

COPY

March 3, 2015

To: Henry County Board of County Commissioners
140 Henry Parkway
McDonough, GA 30253

Attn: Chairman

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

Subj: Clarification of Henry County Court Ordered Easements Rights, for Thomas Brothers, on Newton County property Tax Map and Parcel number 19-10

- Ref (a) Thomas Brother's "colored" property plat prior to the 3-10-2008 sale of same by J.M. Hanger to the Henry County Water & Sewerage Authority
- (b) Thomas Brother's "colored" property plat after the 3-10-2008 sale by J.M. Hanger to the Henry County Water & Sewerage Authority
- (c) July 30, 2004 letter from the Henry County Water & Sewerage Authority citing many reasons Henry County can never use the South River waters

1. On March 10, 2008, pursuant to a December of 2007 meeting for solicitation between private and Henry County Water and Sewerage Authority (HCWSA) hired attorney A.J. Welch, Jr. and said Welch's newly solicited pro bono client, financially sound Henry County resident J.M. Hanger, said Hanger sold, via a limited warranty deed, to the HCWSA the very same Snapping Shoals property that Thomas Brothers had previously purchased from Whitehead Die Casting Company, Ltd. (WDCCL) 31 years previously on April 5, 1977 via a Warranty Deed, survey and Plat. The property included 4.82 acres about equally divided between the bed of the South River and Newton County dry land including the totally rebuilt dam, canal, head gates and upper trash racks. Apparently, the original 1977 Thomas Brother's deed, signed by all 7 WDCCL principals and notarized, had not been recorded either due to the WDCCL attorney's oversight or an error of omission by the Newton County clerk of court property records, **no one really knows**; but said deed was discovered in May of 2008 in the old WDCCL safe at Snapping Shoals and duly recorded on June 19, 2008.

The 1977 plat, with metes and bounds, had been recorded on April 19, 1977. Since the date of purchase, Thomas Brothers, not J.M. Hanger, has been paying property taxes to Newton County. *Mr. Hanger freely and clandestinely acquired Thomas Brother's 1977 property purchase on February 11, 2008 via a Smith, Welch & Brittain (SWB) law firm's January 30, 2008 letter of questionable instructions requesting the innocent heirs of WDCCL, dissolved in 1994, to sign a SWB authored mail-order quitclaim for 276.3 Snapping Shoals acres dating back 74 years to 1934 and six past property owners, not just the 160 acres previously owned by WDCCL for 27 years from 1964 to 1991.* The misinformed or hoodwinked 11 WDCCL heirs (grandchildren) and 2 living senior WDCCL principals foolishly signed the SWB document, without J.M. Hanger paying "consideration" to all the heirs retroactive back to said Hanger's June 17, 1991 purchase date from WDCCL of 89.2 dry Henry County acres, but not from a Whitehead Family Estate Sale for **additional properties** as falsified by J.M. Hanger during said Hanger's sworn September 3, 2008, Deposition.

2. Also, on March 10, 2008 pursuant to the same December of 2007 solicitation meeting between private SWB attorney A.J. Welch, Jr., the same aforementioned J.M. Hanger sold to the HCWSA Thomas Brother's water rights as taken from said Brother's 1976 Warranty Deed purchase from WDCCL. Thomas Brother's 1976 deed and plat had been recorded in Newton County on June 6, 1976 and 32 years of property taxes had been paid to Newton County. Therefore, Mr. Hanger, 32 years later, could not legally acquire Thomas Brother's 1976 water rights on February 11, 2008 via a SWB authored mail-order quitclaim from the 11 innocent WDCCL heirs (grandchildren) and two living senior WDCCL principals, regardless of the "consideration" issue. Neither could the Henry County Superior Court, as confused by the many SWB verbal escapades, grant Thomas Brothers an easement to use what said Brothers legally owned.

3. On March 10, 2008, the SWB attorneys transferred ownership of a small piece of Thomas Brother's Newton County property, purchased in 2004 and 2006 by said Brothers and situated north of the Old Snapping Shoals Roadway; about 1/8 of an acre in size and similar in shape to a "tear-drop", from within 4.1 acres representing both purchases, to the HCWSA. This "tear-drop" property was not a part of the lawsuit "HCWSA vs Thomas Brothers", was never previously owned by WDCCL, any WDCCL heir, J.M. Hanger or any SWB attorney; but was **trespassed upon and illegally surveyed** using Henry County **taxpayer funds** under **orders** from attorney A.J. Welch, Jr., **not** the Henry County Superior Court, and was not a part of the Newton or Henry County properties mail-order quitclaimed by the SWB attorneys for pro bono J.M. Hanger. In the language of

the street, the property, the location of a forthcoming 21 million gallons potable water storage tower, **was stolen from Thomas Brothers**, not by pro bono J.M. Hanger, **but the participating SWB attorneys**. Also taken from Thomas Brothers was the closed portion of Old Snapping Shoals Roadway situated between said Brother's 1976 purchase from WDCCL and said Brother's 2004 and 2006 purchases from other landowners, **not WDCCL**. Said Roadway was closed by the Newton County BOC in 2007 and deeded to Thomas Brothers, but according to SWB attorneys was not closed correctly and therefore belongs to said law firm's pro bono client J.M. Hanger over in Henry County, not the Thomas Brothers in Newton County, where the Roadway is located!

