

**GADDIS & LANIER, LLC**  
Your Neighborhood Attorneys

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December 9, 2020

**VIA CERTIFIED MAIL NO. 7020 0090 0000 6433 5090**  
**& FIRST CLASS MAIL;**  
**& VIA EMAIL ([andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com))**

Andrew and Patricia Price  
\_\_\_\_\_ Chestea Drive  
Marietta, GA 30066

Re: **Cook's Valley Homeowners Association, Inc.**

Dear Mr. and Mrs. Price:

I am writing to you on behalf of the Board of Directors of the Cook's Valley Homeowners Association, Inc. ("Association") regarding the various issues that you have brought to the attention of the Board throughout this year regarding property located adjacent to your Lot within the Cook's Valley community. As you know, the Board and/or Members of the Architectural Control Committee ("ACC") for Cook's Valley met with the homeowners over recent months concerning the drainage problem you indicated was stemming from their Lot which was began earlier this year.

In an attempt to resolve these issues the homeowners submitted certain plans and specifications to the Association with proposed solutions which plans were vetted with Cobb County officials and numerous actions were taken this year in order to rectify the additional water runoff that began to occur after certain trees were removed from that Lot. The Lot owners installed drainage pipes, graded property and installed sod as throughout the Lot in an effort to prevent the flooding and drainage issues, and to make the Lot more aesthetically pleasing and in keeping with the community-wide-standards for Cook's Valley. The ACC accepted and approved these plans upon the condition that it included grading the Lot to allow the installation of the sod and the creation of the grassed swale to pitch run-off away from the neighbor's property as noted in the response from the Cobb County Storm Management Division regarding this situation.

As such, I am writing to inform you that this matter has been resolved, is deemed closed and the Association will not be taking any further action regarding same.

Sincerely,

**GADDIS & LANIER, LLC**  
*Kimberly C. Gaddis*  
Kimberly C. Gaddis

Kcg/bm  
Cc: Board of Directors

1330 Cumberland Dr. S.W.  
Suite 400  
Atlanta, Georgia 30330

**GADDIS & LANIER, LLC**  
Your Neighborhood Attorneys

Kimberly C. Gaddis, Esq.  
Main: 404.525.7022  
Cell: 404.525.7022

December 9, 2013

VIA CERTIFIED MAIL NO. 7030 0000 0000 6473 5090  
& FIRST CLASS MAIL  
(VIA EMAIL: kcgaddis@gaddislanier.com)

Andrew and Patricia Price  
Crested Drive  
Marietta, GA 30066

Re: Cook's Valley Homeowners Association, Inc.

Dear Mr. and Mrs. Price:

I am writing to you on behalf of the Board of Directors of the Cook's Valley Homeowners Association, Inc. ("Association") regarding the various issues that you have brought to the attention of the Board throughout the year regarding property located adjacent to your lot within the Cook's Valley community. As you know, the Board and/or Members of the Architectural Control Committee ("ACC") for Cook's Valley met with the homeowners over recent months concerning the drainage problem you indicated was stemming from the lot which was begun earlier this year.

In an attempt to resolve these issues the homeowners submitted certain plans and applications to the Association with proposed solutions which plans were vetted with Cobb County officials and numerous actions were taken this year in order to rectify the additional water runoff that began to occur after certain trees were removed from that lot. The lot owners installed drainage pipes, graded around and re-landscaped throughout the lot in an effort to prevent the flooding, no drainage issues, and to make the lot and surrounding area pleasing and in keeping with the community-wide standards for Cook's Valley. The ACC accepted and approved these plans upon the condition that it included grading the lot to allow the installation of the sod and the creation of the grass to be to patch runoff away from the neighbor's property as noted in the record plan from the Cobb County Storm Management Division regarding this situation.

As such, I am writing to inform you that this matter has been resolved and deemed closed and the Association will not be taking any further action regarding same.

Sincerely,

**GADDIS & LANIER, LLC**  
*Kimberly C. Gaddis*  
Kimberly C. Gaddis

Kimberly C. Gaddis  
Board of Directors

Kimberly C. Gaddis, Esq. Main (404)  
459-7055

[kgaddis@gaddislanier.com](mailto:kgaddis@gaddislanier.com)

September 23, 2020

**VIA UPS OVERNIGHT MAIL**

Lei Yang (Penny) & Aiping Guo (Eric)  
2566 Chestea Drive  
Marietta, GA 30066

Re: **Notice of Violation - Cook's Valley Homeowners Association, Inc.**

Dear Ms. Yang and Mr. Guo:

I am writing to you on behalf of the Board of Directors of the Cook's Valley Homeowners Association, Inc. ("Association") regarding your property located at 2566 Chestea Drive within the Cook's Valley community. I understand that you have met with the Board and/or Members of the Architectural Control Committee ("ACC") for Cook's Valley over recent weeks and months concerning the drainage problem stemming from your Lot which began after you cut down several dozen trees from your Lot and re-graded the Lot without first obtaining prior ACC approval. Your actions have caused a great deal of flooding and water runoff and soil and sedimentation erosion concerns for the areas adjacent to your Lot.

