

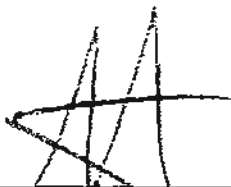




against TVPOA on July 21, 2009, seeking disclosure of any remaining records included in his previous requests. Anklin clearly failed to exhaust his administrative remedies provided in TVPOA's Document Access Rules prior to filing suit against TVPOA. Therefore, Anklin's claim against TVPOA should be dismissed as a matter of law pursuant to Tenn. R. Civ. P. 56.

In support of this Motion for Partial Summary Judgment, TVPOA files contemporaneously herewith and incorporates herein, a Memorandum of Law in Support of its Motion for Partial Summary Judgment, a Statement of Undisputed Material Facts, and the Affidavit of Winston Blazer which is attached hereto as Exhibit A.

**KENNERLY, MONTGOMERY & FINLEY, P.C.**

By     
C. Coulter Gilbert, BPR #011824  
Kevin Stevens, BPR #023035  
Attorneys for Defendant  
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Knoxville, TN 37901  
(865) 546-7311

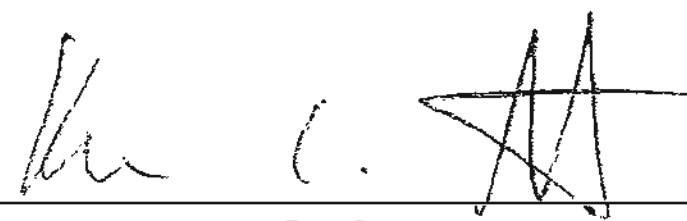
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing document has been served upon the following by delivering same or by placing same in the United States Mail, postage prepaid.

J. Scott McCluen  
111 Deer Haven Court  
Harriman, TN 37748

This 12<sup>th</sup> day of October, 2009.

**KENNERLY, MONTGOMERY & FINLEY, P.C.**

By:   
Kevin C. Stevens

**DANNIE A. HUTCHERSON and  
RICHARD T. ANKLIN**

**Plaintiffs,**

**VS.**

**TELLICO VILLAGE PROPERTY  
OWNERS ASSOCIATION, INC.**

**Defendant.**

**Docket No. 11513**

## AFFIDAVIT OF WINSTON BLAZER

COUNTY OF LOUDON  
STATE OF TENNESSEE

Comes now the affiant, and after being duly sworn, does state as follows:

1. My name is Winston Blazer, and I am over the age of 18, am of sound mind, and have personal knowledge of the facts set forth in this affidavit.

2. TVPOA's Document Access Rules (the "Document Access Rules") state that they were "promulgated by the TVPOA Board of Directors to implement a comprehensive records access policy for the TVPOA and to assure that the records access process is managed fairly and in an efficient and business-like manner."

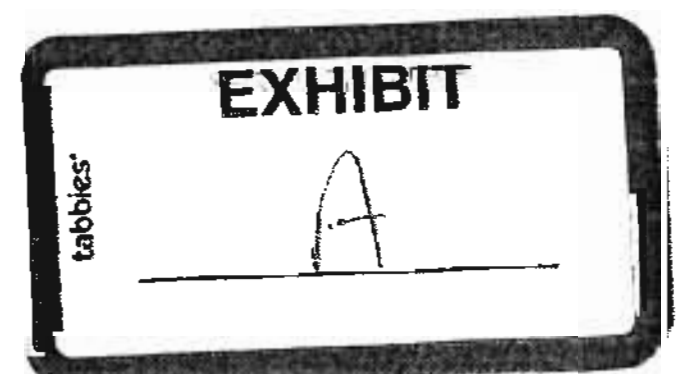
3. The Document Access Rules provide at Paragraph 6 as follows:

Any decision or action taken by POA staff under these rules or under the POA General Manager's procedures shall first be appealed to the General Manager, or in the case of a decision or action by the General Manager, to the POA Board of Directors. Appeals to the POA Board of Directors must be made in writing within thirty (30) days of the decision or action being appealed. The POA Board of Directors shall act promptly to determine such appeals.

FILED 12 DAY OF Oct 2009

AT 3:00 P.M.

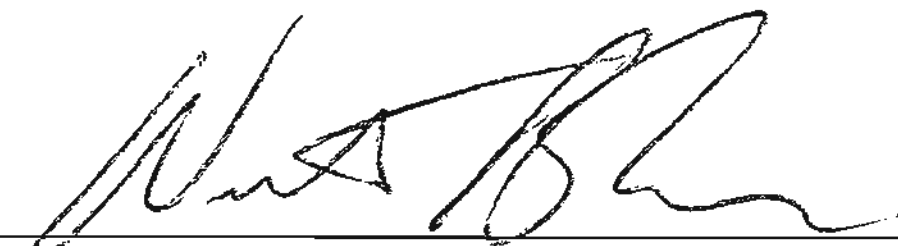
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4. Plaintiff, Richard T. Anklin ("Anklin"), failed to appeal the General Manager's decision regarding the record requests to the TVPOA Board of Directors in accordance with the express requirements of the Document Access Rules.

5. Rather, Anklin bypassed TVPOA's mandatory administrative procedures and filed the present lawsuit against TVPOA on July 21, 2009, seeking disclosure of any remaining records included in his previous requests.

FURTHER AFFIANT SAITH NOT.

  
Winston Blazer

Sworn to and subscribed before me this 6<sup>th</sup> day of October, 2009.

  
NOTARY PUBLIC

My commission expires: 03/03/2013