4. Although said Hanger was not knowledgeable of the amounts or location of the mail-order or stolen properties, pursuant to J.M. Hanger's sworn Deposition during the aforementioned December of 2007 solicitation meeting between J.M. Hanger and attorney A.J. Welch, Jr.; Hanger agreed to accept \$25,000.00 for all the properties, man-made improvements and water rights contained in the above paragraphs 1, 2, & 3. **For the record, the SWB attorneys clandestinely conducted 3 separate transactions for the HCWSA under one common \$25,000.00 payment to pro bono J.M. Hanger.** Via the un-funded mail-order quitclaim signed by the 13 deceived Whitehead heirs, said Hanger transferred the properties contained in the above paragraphs (1) and (2) to the HCWSA. In the above paragraph (3) pro bono Hanger unknowingly transferred the SWB stolen properties to the HCWSA and the closed portion of Old Snapping Shoals Roadway. Both the mail-order quitclaimed and stolen properties appear on a common September 4, 2008 HCWSA plat so ordered, 7 months after the 3-10-2008 Hanger/HCWSA property transaction, by the Henry County Superior Court to prove or identify the properties that pro bono Hanger sold to the HCWSA for the aforementioned \$25,000.00. This means that J.M. Hanger:

- (a) Via a SWB authored mail-order quitclaim, sold all of Thomas Brother's 1977, un-recorded Warranty Deed, but recorded plat purchase, along with 20.4 acres of Snapping Shoals, non-navigable, non-taxable, South Riverbed, to the HCWSA.
- (b) Via a SWB authored mail-order quitclaim, this same Hanger sold Thomas Brother's 1976 Water rights from within a recorded deed and plat to the HCWSA
- (c) Via a trespass and illegal survey, the SWB attorneys transferred about 1/8 of a Newton County acre from within a Thomas Brother's recorded deed and plat having a clear title; to the HCWSA along with the closed portion of Old Snapping Shoals Roadway. In J.M. Hanger's defense, said Hanger was not a "player" in this transaction, but did receive a monetary payment, for

this transaction was the stealing of private Newton County property, where a water tower was to be located, and selling of the same to the HCWSA; with the SWB attorney's clandestinely representing themselves and the HCWSA at Henry County taxpayer's expense.

5. J.M. Hanger's March 10, 2008 Limited Warranty Deed, whereby said Hanger sold all the above properties to the HCWSA for \$25,000.00 was **without** a survey or plat, **no** appraisal, **no** clear title, **no** property tax payments to Newton County by J.M. Hanger and **no** Resolution from the HCWSA for the SWB attorneys to act on said HCWSA's behalf at Snapping Shoals, was recorded by SWB attorneys in **both** Henry and Newton Counties, on March 31, 2008 **prior** to a survey and plat, as a Warranty Deed of **unknown** location or acreage, therefore making J.M. Hanger, **not** the SWB attorneys or the HCWSA, totally liable for said Limited Warranty Deed's contents. Most sadly, said transactions were Posthumously approved months later by the HCWSA, this I (Hoke Thomas) will never understand for the Henry County Superior Court Judge gave the HCWSA a chance to do the right thing and repudiate the entire bogus SWB \$25,000.00 transaction and force the SWB attorneys to obey the Law and if Henry County really needed the Snapping Shoals properties, then first obtain permission or an HCWSA Resolution before conducting the aforesaid Snapping Shoals property and natural resource transaction and avoid over 3 plus years of a totally unnecessary taxpayer funded lawsuit.

But similar in nature to the previous 8-1-2005 most personal SWB financially profitable Tussahaw Creek Reservoir multi-million dollar real estate deal, said HCWSA came to the rescue and covered for their hired attorney's law firm and issued the aforementioned belated or Posthumously approved Resolution. *This is most confusing, for the responsibility of any State chartered Water Authority is to furnish water and sewerage capabilities for the designated county, not to use self-acquired judicial powers and illegally use taxpayer's monies to engage in bogus real estate deals with the "hired help"*. But most of all any water authority's board members, appointed or elected, are charged to protect the taxpayer's interest. This is not the case with the HCWSA, for the lawsuit "HCWSA vs Thomas Brothers" is proof positive of the contrary.

6. Regretfully, after 3 years the posthumously operated HCWSA, The Henry County Superior (case #2008-SU-CV-2714-W), the Georgia Appeals (case #A11A2377) and the Georgia Supreme (case #S12C2017) Courts and the Newton County Attorney's office (via a closed door meeting), all agreed with the privately initiated SWB lawsuit against Thomas Brothers making J.M. Hanger's \$25,000.00,

March 10, 2008 Limited Warranty Deed sale of **three** distinct transactions covered under items (a), (b) & (c) of the above paragraph 4, to the HCWSA a legal and normal transaction with the Henry County Superior Court so deeming the SWB transaction and resulting lawsuit for both of said SWB clients as “Sharp Business Practices”; further stipulating that via the term “privity” or a common interest in the Snapping Shoals properties between pro bono Hanger and the HCWSA; that neither the HCWSA nor J.M. Hanger, who was not a Litigant, Defendant or Plaintiff in the SWB initiated lawsuit against the Thomas Brothers, had in no way monetarily damaged the Thomas Brothers. Although, reference (c) proves to the contrary, the SWB law firm persuaded the Henry County Superior Court that both of said law firm’s clients did not know who, if anybody, owned Snapping Shoals and were therefore bona fide or innocent purchasers of Thomas Brother’s Snapping Shoals properties. *This was followed by the Newton County Attorney’s office doubling the size of the stolen property and refusing to refund 34 years of property taxes to the diminished Thomas Brothers.*

Knowledgeable or not, all three Georgia Courts and the HCWSA approved of the taking and selling of stolen property to a government agency; furthermore approving of the SWB mail-order quitclaiming of 26.62 acres, a 360 foot long concrete dam and water rights, a 1,000 foot long canal and all man-made supporting appurtenances that were never purchased by the aforesaid J.M. Hanger from WDCCL, but sold to the HCWSA on March 10, 2008 for the sum of \$25,000.00, or less than \$1,000.00 per acre! *When comparing the property losses on reference (b) to those owned for over 32 years by Thomas Brothers on reference (a), how can anyone conclude that the innocent Thomas Brothers were not monetarily damaged by both of the SWB clients?*

