

IN THE SUPERIOR COURT OF FORSYTH COUNTY

STATE OF GEORGIA

HIGH GABLES HOMEOWNERS
ASSOCIATION, INC.,

Plaintiff,

v.

LARRY C. OLDHAM,

Defendant.

Civil Action File No. 05-CV-2005

**DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND NOTICE TO PRODUCE**

COMES NOW Defendant Larry C. Oldham and serves the following First Request for Production of Documents and Notice to Produce (the "Requests for Production") upon High Gables Homeowners Association, Inc. ("you") pursuant to O.C.G.A. §§ 24-10-26 and 9-11-34. You are required to respond separately to each of the specifically numbered Requests for Production contained herein, to respond to same in the fashion and within the time provided by O.C.G.A. §§ 9-11-26 and 9-11-34 and to serve your responses upon Defendant's counsel, Larry C. Oldham, at Oldham & Reece, LLP, 416 Pirkle Ferry Road, Suite K-500, Cumming, Georgia 30040. You are further directed to produce the requested documents for inspection and copying pursuant to O.C.G.A. § 9-11-34 and to produce the documents requested at your deposition, upon any hearing and at the trial of above-styled Action pursuant to O.C.G.A. § 24-10-26.

These Requests for Production shall be deemed continuing in nature, and if further or additional documents responsive to these Requests for Production come into your possession at any time following service of your response, you are required to supplement said responses in accordance with O.C.G.A. § 9-11-26(e).

These Requests for Production are made subject to and are deemed to include and incorporate the following instructions and definitions.

INSTRUCTIONS

1. These Requests for Production seek inspection and copying of the original and all copies of documents in the possession, custody, or control of Plaintiff, as described herein.
2. All documents that are produced in response to these Requests for Production shall be produced as they are kept in the usual course of business, or should be organized and labeled to correspond with the numbered requests herein.
3. These Requests for Production call for the production of documents that are within your custody, possession or control. Possession, custody or control includes constructive possession, such that you need not have actual physical possession, and therefore would include documents that you have the right to require the production of from a third party.

DEFINITIONS

1. As used herein, the term "document" is used in its broadest sense and shall mean, in addition to its common meaning, the original and all copies of any writing, document or other tangible thing of every type and description, whether written, printed, typewritten, handwritten or mechanically produced or otherwise recorded, of whatever character and however produced or reproduced,

whether an original, master, duplicate or copy, including, without limitation, the following items: correspondence; communications; memoranda; notes (whether stenographic, handwritten, or otherwise recorded); e-mail; newsletters; calendars; diaries and diary entries; appointment books; contracts; agreements; proposals; studies; summaries; reports; minutes; manuals; catalogs; publications; books; pamphlets; investment literature; prospectuses or subscription documents; photographs; films; microfilms; sound, tape or voice recordings; tapes; video recordings; transcriptions of conversations, interviews, meetings or conferences; pictures; drawings; plans; charts; maps; surveys; labels (including file labels); telecopies; photo or carbon copies; magnetic recordings (including computer data); computer generated or stored information; depositions; answers to interrogatories; pleadings; judgments; statistical or data compilations; tax returns; financial statements; accounting or other financial papers or bank records; invoices; receipts; checks; check stubs; confirmation slips; order tickets; purchase orders; accounts; deposit slips; ledgers; time-keeping records and expense account records.

2. The word "person" means an individual, partnership, corporation, division, firm, association, organization, business, or other entity.

3. As used herein, the word "Defendant" refers to Larry C. Oldham and all of his agents, principals, attorneys, officers, directors, servants, employees, consultants, representatives and any other persons or entities acting or purporting to act on their behalf or under their control.

4. As used herein, the word "Plaintiff" refers to High Gables Homeowners Association, Inc. and all of its agents, principals, attorneys, officers, directors, servants, employees, consultants, representatives and any other persons or entities acting or purporting to act on their behalf or under their control.

5. The phrases "relating to" and "relate to" shall be construed in their broadest sense and shall mean describing, setting forth, discussing, mentioning, commenting upon, supporting, contradicting, or referring to the subject or topic in question, whether in whole or in part.

6. The word "all" shall be deemed to include and encompass the words "each," "every," and "any."

7. With regard to the terms defined herein, all terms in the singular shall include the plural, and all terms used in the plural shall include the singular.

