsuit; I am the injured party and have lost a lifetime of monetary savings and ownership of the most strategic parts of my purchased properties, from which I have daily earned a living, dating back to 1976 and 1977. My losses to the SWB law firm, said firm's solicited, pro bono client, Defendant J.M. Hanger, said law firm's government agency client, the HCWSA were intentional, with malice and forethought; for in 2004 said SWB law firm and said firm's government agency client, had been given a chance to purchase Snapping Shoals. However in year 2008 said illegal actions were allowed to fester by the Erroneous Ideas entered into the Henry County Superior Court records and now the Repeated, intentional errors by the Georgia Appeals Court. I now place my only hopes of redeeming any dignity, property, civil and first amendment rights in the hands of the U.S. Attorney. For over my 75 years of life I have served my country well, it is now time for my country to return my unselfish efforts.

As before, I (Hoke Thomas) know nothing about case laws, my attorney does, but I do know how to recognize lies, fraud, deceit, perjury, stealing and the violation of both state and federal laws as has been the case since the December of 2007 solicitation meeting conducted by SWB attorney A.J. Welch, Jr.; when the Defendant J.M. Hanger was solicited, for the sum of \$25,000.00, as the SWB pro bono property client. If I have mislead, lied or misrepresented the facts to either the Henry County Superior Court or the Georgia Appeals Court, I expect and should be investigated, prosecuted and incarcerated, likewise the same fate should befall the participating SWB attorneys, Defendant J.M. Hanger and the board members of the posthumously operated HCWSA.

May God Bless America,


Hoke Thomas

Form 10-1

Lawyers Title Insurance Corporation

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF HENRY

THIS INDENTURE, Made the 17th day of June, in the year one thousand nine hundred ninety one, between WHITEHEAD DYE CASTING COMPANY, LTD., and SARA C. WHITEHEAD, ANN WHITEHEAD WRIGHT, ALVIN C. WHITEHEAD, SR., HARRY C. WHITEHEAD, SR. and LYNDA WHITEHEAD KINCAID, individually and as General Partners of the County of _____, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

JOHN M. HANGER

as party or parties 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: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION () DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land containing _____ and being in Land Lots 57, 58, 71 and 72 of the 8th District of Henry County, Georgia, per plat of survey made for John M. Hanger, by Joe Rowan, Jr. Registered Land Surveyor, dated May 23, 1991, of record in Plat Book 19, Page 209, in Office Clerk Superior Court said County of Henry. Said plat and the record thereof being incorporated herein by reference for description and all other legal purposes.

REC'D M. B. 1304
PAGE 285-176
DATE REC'D 6-21-91
Clerk Samuel S. Saylor
JUN 18 4 25 PM '91

FILED IN OFFICE
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA.

HENRY COUNTY GEORGIA
REAL ESTATE TRANSFER TAX
PAID \$ 95.60
DATE 6-18-91
Clerk of Superior Court

CLOSING STATEMENT

S. T. ELLIS
ATTORNEY AT LAW
35 GIBBY STREET
McDONOUGH, GEORGIA 30053

June 17, 19 91

WHITEHEAD DIE CASTING COMPANY, LTD.

JOHN M. HANGER

Seller _____ **Purchaser** _____
_____ acres in **Land** Lots 57, 58, 71 and 72 of the _____
8th District of Henry County, Georgia (Location of property)

	Credit to Purchaser	Due to Seller
1. Purchase Price: _____	*****	\$ 133,800.00
2. Earnest Money (Paid to <u>seller</u> _____):	\$ 1,000.00	*****
3. Outstanding Liens assumed / paid by Purchaser:		
(a) First Loan: Prin. \$ _____ Int. \$ _____ : Total		*****
(b) Second Loan: Prin. \$ _____ Int. \$ _____ : Total		*****
4. Purchase money notes executed by purchaser to seller		*****
5. Adjusted (Pro-rated) Items:		
(a) City taxes for present year: Assmt. \$ _____ Amt. \$ _____	517.14	
(b) State and County taxes for present year estimated to be \$1,123.54, 180 days at \$3.0782 per day		
6. Miscellaneous Items: _____		
7. Balance due to order of seller	132,282.86	*****
TOTALS	\$ 133,800.00	\$ 133,800.00

BALANCE DUE SELLER FROM ABOVE \$132,282.86

BALANCE DUE SELLER FROM ABOVE \$ 132,282.86

Seller's Expenses:

Purchaser's Expenses:

Transfer Tax \$ 133.80

Title Fee \$ 700.00

Recording Fees _____

Recording Fees 146.00

Intangible Tax _____

Joe Rowan, Jr. 1,945.00

Agent's Commission _____

Survey _____

(To: _____)