I, Hoke Thomas, have a written proposal dated July 30, 2004, from the HCWSA, offering to purchase the same properties from Thomas Brothers; that the HCWSA has now purchased from J.M. Hanger on March 10, 2008, four years after the fact. Furthermore, said proposal states that Henry County can never use the South River waters due to pollution. This I simply do not understand, for according to SWB attorney Will White, in Henry County Superior Court, Henry County must now purchase J.M. Hanger’s legally owned 89.2 dry Henry County acres to build a water treatment plant on the South River, at no doubt, the most southern end of the Snapping Shoals dam. Who is in charge at the HCWSA, the manager and 5 appointed board members or the hired attorneys? *How can the hired attorneys repudiate a recent, costly HCWSA environmental study denying Henry County the use of the South River waters due to pollution, then attempt to sell said County property adjacent to said polluted river, on which to build a water treatment*

plant? Lastly, in the future, the HCWSA might need more Snapping Shoals properties and attorney White alluded to the use of the condemnation process. *In my (Hoke Thomas') opinion, it is not over yet!*

This leads me to question the validity or authenticity of the status of my U.S. Citizenship, for according to the First Amendment to the Constitution, all citizens are guaranteed both civil and property rights. Since ownership of some of my properties, natural resources and man-made improvements were fraudulently mail-order quitclaimed (SWB deceived the innocent Whitehead heirs) and others stolen by the SWB attorneys; and both transactions totaling \$25,000.00 were posthumously approved by the HCWSA and after a 3 years court trial for Summary Judgment, also approved by the Henry County Superior Court, blessed by the Georgia Appeals and Superior Courts and lastly not only approved, but said stolen property doubled in size by the Newton County Attorney's office; I can only conclude that during the course of the aforementioned lawsuit, I must have lost my U.S. citizenship status, or the new case law derived from the SWB authored and initiated lawsuit, "The HCWSA vs. Thomas Brothers" (case #2008-SU-CV-2714-W) granting to all private attorneys, unchallengeable, carte blanche real estate privileges allowing a private attorney the legal right to trespass, survey and transfer ownership, without notice or payment, of any privately owned property to a new owner of said private attorney's choosing, has now superseded the First Amendment to the U.S. Constitution. Regretfully, via the term of "association" the aforesaid newly derived case law can be applied to all 50 States! What the SWB attorneys and said attorney's pro bono client, aided by the posthumously operated HCWSA has done to the Thomas Brothers over in Newton County, is not only criminal, but also unconstitutional.

7. Pursuant to all the above facts, I (Hoke Thomas) have done my best to inform you 5 appointed members of the HCWSA of my property, natural resource, riverbed and man-made improvement losses to your government agency on March 10, 2008; without notice or payment. Although the HCWSA was informed on March 11, 2008, one day following the Hanger/HCWSA closing, where the SWB attorneys represented both parties, Thomas Brothers did not discover or suspect their aforementioned losses until 2 months after the fact, on April 26, 2008, when said Brothers halted an attorney Welch taxpayer funded trespass and survey attempt of said Brothers Newton County properties that had been, unknown to Thomas Brothers, previously mail-order quitclaimed for SWB's private, pro bono client J.M. Hanger and ownership transferred to the HCWSA. According to J.M. Hanger's September 3, 2008 sworn Deposition, it was not Hanger, the HCWSA,

the WDCCL heir's nor Thomas Brothers that initiated this lawsuit; that honor goes to attorney A.J. Welch, Jr., alone, who solicited Mr. Hanger.

Unlike the SWB attorneys, the Henry County Superior Court Judge showed Thomas Brothers some mercy and granted said Brothers an easement to use the South River water rights in Newton County at Snapping Shoals; that the HCWSA now owns. To use the Court Ordered water rights easement, for access to the dam, the Thomas Brothers must first "re-open" the Hafley Roadway easement connecting the Newton County side of the Snapping Shoals dam to Georgia Highway #81, via the properties presently owned by the Oak Hill Church of Christ and Bruce Hafley. Once equipment access is accomplished, the next step is complying with any and all rules, requirements and regulations for private carte blanche use of Henry County government agency lands located over in Newton County in pursuit of using a Henry County court ordered water rights easement to produce electricity further downstream on privately owned Newton County land and hydroelectric equipment. Thomas Brothers has five areas of concerns:

- (1) Will the HCWSA allow Thomas Brothers carte blanche use of their newly acquired properties, water rights and man-made improvements, **for how long?**
- (2) If so, then what does the HCWSA require of the Newton County Thomas Brothers in order to comply with all rules and regulations of a Henry County government agency?
- (3) Will the Georgia EPD, the Federal Energy Regulatory Commission (FERC) and the U.S. Army Corps of Engineers (USACE) issue a water use permit and approve of a local Henry County Superior Court ordered water rights easement issued to a Newton County downstream privately held registered Georgia "C" corporation to use the ownership of an upstream mixed flow of both federally controlled navigable, inter basin transferred Chattahoochee River waters, mixed with Georgia EPD controlled non-navigable South River waters, to generate electricity and putting said electricity on the inter-state electrical grid; with ownership of both sources of waters, according to the same Henry County Superior Court, belonging to a Henry County government agency within the same Henry County as the Henry County Superior Court that issued the water rights usage easement? This is a most complicated issue, who holds the permit, the end user or owner of the hydroelectric facility, or the owner of the dam, water rights and supporting appurtenances; for the entire facility is located on a non-navigable river in the State of Georgia and prior to the SWB/Hanger mail-order quitclaim and stolen properties transactions of March 10, 2008; both state and federal water use

permits were in the name of Thomas Brothers (due to Thomas Brothers owning the same properties, man-made improvements and water rights for the past 32 years)!

