

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILEZ, LLC :

Plaintiff

vs

THE CITY OF ATLANTA

Defendant

CASE NO.

2015-CV-267425

AFFIDAVIT OF MARK CARPENTER

Personally appeared before the undersigned officer fully authorized to administer oaths, Mark K. Carpenter, who under oath deposes and states as follows:

1. My name is Mark Carpenter, I am a Georgia Resident and did reside at residential address 2206 Mack Dr NW Atlanta Georgia 30318 for five years with my family.
2. I am over eighteen (18) years of age and am of sound mind. I understand the solemn nature of this affidavit. The statements made herein are within the scope of my personal knowledge, my personal witnessing, my personal observations, my personal experiences and giving such as free will during the period I lived on Mack Dr. NW Atlanta, Ga 30318 for years with my family.
3. I personally observed the City of Atlanta dump for years numerous types of waste, bringing fill dirt, grading, leveling and burying the various waste deposited in the area now known as BABY GUN CLUB LANDFILL located approximately 200 feet away from my home and the large scale dumping occurred behind address 2181 Mack Dr NW ATL GA 30318 which at that time I lived in this area.
4. The City of Atlanta used heavy equipment, vehicals and dump trucks which entered this area now known as Baby Gun Club Landfill which I later learned the name of this landfill in year 2017 from a CH2MHILL Methane Monitoring survey dated 06-29-2006 this survey created for the City of Atlanta. At the time of the dumping, there was no name associated with the Baby Gun Club Landfill site, we who lived in this area all understood it was a municipal landfill. The City used as a main entrance through a Gate off Gun Club Road NW now known as the Gun Club Landfill next to the residential homes known as the Pinckney now, this 1st Gate entrance as outlined in Fulton County Assessor Land Maps show this private road to be called Williams Dr NW, and the City of Atlanta had a guard shack and weight scales which were required to pass to gain entry into the Baby Gun Club Landfill

area through the area now known as the Gun Club Landfill. There was no other way to gain access to this Baby Gun Club Landfill area except passing the City Guard Shack and scales off Gun Club Rd NW.

5. At this time period early 1970s and for for years I only observed the City of Atlanta dump and work on the site now known as the Baby Gun Club Landfill. I observed City Vehicals, heavy equipment with City decals, many City employees working there wearing City Shirts and uniforms. It was required of all to pay to dump waste in this site to the City of Atlanta at the Guard Shack. At this time, I believed that the City of Atlanta had full legal right to dump in this area now called the Baby Gun Club Landfill at the time no one questioned their dumping nor did I or my family that I am aware of.
6. This site now known as the BABY GUN CLUB LANDFILL, was adjacent the Perry Homes project which no longer exists and was at the base of this landfill..
7. As a kid, I used to ride my bike on the mounds of covered waste the City created while burying the waste with the fill dirt the City brought in at the site of the Baby Gun Club Landfill.
8. There still exists today two locked gates that allow access to the Baby Gun Club Landfill through the Gun Club Landfill property which was the exact same route of Williams DR NW that was used to gain access through the property now known as the Gun Club Landfill to the Baby Gun Club Landfill site during the early 70s which I observed and remember.
9. At this time of dumping into the Baby Gun Club Landfill, the City of Atlanta controlled all access into the site of the Baby Gun Club Landfill between the hours of approximately 9 am to 5 pm Monday thru Friday.
10. During this period in the 70s the City of Atlanta employees were maintaining the Baby Gun Club Landfill site borders with mowers, weed eaters and bushgogs allowing continuous dumping.
11. At this time period the entire site of the Baby Gun Club Landfill was all open and connected to the site now called the Gun Club Landfill with no breaks between the dumping. How the Baby Gun Club Landfill site appears today I would never of known below the surface was all that waste the City deposited there all those years.
12. I also viewed an aerial photograph dated 1972 showing the area and road I lived on and the exact same dumping site now known as the Baby Gun Club Landfill that the City of Atlanta was working in for many years. There was no other companies dumping in this area that I am aware of during this period of years I lived there.

13. My brother, James Arthur Carpenter, Arthur E. Carpenter, and my friend "Bull" who lived across the Street on Mack all witnessed only the City of Atlanta dumping in the site now called baby Gun Club Landfill.


[SIGNATURE ON FOLLOWING PAGE]

FURTHER AFFIANT SAYETH NOT.

The Undersigned affiant swears that the information given herein is true and correct and understands that a false answer to any item contained within may result in a criminal charge of false swearing.


Mark Carpenter, Affiant



Ga Driver License 

Sworn to and subscribed before me this

30 day of January, 2018.


Notary Public

My Commission Expires: 1 June 2020