In an attempt to resolve these issues I understand that you submitted certain plans and specifications to the Association's ACC in July which proposed a solution whereby you would install a certain 8" drainage pipe throughout your Lot with certain drains and which lines would end at Chestea Lane. I understand that you would then add sod throughout the Lot in an effort to prevent the flooding and drainage issues, and to make the Lot more aesthetically pleasing and in keeping with the community-wide-standards for Cook's Valley. The ACC accepted and approved these plans upon the condition that it included grading the lot to allow the installation of the sod and the creation of the grassed swale to pitch run-off away from the neighbor's property as noted in the attached response from the Cobb County Storm Management Division regarding this situation.

Unfortunately, I understand that the work you have performed has NOT solved the flooding and drainage problems, and was NOT performed in accordance with the plans and specifications that you submitted as I understand the 8" line ends somewhere in your front yard and does not go all the way to the street as the plans show. Additionally, it is clear with the rains we have had recently that the storm water drainage system you have installed does NOT perform as your contractor indicated to you that it would, as there is still an excessive run-off impacting both you and your neighbor. The 8 inch system has proven not to resolve the drainage problem and, as such, **this system must be modified and/or replaced to connect into the 18 inch County sewer system.**

Before taking any next steps, you must submit new plans and specifications with detailed drawings to the ACC evidencing exactly what new pipes you plan to implement in order to resolve this problem. If you are trying to convey the runoff from above your Lot to the street then the entire length of the drainage pipes to be added to your Lot need to be 18 inches. If you want to tie anything directly into the County system within the street right-of-way the County will require an engineered drawing by a registered professional engineer as well as a Page 2

recorded drainage easement across the neighbor's (Price), if required. The system must be approved and properly permitted prior to installation.

You must submit these plans and drawings (and engineered drawings) to the ACC first to ensure compliance with the Cook's Valley covenants and then you must submit same, upon receiving ACC approval, to the County to ensure compliance with any applicable county requirements. The ACC has the authority under Article II of the Declaration of Covenants, Conditions, Restrictions and Easements for Cook's Valley ("Declaration"), as amended, to regulate all modifications to lots and the exterior of dwellings within the community. **As such, you must submit new plans to the ACC for resolving the water flooding and runoff problem on your Lot within thirty (30) days of the date of this letter.**

As an Owner of property within Cook's Valley, you and your lot are governed by the Declaration which includes rights, restrictions and obligations that an owner must abide by. The Declaration is clear in Article II that all exterior construction or modification must be approved by the ACC. To seek approval, the Declaration requires that the owner of the property must submit written "plans and specifications" showing the nature, kind, shape, and height, materials and location to the ACC for consideration. The owner must then receive written approval of the submission before commencing any work on the project. Further, pursuant to Cobb County ordinances a building permit may be required to commence any work on a lot within Cook's Valley as well.

**Please either deliver your application for review to: <Bob Kern. CVHOA@cooksvalleyhoa.com, 770-331-1314 and return copies of same to me via email at [kqaddis@gaddislanier.com](mailto:kqaddis@gaddislanier.com) or send hard copies to me at the above address.**

Once received, the ACC will review your submissions and render a decision in writing. From the time that you receive this notification until such time as you receive approval for your project, no work whatsoever may be commenced on your Lot in regards to any ongoing or future modifications.

In the event that you fail to comply with this notice and the requirements of the Declaration, the Association will be forced to take further actions to enforce the Declaration. Further enforcement may include imposing fines against you in the amount of \$25 per day for each day that the violations continue, and/or filing a lawsuit to seek an injunction against you from the Cobb County Court ordering you to perform all work necessary to resolve this matter. All costs of enforcement incurred by the Association will be assessed against your property and be your sole obligation for violating the Declaration.

Your violation is serious and we are hopeful that you will choose to comply with the requirements the Declaration and this letter. This letter is being sent via hand delivery and overnight, next day delivery to insure that you receive this letter by September 25, 2020. Please contact me if you have any questions or concerns regarding this matter.

Sincerely,

**GADDIS & LANIER, LLC**

*Kimberly C. Gaddis*

Kimberly C. Gaddis

Kcg/bm

Cc: Board of Directors