(4) Does the HCWSA have any immediate plans for their SWB attorney to utilize the new case law, "The HCWSA vs Thomas Brothers", and now legally trespass, survey and transfer the remainder of said Brother's Newton County properties to the HCWSA? If so, please come and take it, for I realize that it is hopeless to fight the SWB attorneys or the posthumously operated HCWSA government agency.

(5) Will the Aquatic needs of Henry and Newton Counties continue to be controlled by private attorneys having a monetary modus operandi of using the respective county's water needs, or the lack thereof, as a cash cow for personal monetary gains? As long as the elected and appointed officials of both Henry and Newton Counties continue to allow "their" respective hired private attorneys to enrich said attorney's respective personal bank accounts at taxpayer expenses the monetary exploitation of said county's financial coffers will continue unabated. It is my personal opinion that no law enforcement agency or court in either of the aforementioned Georgia Counties, or the State of Georgia proper, has the fortitude or ability to stop, investigate and prosecute the aforementioned attorneys and the misuse of taxpayer monies. For this reason alone, the federal government must step in and conduct a full investigation for it now becomes evident that many concerned, informed and damaged citizens are willing to testify and submit evidence of the same to the U.S. Attorney's office.

Presently, the "hired" Newton County attorney's office is under scrutiny for spending millions of taxpayer dollars on a most questionable and ill-conceived municipal county water project, in a similar fashion the SWB law firm, hired to represent the HCWSA, has done the very same thing at Snapping Shoals by using taxpayer monies and a 3 years totally unnecessary lawsuit to bogusly acquire property and water that according to reference (c) letter, can never be used by Henry County due to the polluted waters of the South River. **No doubt, both respective cases are fodder for the FBI.** The elected and appointed officials of each respective county should be in charge of and in control of spending the taxpayer's monies, not the "hired help", in a carte blanche fashion. *Pursuant to the stolen Newton County properties, I can assure your HCWSA agency that I will continue in my attempt to expose any possible connection or collusion between the SWB law firm and the Newton County Attorney's office.*

8. The lawsuit imposed on me, Hoke Thomas, since my beloved brother and business partner for 34 years died on August 9, 2009 without knowing the outcome

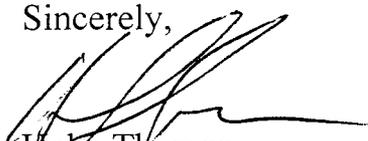
of this aforementioned lawsuit; as said Brothers objected to the SWB, taxpayer funded, unauthorized survey of Thomas Brothers Newton County properties; has via fruitless defensive legal fees, the loss of ownership of strategic properties, water rights and man-made improvements; monetarily destroyed my Newton County 34 year old family owned registered "C" corporation and placed the financial status of my Henry County family in jeopardy. Having no more operating funds, in order to re-start my hydroelectric plant which was shut-down in April of 2008 due to the loss of the dam and water rights to the HCWSA, and re-open the doors to my turbine manufacturing business; I will have to "start all over again" now 3 years later at age 75, and due to the fact my previous mentor and financier, WDCCL, was dissolved in 1994 and no longer exist, I will have to borrow the monies to do so. Therefore, I simply cannot take another chance that the SWB attorneys and J.M. Hanger might take another "swing" at me and my family or as per SWB attorney White, in Henry County Superior Court, told the Judge, the HCWSA might need to take some more Snapping Shoals properties or the SWB attorneys could invoke the new case law resulting from case #2008-SU-CV-2714-W and now legally trespass on the remnants (reference b) of my Newton and Henry Counties properties, survey and transfer ownership, without notice or payment to Thomas Brothers, of reference (b) properties to your HCWSA agency, just like said law firm previously did with the aforementioned stolen "tear-drop" Newton County properties .

I am of the conviction that the remnants of the business and properties that I once owned, daily operated and paid county, state and federal taxes on for over 32 years and the financial survival of my family is now under the shadow of Thor's Hammer, with the two SWB clients, one pro bono client and the other a paying government agency client, holding the handle to the hammer. It is totally unbelievable, but according to Henry County Superior Court transcripts, the army of attorneys at SWB, are placing the blame for this entire lawsuit on the Thomas Brothers, not on the HCWSA or pro bono J.M. Hanger; while said HCWSA never asked or requested the SWB law firm to take any action whatsoever at Snapping Shoals and Thomas Brothers only became aware of said lawsuit 3 months after the SWB law firm had sold said Brother's properties to the HCWSA for pro bono Hanger; the Court transcripts prove this.

9. Pursuant to the laws of nature, at age 75, I, Hoke Thomas, am "running-out" of time and before I "pass-on" request to know what might be the HCWSA plans for the aforementioned remnants of my business and personal (home) Snapping Shoals properties; will the HCWSA condemn and take said properties, will the SWB attorneys invoke case law #2008-SU-CV-2714-W and once again take what they

privately want, will the HCWSA once again posthumously authorize the SWB attorneys to sue Thomas Brothers over yet another unauthorized taxpayer funded scam, or what will be the status of Thomas Brothers trespassing on what is now HCWSA property over in Newton County to exercise a Henry County Superior Court order to use a water rights easement? Please reply, but due to the fact my request is from myself, a Henry County citizen and taxpayer, to a county government agency of the same Henry County, I insist that your reply be from either an appointed or elected official of Henry County or an appointed member of the HCWSA, not from a hired attorney.