1990 State and County Taxes

Map #181-i-11 1,292.07

Total 1,425.87

Total 2,791.00

NET DUE SELLER \$ 130,856.99

PAID BY PURCHASER \$ 135,073.86

Whitehead Die Casting Company, Ltd. READ AND APPROVED

Sara C. Whitehead
Ann Whitehead
Oliver C. Whitehead Sr.
Kate E. Whitehead
Rt. W. Whitehead AGENT
Frank A. Whitehead

John M. Hanger PURCHASER

[Signature] CLOSING ATTORNEY

010849 0197

PG:197
A. HARRISON
CLERK OF SUPERIOR
HENRY COUNTY

HT-283A Rev. 8/07

APPLICATION AND QUESTIONNAIRE FOR CURRENT USE
ASSESSMENT OF BONA FIDE AGRICULTURAL PROPERTY

To the Board of Tax Assessors of Henry County: In accordance with the provisions of O.C.G.A. § 48-5-74, I submit this application and the con-
questionnaire on the back of this application for consideration of current use assessment on the property described herein. Along with this application, I am submit
fee of the Clerk of Superior Court for recording such application if approved.

Name of owner (individual(s), family owned farm entity, trust, estate, non-profit conservation organization or club) - The name of each individual and the percen
interest of each must be listed on the back of this application. For special rules concerning Family Farm Entities and the maximum amount of property of
entered into a covenant, please consult the County Board of Tax Assessors

Owner's mailing address <u>John M. Daviger</u> <u>135 Jannocantello</u> <u>St</u>		City, State, Zip <u>McDonough Ga 30253</u>	Number of acres included in the Agricultural Land: _____ Timber Land: <u>87.2</u>
Property location (Street, Route, Hwy, etc.) <u>Highway 81 East</u>		City, State, Zip	
District <u>B</u>	Land Lot <u>57, 58, 72</u>	Sublot & Block	Recorded Deed Book/Page
List types of storage and processing buildings:			

AUTHORIZED SIGNATURE

I, the undersigned, do hereby solemnly swear, covenant and agree that all the information contained above, as well as the information provided on the question
and correct to the best of my knowledge and that the above described property qualifies under the ownership and land use provisions of O.C.G.A. § 48-5-74. If
that I am authorized to sign this application on behalf of the owner(s) making application and that I have shown the percentage interest for each of the individual
ownership right to this property on the back of this application form. I am also aware that certain penalty provisions are applicable if this covenant is broken.

Signature of Taxpayer or Taxpayer's Authorized Representative
John M. Daviger

Signature of Taxpayer or Taxpayer's Authorized Representative
Matthew D. Daviger
(Please have additional taxpayers sign on reverse side of application)

Sworn to and subscribed before me this 6 day of February, 2008.

John Daviger

CLERK OF SUPERIOR COURT
HENRY COUNTY

FOR TAX ASSESSORS USE ONLY

Map and Parcel Number <u>88-01031-000</u>	Tax District	Taxpayer Account Number	Total Number of Acres <u>87.2</u>	Yr Covenant: Begin: Jan <u>2008</u> End: Dec
If transferred from Preferential Agricultural Assessment, provide date of transfer:	If applicable, covenant is a renewal for tax year: Beginning Jan 1, _____ Ending: Dec 31, _____			If applicable, covenant is a continuation of Beginning Jan 1, _____ Ending: Dec 3
	Pursuant to O.C.G.A. § 48-5-74(d) a taxpayer may enter into a renewal contract in the 9 th year of a covenant period so that the contract is continued without a lapse for an additional 10 years.			If continuing a covenant where part of the has been transferred, list Original Covenant Map Parcel Number:

Based on the information submitted above, as well as the information provided on the questionnaire, the Henry County Board of Tax A
considered such information and has made the following final determination of this application:
Approved: K Date: 3/24/08
Samuel C. Chafin
Board of Tax Assessors

APPLICATION FOR RELEASE OF CURRENT USE ASSESSMENT OF BONA FIDE AGRICULTURAL PROPE

I, the owner of the above described property, having satisfied all applicable taxes and penalties associated with the covenant above, do hereby file this application
of current use assessment with the county board of tax assessors. Pursuant to O.C.G.A. § 48-5-74(w), no fee is required for the clerk of superior court to file and i
release in the real property records of the clerk's office.