8. The conjunction "and/or" shall be interpreted in every instance both conjunctively and disjunctively.

9. The words "you" or "your" refer to High Gables Homeowners Association, Inc. and all of its agents, principals, partners, attorneys, servants, employees, consultants, representatives or any other persons or entities acting on their behalf.

10. The capitalized terms used herein shall have the meaning given to them in Defendant's Verified Answer, Counterclaim and Third Party Complaint unless otherwise defined herein. In addition, the following terms used herein shall have the definitions given to them as set forth below:

"ACC" means the Architectural Control Committee of Plaintiff as contemplated by the Declaration and all individual members thereof.

"Board" means Plaintiff's board of directors as same may have been constituted at any time-frame contemplated hereby.

"Building and Design Specifications" means that certain document entitled "Standard Building and Design Specifications for High Gables, Revised August 1, 2001, Phases Two and Three".

"Covenants" means those certain easements, covenants and restrictions contained in the Declaration.

"Declaration" means that certain Declaration of Covenants, Conditions, Restrictions and Easements for High Gables recorded at Deed Book 1538, Page 769, Forsyth County, Georgia records, as amended from time to time.

"Defendant's Alleged Covenant Violations" means each of the alleged violations of the Covenants set forth in Plaintiff's Complaint, namely Defendant's failure to install his (i) driveway; (ii) sidewalk; (iii) entrance landscaping; and (iv) mailbox.

"Governmental Authorities" means the governmental and regulatory authorities of Forsyth County, Georgia, including, without limitation, the engineering department, the sheriff's department, and its erosion and sedimentation control enforcement personnel.

"HOA Members" means the members of Plaintiff, as determined in accordance with the requirements and conditions of the Declaration.

"Management Company" means Heritage Property Management, or any predecessor management company that has performed services for Plaintiff.

"Neighborhood" means High Gables Subdivision, Phases One, Two and Three, all of which are located on Holtzclaw Road in Cumming, Forsyth County, Georgia.

"Officers and Directors" means the members of the Board in their capacities as officers and/or directors of Plaintiff.

"Oldham Property" means Lot 38 of High Gables - Phase Three, located at 4250 High Gables East, Cumming, Georgia 30041.

"Plaintiff's Counsel" means attorneys with Stites & Harbison, PLLC or Hawkins & Parnell, LLP, as the context requires.

DOCUMENTS REQUESTED

1.

All documents identified by you in response to any of Defendant's First Interrogatories served concurrently herewith.

2.

To the extent not already provided to Defendant pursuant to his January 17, 2006 demand for inspection of Plaintiff's records and his follow-up requests through February 24, 2006, all corporate or other documents of Plaintiff of whatever kind and wherever situated, whether in the possession of Plaintiff, the Management Company, or Plaintiff's Counsel.

3.

All documents pertaining to all meetings of the Board for the past the past four years, including, without limitation, all attendance and voting records from said meetings.

4.

All documents evidencing rules and regulations of Plaintiff that are not contained or included in the Declaration and the Building and Design Specifications.

5.

All documents containing information about Plaintiff, the HOA Members, the Neighborhood, the Covenants, the Building and Design Specifications, or the Board.

6.

All documents identifying the HOA Members entitled to vote at meetings of Plaintiff, all proxies given by HOA Members to others, and all roll calls, attendance records or other lists of HOA Members in attendance at annual meetings and/or other meetings of the HOA Members for the past four years.

7.

All documents that Plaintiff or the Board has distributed, or has had distributed through the Management Company, to any Owner regarding the Covenants or any alleged violations thereof.

8.

All documents prepared by Plaintiff or any member of the Board of any discussion or conversation it has had about Defendant or Defendant's Alleged Covenant Violations with: (i) other members of the Board; (ii) HOA Members; (iii) Governmental Authorities; or (iv) the Management Company.

9.

All documents between Plaintiff and Defendant, including notes or records of any conversations with Defendant by Officers and Directors.

10.

All documents the Board has sent or received in the last four years regarding alleged violations of the Covenants, including those pertaining to Defendant's Alleged Covenant Violations.

11.

Any documents evidencing any agreements between Plaintiff and Management Company regarding the provision of management services and the charges therefor.

12.

Any documents evidencing any agreements between Plaintiff and Plaintiff's Counsel regarding the provision of legal services and the charges therefor.

13.