Sincerely,



Hoke Thomas

Copies to:

Barbara A. Harrison
Clerk of Superior Court
1 Courthouse Square
McDonough, GA 30253-3220

Attn: Honorable Wade M. Crumbley, Superior Court Judge

Henry County Board of County Commissioners
140 Henry Parkway
McDonough, GA 30253

Attn: Chairman



HENRY COUNTY WATER AND SEWERAGE AUTHORITY
1695 HWY 20 WEST • McDONOUGH, GEORGIA 30253

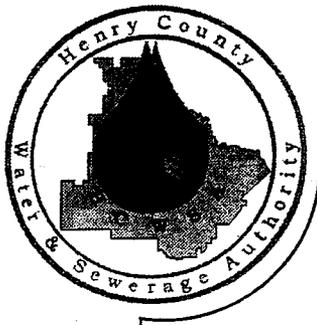


Mr. Hoke Thomas, Jr.
Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, Georgia 30015

30015+3000 11



REFERENCE (C)



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
Page Two

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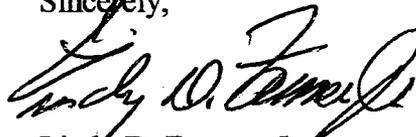
3. These known discharges and related water quality issues generate substantial public acceptance problems if waters containing these contaminants are used as municipal water supply, especially if cleaner water is available. Regardless of public perception, the EPD has stated that the South River is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



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

Dear Mr. Thomas:

This letter is to confirm our conversation relative to transactions between Whitehead Die Casting Co., LTD and Mr. John Hanger.

To the best of my knowledge, the only property sale by Whitehead Die Casting Co., LTD to Mr. John Hanger was the 89.9 acre tract located in HENRY COUNTY, the sale of which closed on June 17, 1991.

This transaction was for dry land only and had a northern property boundary of the high water mark on the south bank of the South River and having NO riverbed, water rights, dam ownership or access to the dam. The survey prepared for Mr. Hanger by Joe Rowan Jr., dated May 23, 1991 clearly indicates the northern boundary as "Along the Bank of the River is Property Line". All assets associated with the riverbed, dam or its ownership was sold to and / or granted to Hoke and Mike Thomas (Thomas Brothers) in 1976 and 1977 by Whitehead Die Casting Co., LTD.

Based on my review of the deeds and records in my files, I can find no other evidence of other property sales to Mr. Hanger by Whitehead Die Casting Co., LTD.

Please feel free to contact me if I can be of any further assistance.

Yours truly,

RK Whitehead III

REFERENCE (A)

F1
ARC 187.66°
RAD. 428.0°
CHD. 106.13'
CHD. BRG. N59°42'24"E

THE ESTATE OF MRS. WINIFRED PATTERSON
PB 3424

TRACT 2
ACRES

Tract II (house on hill)
Purchased in 2006
(from Vandiver)

Tract I (old post office)
Purchased in 2004
(from Drafton)

PARCEL F (USACE pump station &
Future site of 30 mgd potable water plant)
Purchased in 1976 (from Whitehead)

PARCEL B (machine shop)
Purchased in 1976
(from Whitehead)

Gold was discovered here
on May 26, 2009

PARCEL E (Hoke's house)
Purchased in 1976
(from Whitehead)
Property Thomas Brothers sold
to Hoke Thomas and is part of
Whitehead's original 160 acres

OLD HAPPING BROOKS ROAD (A.K.A. LEADMORE ROAD)

& 1977 from Whiteheads)

7.183 ACRES
17.209
74.382 ACRES
COUNTY

COUNTY

Riverbed
Thomas Brothers
(Whitehead)

THOMAS BROTHER'S
PROPERTY PRIOR TO
3-10-2008 SALE BY
J.M. HANGER TO THE
HENRY COUNTY
WATER AUTHORITY
SURVEY FOR

J. MICHAEL THOMAS &
HOKE S. THOMAS, JR.

LAND LOTS 57 AND 58, 5TH DISTRICT
NEWTON COUNTY
GEORGIA

MAY 15, 2005 SCALE: 1" = 60'

MADE BY
VAUGHN & DRAKE SURVEYORS, INC.
1036 HWY. 426 WEST, STOCKBRIDGE, GA. 30281
PHONE 770-474-1186
FAX 770-474-9166

NOTE: SURVEY REVISED OCTOBER 27, 2004, T¹ ADD
TRACT 2 (SURVEY OF 3.000 ACRES)



10°W
17'
80°42'51"W
208.72'
N78°15'24"W
208.72'
N67°46'49"W
141.57'

(HOKE & MIKE)

THOMAS BROTHERS HYDRO, INC.
FORMERLY KNOWN AS
"SNAPPING SHOALS MILL COMPLEX"

Thomas Brothers property containing
27.39 total acres as of 2007 per Newton
County Tax Assessor's map of
Parcel #19-10

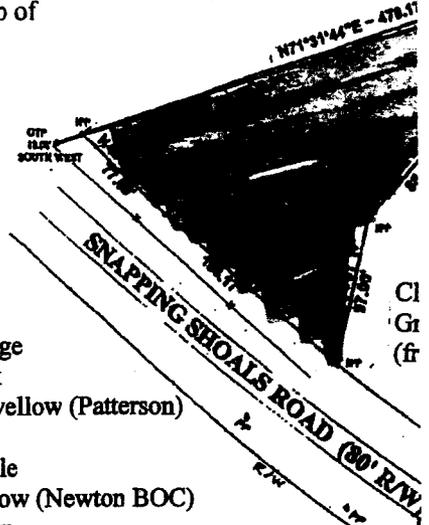
W/2 ESTATE OF MRS. WINIFRED PATTERSON
PB 3424

