

This sworn statement is being made at the request of Paula Flowers, City Attorney, City of Mt. Juliet, regarding an ethics investigation being conducted by her in response to an ethics complaint filed against Mayor Linda Elam by Hatton Wright.

AFFIDAVIT

The Affiant, after being sworn, states as follows:

1. My name is Louis W. Oliver, III. I have been licensed to practice law in the State of Tennessee since October, 1980. I have been in continuous private law practice for the past twenty-five (25) years. My Board of Professional Responsibility Number is 7315.

2. Over the past thirty-five (35) years I have served as a City Recorder, City Manager, Planning Commission Member, and City Attorney. I have served as a Special Legal Counsel for several Tennessee municipalities.

3. On or about January 22, 2007 I received an e-mail from City Manager Rob Shearer requesting my attendance at the meeting to be conducted at Mt. Juliet City Hall on the afternoon of January 23, 2007. It was my understanding that the meeting concerned the Del Webb Development. A copy of the e-mail I received is attached to this Affidavit as Exhibit "1".

4. I was the last to arrive at the meeting on January 23, 2007. All other attendees were already in the City Hall Conference Room. Those in attendance were Mayor Linda Elam, City Manager Rob Shearer, City Planner Bobby Franklin, Public Works Director Hatton Wright, City Engineer Marlin Keel, Chris Ryan of Del Webb / Pulte Homes, and me. I recall no other persons present.

5. The meeting opened with a statement by Mayor Elam that Del Webb had a problem that they wanted to address to us. She then turned the floor over to Chris Ryan.

6. Chris Ryan stated that Del Webb desired to have building permits issued on some lots prior to the completion of the infrastructure, and that he had been unable to accomplish this through the City staff. A general discussion ensued regarding the location of the streets and lots involved.

7. Rob Shearer stated that it had been a long standing city policy to require substantial completion of the infrastructure (ie: streets, sewer, etc.) prior to the issuance of building permits, and further explained that Mt. Juliet did not want homes purchased by private owners that may not be accessible or ready for occupancy. Hatton Wright then restated the City's policy.

8. While Rob Shearer and Hatton Wright were speaking I located the provision in the Mt. Juliet Subdivision Regulations which I thought addressed the issue. I then obtained the floor, and read aloud from Section 3-101 of the Subdivision Regulations which indicated that the Developer could request a waiver from the Planning Commission, and request to be allowed to post a Letter of Credit in lieu of completion of the infrastructure in order to obtain building permits. I emphasized to those present that this was the written Regulation regarding this matter, and I was of the opinion that this Regulation should be followed in this situation. The part of Section 3-101 that I read is attached hereto as Exhibit "2".

9. I do not recall Mayor Elam hitting the table, nor do I recall Mayor Elam instructing or demanding the issuance of the requested building permits to Del Webb.

10. I recall Chris Ryan discussing if Mr. Juliet could timely provide inspection services for the Del Webb development.

11. I also recall Hatton Wright discussing the matter of Del Webb hiring private building inspectors, however I do not recall whether it occurred during the meeting, or immediately after the conclusion of the meeting.

This Affidavit is furnished to the best of my recollection, information and belief.

Further Affiant saith not.


LOUIS W. OLIVER, III

Sworn to and subscribed before me on this the 3rd day of May, 2007.


NOTARY PUBLIC

(SEAL)

My commission expires

Jan 15, 2008

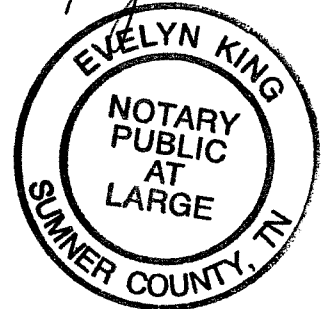


EXHIBIT "1"

Louis Oliver

From: Rob Shearer [rshearer@cityofmtjuliet.org]
Sent: Monday, January 22, 2007 9:04 AM
To: Bobby Franklin; Hatton Wright; mkeel@fisherarnold.com; Louis Oliver
Subject: Del Webb Meeting

When: Tuesday, January 23, 2007 3:00 PM-5:00 PM (GMT-06:00) Central Time (US & Canada).
Where: City Hall - Conf Room

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Sorry for bothering you on a weekend, but I've been in a meeting this morning that has made a follow up meeting with each of you necessary.

I would like to have a meeting with everyone receiving this email on Tuesday at 3:00 at City Hall. Chris Ryan will be joining us to discuss some short-term timing issues.

It is very important we all meet together, so please block off 3 - 5 on your calendar.

Many thanks,

Linda E.

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Surety Instruments

3-101.1 Completion of Improvements

Before the final subdivision plat is signed by the planning commission officer specified in Subsection 2-106.1, (Signing of Plat) of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary sewer, water, storm water and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall offer for dedication such improvements to the governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Performance Bond

The planning commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to signing of the final subdivision plat by providing that, as an alternative, the applicant may post a bond in an amount stipulated by the Planning Commission as sufficient to secure the satisfactory construction, installation and dedication of required improvements. The Secretary of the Planning Commission shall not certify any plat for recording until the required bonds are posted. No building permit will be issued for any lot unless the street providing access is complete or the applicant shall have posted an appropriate performance bond guaranteeing construction, installation and dedication of the required improvements. The amount and form of such performance bond shall in all regards be sufficient to guarantee to the governing body, or other agency ultimately responsible for acceptance of the facilities, satisfactory construction, installation, and dedication, free and clear of any encumbrances, of the incomplete portion of required improvements.

Such performance bonds shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed specified by the planning commission in the resolution approving the final subdivision plat and the accompanying development agreement.

Such bond amount shall be approved by the planning commission, or other agency ultimately responsible for acceptance of the facilities, as to amount and conditions. The planning commission may, upon proof of difficulty extend the completion date set forth in such instrument for a maximum time period covered by the Development Agreement. The planning commission may