All policies of insurance insuring Plaintiff, the Board, or the Officers and Directors.

14.

Any petitions, including signatures, or documents that the Board, any HOA Member or the Management Company circulated in connection with Defendant's Alleged Covenant Violations and the Action.

15.

All documents from or to the Board and/or Governmental Authorities regarding Defendant's Alleged Covenant Violations or the Oldham Property.

16.

All deposition transcripts from any other litigation in which Plaintiff has been involved, including, without litigation, that certain civil action styled High Gables Homeowners Association v. Jason and Lisa Creech, Civil Action File No. 03-CV-0073, Superior Court of Forsyth County, Georgia (the "Creech Litigation").

17.

All correspondence between Plaintiff, Plaintiff's Counsel, the Management Company or the Board and the defendants in the Creech Litigation and/or their counsel, including all documents and correspondence pertaining to the settlement of the Creech Litigation.

18.

All requests or documents submitted to Plaintiff or the ACC within the past four years by HOA Members, and all responses or other actions taken by Plaintiff or the ACC in connection with such requests.

19.

All documents from Plaintiff, the Board, the ACC, the Management Company, Plaintiff's Counsel, or any other agents or persons on behalf of any of the foregoing which pertain to alleged violations of the Covenants, the Building and Design Specifications, or any other rules or regulations of Plaintiff.

20.

All invoices, bills or documents pertaining to legal services provided by Plaintiff's Counsel in connection with the Action, including a usual and customary detailed breakdown of the services performed and the personnel performing such services, and also including an itemization of reimbursable advances and expenses charged by Plaintiff's Counsel in connection with such representation.

21.

The specifications for the "neighborhood standard" mailbox as contemplated by the Building and Design Specifications.

22.

All photographs and documents pertaining to the Oldham Property.

23.

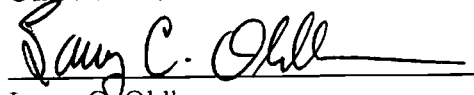
All documents that you may or will introduce at trial or upon which you rely for any contentions or allegations made by you in the Action.

24.

All documents sent by you to Defendant or the HOA Members regarding any of the issues in the above-styled Action.

These Requests for Production are submitted to Plaintiff as of February 25, 2006.

OLDHAM & REECE, LLP

A handwritten signature in black ink, appearing to read "Larry C. Oldham", is written over a horizontal line.

Larry C. Oldham

Georgia State Bar No. 551455

Attorneys for Defendant

416 Pirkle Ferry Road
Suite K-500
Cumming, Georgia 30040
(770) 889-8557 (phone)

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CERTIFICATE OF SERVICE

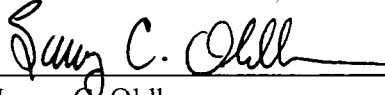
I hereby certify that I have delivered a true and correct copy of the within and foregoing **Defendant's First Request for Production of Documents and Notice to Produce** to opposing counsel of record by depositing same in the United States Mail with adequate postage thereon and addressed as follows:

P. Jay Pontrelli, Esq.
Stites & Harbison, PLLC
303 Peachtree Street, N.E.
2800 SunTrust Plaza
Atlanta, Georgia 30339

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

So certified as of February 25, 2006.

OLDHAM & REECE, LLP



Larry C. Oldham
Georgia State Bar No. 551455
Attorneys for Defendant

416 Pirkle Ferry Road
Suite K-500
Cumming, Georgia 30040
(770) 889-8557 (phone)

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RULE 5.2 CERTIFICATE

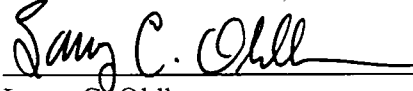
In accordance with Uniform Superior Court Rule 5.2, I hereby certify that on February 25, 2006 I have served **Defendant's First Request for Production of Documents and Notice to Produce** to opposing counsel of record by depositing same in the United States Mail with adequate postage thereon and addressed as follows:

P. Jay Pontrelli, Esq.
Stites & Harbison, PLLC
303 Peachtree Street, N.E.
2800 SunTrust Plaza
Atlanta, Georgia 30339

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

So certified as of February 25, 2006.

OLDHAM & REECE, LLP



Larry C. Oldham
Georgia State Bar No. 551455
Attorneys for

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Cumming, Georgia 30040
(770) 889-8557 (phone)