dry land 10.190 acres
riverbed 17.200 acres
total area 27.390 acres

- NOTES PERTAINING TO SURVEY:
- 41 SNAPPING SHOALS ROAD, CONYERS ROAD AND LEADMORE ROAD ON THE PROPERTY ARE NO LONGER MAINTAINED BY NEWTON COUNTY. OWNERSHIP OF THESE RIGHTS OF WAY ARE NOT KNOWN.
 - 42 OWNERSHIP OF THIS PROPERTY ALSO HAS CERTAIN RIGHTS OF CONTROL OF WATER LEVEL AND WATER USAGE OF SOUTH RIVER AND THE RIGHT TO MAINTAIN DAMS, GATES AND BARGE LIPS ON BOTH THE NEWTON COUNTY AND HENRY COUNTY SIDES OF THE RIVER.
 - 43 SOME OF THE POWER POLES SHOWN ON THIS PROPERTY ARE PRIVATELY OWNED AND MAINTAINED AND USED FOR THE PRIVATE PRODUCTION AND DISTRIBUTION OF ELECTRICITY.
 - 44 A PORTION OF THIS PROPERTY IS SHOWN ON F.L.R.M. (COMMUNITY-PANEL NUMBER 13614) 9888A, JULY 5, 1983) TO BE INSIDE THE 100 YEAR FLOOD HAZARD DESIGNATED AS ZONE A.
 - 45 THIS PROPERTY IS ZONED M-3 (HEAVY INDUSTRIAL)

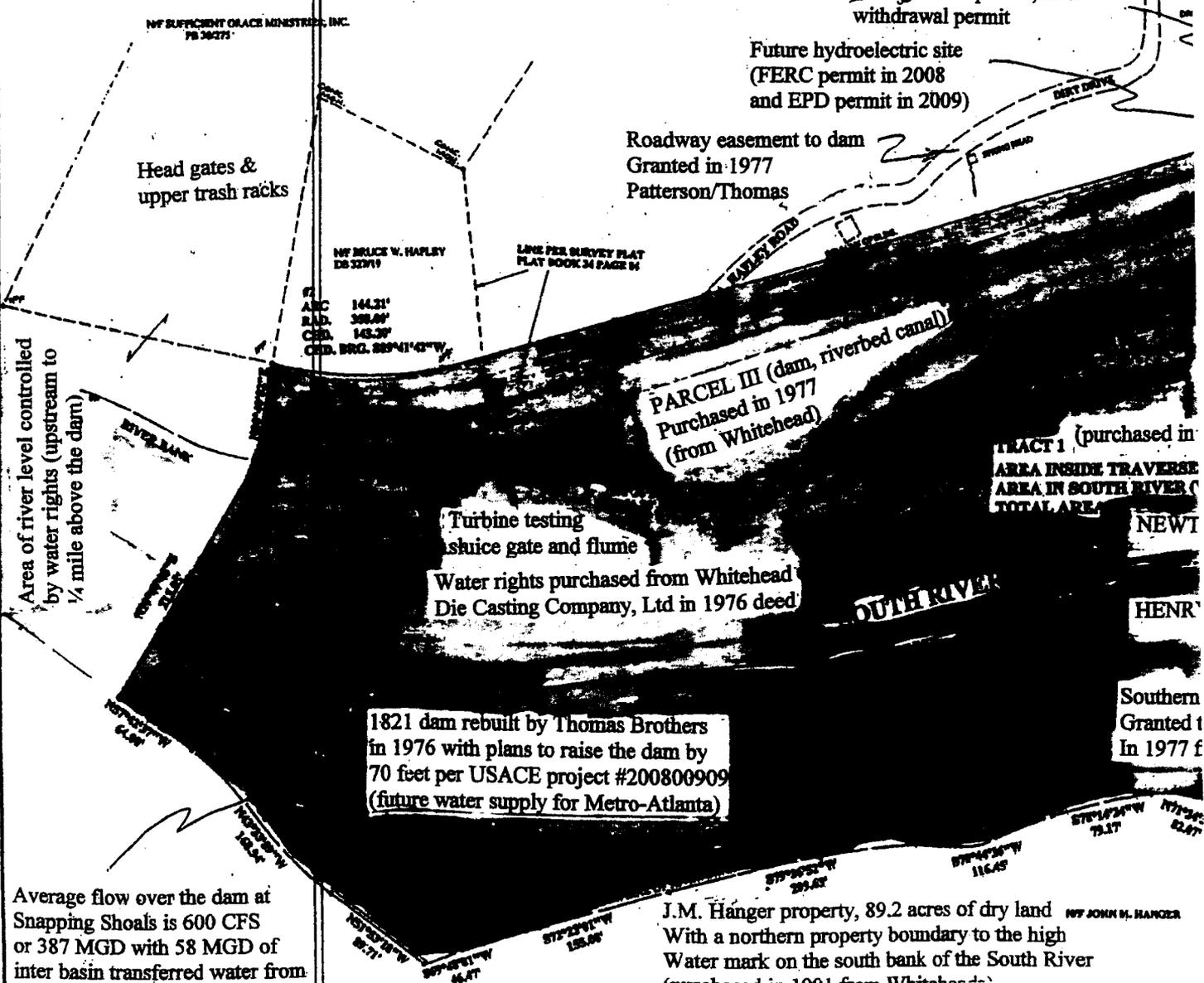
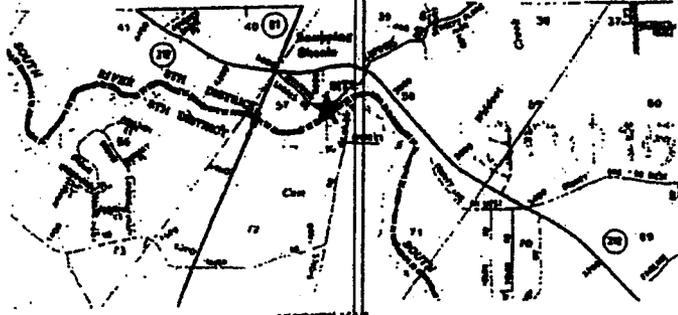
NOTES PER BOOK: S. THOMAS, JR.

