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April 7, 2006

Peter R. York, Esq. Hawkins & Parnell, LLP 4000 SunTrust Plaza 303 Peachtree Street, N.E. Atlanta, Georgia 30308

> Re: <u>High Gables Homeowners Association, Inc. v. Larry C. Oldham,</u> Civil Action File No. 05-CV-2005, Superior Court of Forsyth County, Georgia

Dear Peter:

As we have discussed, I am interested in moving this matter along and resolving it as soon as possible. Nevertheless, like you and the members of the HOA board, this matter is only one of many that I have to attend to and I am not interested in being totally consumed by it over the next few weeks just to bring it to a speedy conclusion. There are substantive issues to be addressed by motion that may eliminate the need for further proceedings, and I plan to address those in due course rather than on a "rush" or emergency basis. I am happy to proceed expeditiously once we have developed all of the relevant facts and exchanged all required discovery, but there is no need to drop everything else in the process.

Along those lines, I want to know the HOA's position regarding my family's use of the amenities during the pendency of this litigation. As far as I am concerned, until there has been a final determination by Judge Bishop and/or the jury, the HOA does not have the right to suspend our privileges to use the neighborhood amenities so long as we are current on our dues. Similarly, I disagree with the Board's apparent position that the fines continue to accrue because we have not been able to resolve our differences over whether the HOA has to provide me with the specifications for the mailbox.

While for reasons previously discussed with you I dispute the authority of the Board to suspend our privileges or to take any action, until those issues are resolved by the Court, the current Board has presumptive authority to govern the HOA and I would like some clarification on the issue of our use of the amenities. While my position is that the purported suspension of our privileges is held in abeyance pending the outcome of the Action and we are accordingly

entitled to use the amenities until a contrary determination has been made by the Court, I will be happy to address same with Judge Bishop if the HOA Board does not agree.

In other words, I am not interested in a "scene" with any of the folks who believe they are in charge at the pool, basketball court, tennis courts or the playground, or, for that matter, even using the sidewalks and other common areas of the neighborhood, and if Judge Bishop needs to make a determination of this issue prior to our use of any of the amenities, I will include that as one of my motions. Please let me know, in writing, the HOA Board's position on this issue by the close of business on April 14, 2006.

I look forward to hearing from you with the Board's position regarding this matter.

Very truly yours.

Say C. Ollle Larry C. Oldham

cc: P. Jay Pontrelli, Esq.