

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

VINAY BOSE, MOMMIES PROPERTIES,
LLC and FH PARTNERS, LLC,

Plaintiffs,

v.

JOHN RICHARDS, CHATTAHOOCHEE
RIVER CLUB HOMEOWNERS'
ASSOCIATION, INC. and JOHN DOE and
JANE DOE,

Defendants.

Civil Action File No. 18-CV-1877-1

AFFIDAVIT AND AGREEMENT

PERSONALLY APPEARED before the undersigned officer, authorized by law to administer oaths, the individual residents identified below who, after first being duly sworn, state the following **for their Affidavit and Agreement:**

1.

Name(s): _____ ("Occupants")

Address: _____ (the "Residence")

Tax Parcel ID: _____; Deed Book _ _____/Page/ **Page** No. _____
_____(the "Property")

2.

Each of the Occupants identified herein is over 21 years of age and suffers from no legal disabilities. Each Occupant signing below gives this Affidavit of his or her own personal knowledge.

3.

Attached hereto as Exhibit A and incorporated herein by this reference is a true and correct copy of the instrument The Occupants either have provided a copy of the vesting deed for the Property to counsel for the Plaintiffs in the above-styled Action or otherwise have confirmed that the reference information for the Property set forth hereinabove is true and correct and that same accurately reflects the information in the real property records of Forsyth County, Georgia by which at least one of the Occupants, or any entity in which at least one of the Occupants owns an interest, is vested with title to the Property (the "Deed").

4.

Each of the Occupants lives in the Residence. The Occupants own the Property by virtue of the Deed referenced above. No one other than the Occupants has any claims or rights regarding the Property.

5.

The Occupants acknowledge and agree that the Quitclaim Deed being executed by one or more of them contemporaneously herewith may not be recorded for some period of time and that if they sell the Property at any prior to the recording of the Quitclaim Deed, they have an affirmative duty to provide a copy of same to any purchasers of the Property to ensure that such purchasers have actual knowledge of the existence of such Quitclaim Deed.

6.

None of the Occupants has any actual knowledge that either Vinay Bose, Rathi Bose or Srinivasa Bandari have, or had as of March of 2005, when Mommies Properties, LLC acquired certain improved real property located at 3450 Bentwood Drive, Cumming, Forsyth County, Georgia 30041 which is more particularly described in Exhibit B A attached hereto and incorporated herein by this reference (the "Equestrian Center Property"), any actual knowledge of the existence of a certain Agreement Regarding Development (the "ARD") between Bentwood Stables, LLC, and Linda Allen dated December 21, 2000 and recorded October 18, 2007 at Deed Book 4929, Page 130, Forsyth County, Georgia records.

67.

None of the Occupants claims any legal or equitable rights to the Equestrian Center Property by virtue of the ARD.

78.

Other than rights that exist by virtue of instruments that appear in the Forsyth County, Georgia real property records and that bind the Equestrian Center Property, none of the Occupants claims any legal or equitable right to use or access the Equestrian Center Property without the permission of the owners of the Equestrian Center Property.

9.

Occupants reserve all rights that are not expressly transferred, assigned or released in this Affidavit and Agreement, the Quitclaim Deed, Release and Satisfaction of All Claims and Covenant Not to Sue and Affidavit Confirming Facts executed contemporaneously herewith.

SO SWORN and agreed ~~SO SWORN~~ as of _____, 20__.

Signed, sealed and delivered
in the presence of:

OCCUPANTS:

Unofficial Witness

_____(SEAL)
Name: _____

Notary Public

_____(SEAL)
Name: _____

[Notary Seal]

EXHIBIT A

[TO BE ATTACHED]

EXHIBIT B

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 55, 56, 63 and 64 of the 14th District and Land Lot 649 of the 2nd District, 1st Section, Forsyth County, Georgia and being more particularly described as follows:

To find the true point of beginning, begin at the intersection of the Land Lot line common to Land Lots 54, 55, 64 and 65 thence run South 89 degrees 01 minutes 00 seconds East a distance of 313.65 feet to an iron pin found and the TRUE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THUS ESTABLISHED run thence South 60 degrees 41 minutes 38 seconds East a distance of 40.00 feet to an iron pin found (1" c/t); running thence South 80 degrees 49 minutes 02 seconds West a distance of 100.04 feet to an iron pin found; running thence South 60 degrees 41 minutes 38 seconds East a distance of 519.74 feet to an iron pin found (1/2" rebar); running thence South 26 degrees 32 minutes 59 seconds West a distance of 1362.12 feet to an iron pin found (1" c/t); running thence North 37 degrees 27 minutes 09 seconds West a distance of 85.38 feet to a steel rail found; running thence North 63 degrees 00 minutes 44 seconds West a distance of 116.88 feet to an iron pin found (1" c/t); running thence North 69 degrees 50 minutes 26 seconds West a distance of 100.05 feet; running thence North 66 degrees 12 minutes 30 seconds West a distance of 100.69 feet to an iron pin found; running thence North 18 degrees 27 minutes 18 seconds East a distance of 85.54 feet to an iron pin found (1/2" iron bar); running thence South 78 degrees 04 minutes 11 seconds West a distance of 41.81 feet to an iron pin found; running thence North 10 degrees 05 minutes 28 seconds West a distance of 169.81 feet to a 18" CMP; running thence along the Southeasterly right of way of Bentwood Drive (50' right of way) the arc of a curve having a radius of 50.00 feet, said arc being subtended by a chord having a bearing of North 10 degrees 37 minutes 56 seconds East, having a chord length of 89.90 feet and an arc distance of 111.76 feet to an iron pin found; running thence North 32 degrees 21 minutes 55 seconds East a distance of 203.79 feet to an iron pin found; running thence North 81 degrees 10 minutes 25 seconds East a distance of 249.66 feet to an iron pin found; running thence North 17 degrees 43 minutes 38 seconds West a distance of 393.25 feet to an iron pin found; running thence North 48 degrees 13 minutes 39 seconds East a distance of 72.87 feet to an iron pin found; running thence North 16 degrees 52 minutes 44 seconds East a distance of 34.14 feet to an iron pin found; running thence North 74 degrees 36 minutes 45 seconds East a distance of 141.59 feet to an iron pin found; running thence North 37 degrees 08 minutes 50 seconds East a distance of 114.04 feet to an iron pin found; running thence North 29 degrees 45 minutes 10 seconds East a distance of 140.53 feet to an iron pin found and the TRUE POINT OF BEGINNING; being 18.409 acres, zoned A-1, ZA#1968, all as shown on that certain compiled map dated November 30, 2000, prepared for Silver Creek Development, LLC Equestrian Tract, by Rochester & Associates, Inc.