- 46 ALL BUILDING FLOOR LEVELS WERE CONSTRUCTED FOUR (4) FEET ABOVE THE 100 YEAR FLOOD HAZARD LEVEL PER ELEVATION PROVIDED BY NEWTON COUNTY.
- 47 200 KW HYDROELECTRIC GENERATING STATION WITH 24 FEET OF OPERATING HEAD; 200 CFS (CUBIC FEET PER SECOND) USAGE, FERC LICENSE # SFWERC0132, GEORGIA STATE EPD PERMIT # 107-004-01. SITE POTENTIAL = 2,000 KW PER COFF.
- 48 RIVER FLOW IS 600 CFS AVERAGE OR 207.7 MGD (MILLION GALLONS PER DAY); 24 CFS (0.2 MGD) TQM. 30 MGD WITHEADRAWAL PERMIT APPLIED FOR JAN. 3, 2002. PROPOSED WITHEADRAWAL SITE AT CONFLUENCE OF SNAPPING SHOALS CREEK AND SOUTH RIVER.
- 49 CURRENTLY 46 MGD (04 CFS) ADDITIONAL FLOW IN RIVER FROM TREATED EFFLUENT, 27 MILES UPSTREAM AS INTER-BASIN TRANSFER SINCE 1975.



LEGEND:

- 1976 purchase colored blue
- 1977 purchase colored orange
- 1977 gift/grant colored pink
- 1977 roadway easement in yellow (Patterson)
- 2004 purchase colored red
- 2006 purchase colored purple
- 2007 roadway grants in yellow (Newton BOC)
- Upstream river colored green



Average flow over the dam at Snapping Shoals is 600 CFS or 387 MGD with 58 MGD of inter basin transferred water from.

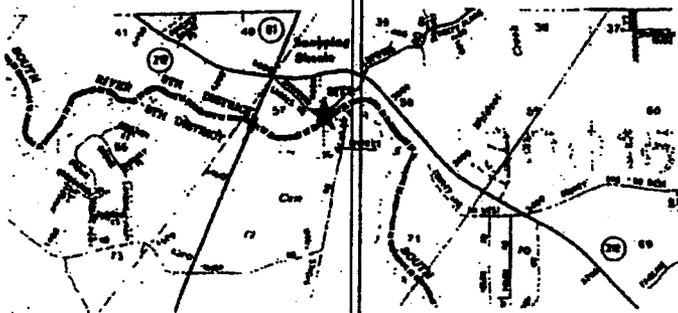
J.M. Hanger property, 89.2 acres of dry land With a northern property boundary to the high Water mark on the south bank of the South River (purchased in 1901 from Whitehead)

NOTES PERTAINING TO SURVEY:

- 01 SNAPPING SHOALS ROAD, CONYERS ROAD AND LEADMORE ROAD ON THIS PROPERTY ARE NO LONGER MAINTAINED BY NEWTON COUNTY. OWNERSHIP OF THESE RIGHTS OF WAY ARE NOT KNOWN.
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- 05 THIS PROPERTY IS ZONED M-3 (HEAVY INDUSTRIAL)

NOTES PER HOKE & THOMAS, JR.

- 06 ALL BUILDING FLOOR LEVELS WERE CONSTRUCTED FOUR (4) FEET ABOVE THE 100 YEAR FLOOD HAZARD LEVEL PER ELEVATION PROVIDED BY NEWTON COUNTY.
- 07 200 KW HYDROELECTRIC GENERATING STATION WITH 24 FEET OF OPERATING HEAD, 200 CFS (CUBIC FEET PER SECOND) USAGE, FERC LICENSE # SFWERC02132, GEORGIA STATE EPD PERMIT # 107-0004-01, SITE POTENTIAL - 2,000 KW PER CORE.
- 08 RIVER FLOW IS 600 CFS AVERAGE OR 21.7 MGD (MILLION GALLONS PER DAY), 24 CFS (0.1 MGD) TQDA. 50 MGD WITHDRAWAL PERMIT APPLIED FOR JAN. 5, 2002. PROPOSED WITHDRAWAL SITE AT CONFLUENCE OF SNAPPING SHOALS CREEK AND SOUTH RIVER.
- 09 CONSISTENT 46 MGD (06 CFS) ADDITIONAL FLOW IN RIVER FROM TREATED EFFLUENT, 27 MILES UPSTREAM AS INTER-BASIN TRANSFER SINCE 1975.



VICINITY MAP
 NF SUFFICIENT GRACE MINISTRIES, INC.
 PB 30273

Head gates & upper trash racks

NF BRUCE W. HAPLEY
 DA 22719

LINE PER SURVEY PLAT
 PLAT BOOK 34 PAGE 04

71
 A.B.C. 144.31'
 R.L.D. 308.89'
 C.B.D. 143.39'
 C.B.D. BEAR. 229°41'42"W

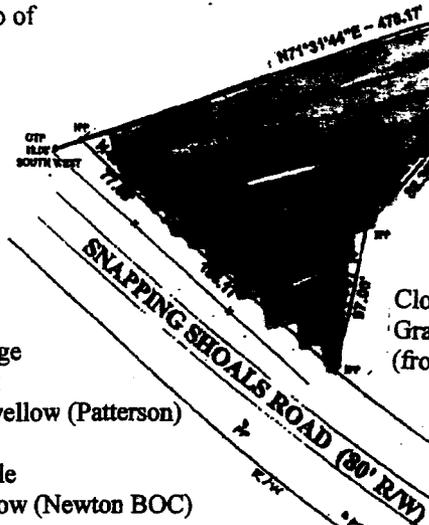
(HOKE & MIKE)
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NF ESTATE OF MRS. WINIFRED PATTERSON
 PB 3424

Existing hydroelectric station
 having FERC permit, EPD
 withdrawal permit

Future hydroelectric site
 (FERC permit in 2008
 and EPD permit in 2009)