Sworn to and subscribed before me
This ___ day of _____

Notary Public ()

Taxpayer's Authorized Signature _____
Date Filed _____

Approved by: Board of Tax Asses
Date Approved _____

Ernest M. Smith (1911-1992)
A. J. Welch, Jr., PC
J. Mark Brittain
Byron Guitman
Bruce McFarland
John F. Webb, PC
T. Walter Funderburg, III
William A. White, PC
Franklin E. Palmer, PC (HI & GA)
L. Scott Mayfield
Mark C. Walker
Andrew J. Welch, III (NY & GA)

Smith Welch & Brittain LLP

ATTORNEYS AT LAW

Anna C. Dougherty
David M. Walsh
Andrew J. Gelbin
Marc A. Aviano (FL & G)
Carmen Brown I
James R. Campbell (TN & G)
Ginger L. Wilts (FL & G)
Lindsay M. Hodge
William M. Esher
Radyo C. Gray

Providing a lifetime of service

2200 KEYS FERRY COURT • PO BOX 10 • MCDONOUGH, GEORGIA 30253
Telephone: 770-957-3937 • Facsimile: 770-957-0115
www.swblewfirm.com

January 30, 2008

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

THIS IS A LIE

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

Dear Mr. Green:

Our firm represents Mr. John Hanger. In 1991, Mr. Hanger purchased 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 descendants 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:

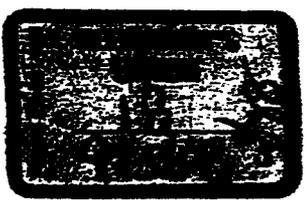
- 1) On Page 1: Please fill in the State and County where you live.
- 2) On Page 1: Please fill in the month and day you sign the deed.
- 3) On Page 2: Please sign above your name. Your signature must be done in the presence of a Notary Public and a Witness (the Notary and Witness must be two different 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.





WHITEHEAD DIE CASTING COMPANY, INC.

2600 ATLANTA HIGHWAY, GAINESVILLE, GEORGIA 30504
www.whiteheaddiecast.com -- ISO9001:2000 Registered

Tel. (770)287-1600
Fax. (770)287-0874

September 28, 2009

Mr. Hoke Thomas
Via e-mail: hokethomasjr@aol.com

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 23, 2015

To: Mr. Hoke S. Thomas, Jr., 115 Snapping Shoals Road, Covington, Georgia 30016

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A0185. Hoke S. Thomas, Jr., et al. v. John M. Hanger

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than**

AFFIDAVIT OF HOKE THOMAS AND FORBES MATHEWS

WE, THE UNDERSIGNED DO SOLEMNLY SWEAR THAT WE
WITNESSED J. MICHAEL THOMAS MAKE THE ATTACHED
AFFIDAVIT DATED DECEMBER 30, 2008.

STATE OF GEORGIA, COUNTY OF Meriwether

I, Shanna Henderson NOTARY PUBLIC IN AND FOR

THE STATE OF GEORGIA, DO HEREBY CERTIFY THAT ON THIS
19th DAY OF April, 2011, PERSONALLY APPEARED

BEFORE ME HOKE THOMAS AND FORBES MATHEWS KNOWN TO
BE THE INDIVIDUALS DESCRIBED IN AND WHO WITNESSED THE
ATTACHED INSTRUMENT AND ACKNOWLEDGED THAT BOTH
INDIVIDUALS SIGNED THE SAME AS A FREE AND VOLUNTARY
ACT AND DEED FOR THE USES AND PURPOSES HEREIN.

COMMISSION EXPIRES My Commission Expires August 2, 2011.

Shanna Henderson
NOTARY PUBLIC

Hoke Thomas
HOKE THOMAS

Forbes Mathews
FORBES MATHEWS

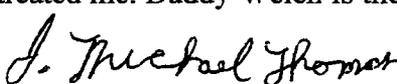
AFFIDAVIT OF MIKE THOMAS AS RELATING TO THE LAW SUIT IMPOSED ON THOMAS BROTHERS BY THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY ATTEMPTING TO TAKE EVERYTHING THAT WE OWN EXCEPT THE 2 ACRES WHERE OUR MACHINE SHOP IS LOCATED

I, Mike Thomas being of sound mind, in complete control of all of my mental faculties, but having a body suffering from cancer and much pain and not knowing when I might pass on, do hereby make this affidavit as to my understanding of what J.M. Hanger and Buddy Welch are attempting to do the my brother Hoke and myself. We purchase all our property from Dick Whitehead's company Whitehead Die Casting Company, Ltd., in 1976 and 1977 and also in 1977 Dick gave us the southern half of the riverbed over in Henry County. Hoke and I also purchased from Dick the turbines and generators located in Asheville, N.C. and we installed them in the powerhouse at Snapping Shoals replacing the old worn out ones. Dick Whitehead was the best friend that I ever had.

Hoke and myself have put our lives work into our Snapping Shoals property, we never bothered J.M. Hanger or any of our neighbors. In the course of working here, twice I almost lost my life. Once being hit in the head with the collapsing penstock, only my brother Hoke pulled me unconscious from the waters of the South River. The other time was when the steel rake bin in our ice plant fell on me.

