

**BALL HOMES, LLC**  
**and**  
**LOCHMERE DEVELOPMENT CORPORATION/TROY THOMPSON**

July 25, 2017

To The Residents of Andover:

We write again to speak directly to the homeowners in Andover regarding the situation with the Andover Golf and Country Club property (the “Club”) (our prior letter and information regarding the lawsuits can be found at [www.kentuckylaw.com](http://www.kentuckylaw.com)). We have fought to stop development and uphold the protective restriction in court, and we have made significant progress. Perhaps most importantly, in June we obtained an injunctive order that requires Whitaker Bank to not only maintain and operate the Club property as a golf course, but that also sends a strong signal that the Court would rule in the underlying cases that the restriction is valid and will remain in place. Because the Court set an exorbitant bond amount for the injunction of \$1,000,000, we have appealed that portion of the order seeking a more reasonable bond amount. The injunction is nevertheless a significant victory and there is good legal support for the Court of Appeals to reduce the bond amount (we expect a ruling in the next 60 days or so).

Despite these efforts and results, we continue to hear incorrect rumors regarding our involvement, and more importantly we continue to spend precious time and money to fight your own homeowner’s associations (the “Associations”) in court to keep the development restriction in place. Having the Associations that are representing the same people we are trying to protect fight us in court is something we cannot have, and the various “updates” from the Associations and their attorney (who told us we would not get the injunction, but we did) portray a biased and one-sided picture, at the very least. So, it has become crucial that we speak directly to you again.

Fighting this battle has come at no small effort and expense, but we told you we would do so and we have. The Associations and their attorney, however, have used your dues to undermine our arguments in court to get the injunction, and to now file a motion to be heard on August 7<sup>th</sup> at 10:30 a.m. contending that we have no legal standing or duty to seek to protect the Club from development and enforce the restriction. You will hear various other positions regarding their intent and the need to compromise at this early juncture in the process but make no mistake - the Associations’ clear intent and purpose is to remove us from all the cases so that they can give up the only leverage the Andover residents have (the restriction), and to pave the way to striking a questionable and ill-conceived “deal” with a developer that will begin the slippery slope of development of portions of the Club property, or worse.

So, we tell you directly what we have told them: (1) the restriction and our legal fight in support of it are the most important and possibly the only “finger in the hole of the dam” stopping the waters of development from flooding the Club property, and if we are removed or the restriction is impinged in any way, the dam gives way and Whitaker Bank will be able to sell the property to the highest bidder regardless of use and then all bets are off; and (2) we are in this for the long haul and will spend our own time and money to prevent this from happening, but we will not, and certainly cannot, do so if the Associations’ motion is granted and/or we have to continue to fight the exact same people we are trying to help.

As we have maintained since day one, our sole desire and commitment is to keep in place the original common scheme and design for the community that we developed for the benefit of customers we sold to out there and the Andover residents who have purchased from them since. Our actions have proven this to be true. However, very soon, based on the arguments being made by your Associations, the Court may decide that we have no legal standing or duty to continue this fight. If you take nothing else from this letter please understand the following: (1) if we lose this fight, or worse yet, we are thrown out of the cases by the same Associations that you finance, we are confident that development will occur on the Club property and there is no limit to where it will stop, and (2) if you do not want that to happen we need you to clearly and vocally express your support - to the media, to Whitaker Bank, to the Court and certainly to your own Associations.

Sincerely,

Ball Homes, LLC  
Lochmere Development Corporation/Troy Thompson