Roadway easement to dam
 Granted in 1977
 Patterson/Thomas

Average flow over the dam at Snapping Shoals is 600 CFS or 387 MGD with 58 MGD of inter basin transferred water from

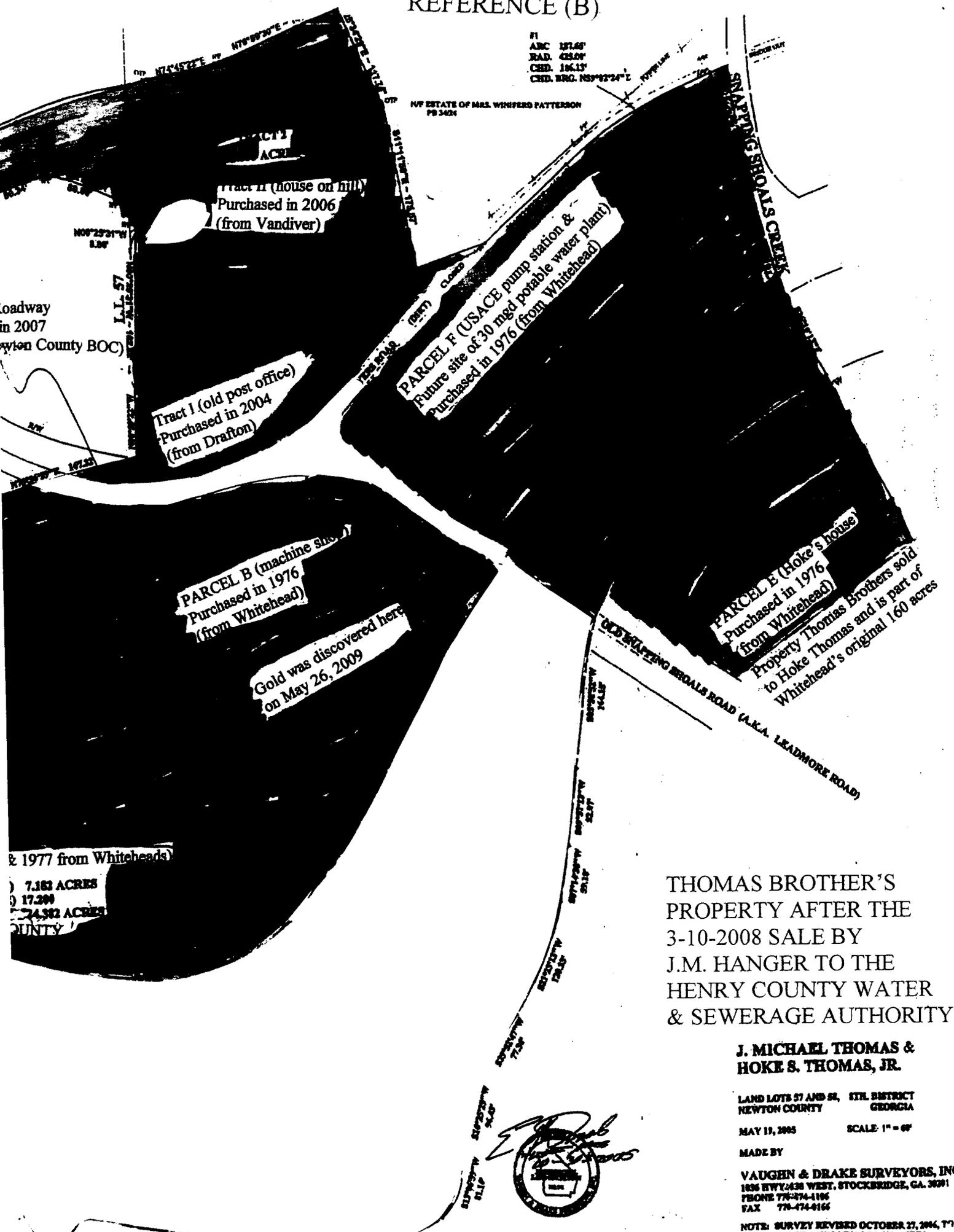
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 With a northern property boundary to the high
 Water mark on the south bank of the South River

NF JOHN H. HANGER

REFERENCE (B)

PI
ABC 151.65°
RAD. 653.01°
CHD. 186.13'
CHD. BEG. NS°92°24'E

NE ESTATE OF MRS. WINIFRED PATTERSON
PB 3424



Tract I (old post office)
Purchased in 2004
(from Drafton)

Tract II (house on hill)
Purchased in 2006
(from Vandiver)

PARCEL F (USACE pump station &
Future site of 30 mgd potable water plant)
Purchased in 1976 (from Whitehead)

PARCEL B (machine shop)
Purchased in 1976
(from Whitehead)

Gold was discovered here
on May 26, 2009

PARCEL E (Hoke's house)
Purchased in 1976
(from Whitehead)
Property Thomas Brothers sold
to Hoke Thomas and is part of
Whitehead's original 160 acres

THOMAS BROTHER'S
PROPERTY AFTER THE
3-10-2008 SALE BY
J.M. HANGER TO THE
HENRY COUNTY WATER
& SEWERAGE AUTHORITY

J. MICHAEL THOMAS &
HOKE S. THOMAS, JR.

LAND LOTS 57 AND 58, 5TH DISTRICT
NEWTON COUNTY GEORGIA

MAY 19, 2005 SCALE: 1" = 60'

MADE BY

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PHONE 770-474-4106
FAX 770-474-4166

NOTE: SURVEY REVISED OCTOBER 27, 2004, TO ADD
TRACT 2 SURVEY OF 3.88 ACRES



& 1977 from Whiteheads)
7.183 ACRES
17.309
74.882 ACRES
COUNTY

oadway
in 2007
Newton County BOC)

L.L. 57