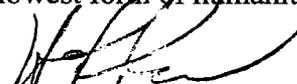
In May of 2008 when I caught the surveyors trespassing on our property and ran them off three times, had my health been good and no cancer, I probably would have done something that later I would regret. Later I realized that it was Buddy Welch that has caused all our problems and that J.M. Hanger swearing to a lie and getting \$25,000.00 for selling our property to the Water Authority. I hope that I live long enough to see both of them put behind bars. Should I die before that happens, I am now commanding my brother Hoke to see to it that they both are prosecuted and put in jail. Both J.M. Hanger and Buddy Welch are crooks of the worse kind. For some reason, I guess due to my health, Ward Stone will not let me testify and that hurts, for I have a lot to say about the matter.

I know that the Water Authority manager Lindy Farmer is in on stealing our property. Farmer tried to buy it from us a few years ago and we refused. Farmer is also a big lie; he told Hoke and myself that he was going to put us out of business. I was so sick that I could hardly stand when Buddy Welch made me stand out in the hall for about one hour at the Water Authority while he made up his mind not to follow Judge Crumbley's orders and negotiate with Thomas Brothers. I do not know how Buddy Welch will die, but I hope that when he does, it will be from cancer and that others will treat him just like he treated me. Buddy Welch is the lowest form of humanity that I have ever known.


MIKE THOMAS

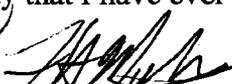
12-30-08

MAKING AFFIDAVIT


HOKE THOMAS

12-30-08

WITNESS


FORBES MATHEWS

12-30-08

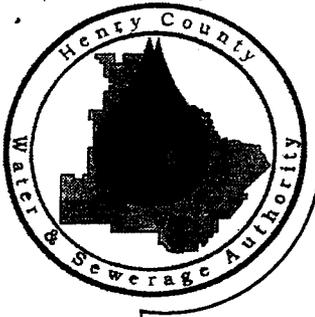
WITNESS

I WAS WORKING AT HOKE'S HOUSE OVER ACROSS THE RIVER ON THE WELL PUMP WHEN I SEEN 2 MEN SURVEYING HOKES PROPERTY. I ASK WHAT THEY WAS DOING. THEY SAID THAT THE HENRY COUNTY WATER DEPARTMENT HAD BUYED ALL THE SNAPPING SHOALS LAND AND THEY WAS MAKING A SURVEY OF THEIR LAND. HOKE WAS WORKING OUT OF TOWN AND NO BODY WAS HOME. I TOLD THE TWO MEN THAT I SERVE ON THE DEACON BOARD AT COUNTY LINE BAPTIST CHURCH WITH HOKE AND THAT HOKE HAD NOT TOLD US ABOUT SELLING HIS LAND. I FINISHED AND WENT ACROSS THE RIVER TO SEE MRS. CAROL AND BE PAID. I SEEN THESE SAME 2 MEN COMING DOWN FROM THE HILL SIDE NEXT TO THE SHOP. I TOLD MIKE THOMAS AND HE WENT OUT AND FOUND THEM SURVEYING THE MACHINE SHOP. MIKE STOPPED THEM. THEY TOLD MIKE THAT THE HENRY COUNTY WATER DEPARTMENT OWNED THIS LAND AND THEY WERE SURVEYING IT. THEY TOLD US THAT THEY WORKED FOR BURTON AND DAVIS AND THEIR PHONE NUMBER WAS 770-914-9932 AND THAT THEIR NAMES ARE BILL AND PATRIC. MIKE TOLD BILL AND PATRIC THAT HE HAD NOT SOLD ANY LAND AND THAT THEY HAD BETTER LEAVE. I WAS WORKING AT THE SHOP AND LATER THAT DAY A MAN CAME BY AND TOLD US THAT HE LIVED IN HENRY COUNTY AND HE HAD TO RUN OFF TWO MEN SURVEYING HIS PROPERTY, HE SAID THEIR NAMES WAS BILL AND PATRIC. HE SAID THAT HE HAD CALLED THE POLICE. MIKE CALLED A LAWYER AND I WENT HOME. MRS. CAROL WANTED ME TO WRITE UP WHAT I SEEN THAT DAY. THIS IS ALL THAT I KNOW.

MY NAME IS MR. LAURIE E. MILLER AND I HAVE BEEN WORKING FOR HOKE AND MIKE FOR 10 YEARS AND THIS IS THE MONTH OF MAY IN 2006.

LAURIE

Laurie



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.

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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.

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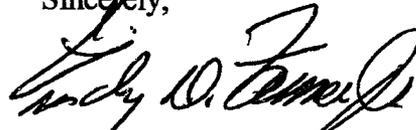
3. These known discharges and related water quality issues generate substantial public acceptance problems if waters containing these contaminants are used as municipal water supply, especially if cleaner water is available. Regardless of public perception, the EPD has stated that the South River is 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