

Weissman, Nowack, Curry & Wilco, P.C. is an AV rated real estate, business and litigation law firm with 50 lawyers practicing in 18 convenient locations throughout Georgia. Clients receive a full range of legal services in a timely, service-oriented and cost-effective manner whether they have a simple matter or a complex transaction.

## Practice Areas

The firm focuses its practice in four main areas:

- Residential & Commercial Closings
- Litigation
- Community Association Representation
- Commercial Real Estate

## Services

Our services include:

- Residential and commercial closings
- General real estate matters
- Commercial acquisitions, sales, lending and leasing
- Representation of real estate developers
- Real estate litigation
- Real estate brokerage
- Zoning, land use and governmental relations
- Community association representation

The firm's general real estate practice includes the preparation of easements, licenses, covenants, boundary line agreements, real estate sales contracts and other legal instruments affecting the title to real property.

Our litigators regularly contest disputes involving all of the above matters. In addition, the firm has expertise with respect to title insurance matters and regularly defends title insurance companies on both residential and commercial claims.

WNCW has an extensive residential real estate closing practice with multiple locations throughout metro Atlanta for the convenience of our homebuyers and sellers. Collectively our closing attorneys have over 60 years of closing experience. The reputation of the practice is built upon this legal expertise and distinguished by superior customer service and convenience.

As an extension of our closing practice, and to effectively serve our borrower and lender clients, WNCW handles commercial real estate transactions. We offer a sub-specialty focus in SBA loans, including 504 & 7(a). Our experienced commercial closing attorneys are certified by NADCO (National Association of Development Companies) to close these loans. We work with our clients as a one-stop shop from establishing operating companies to navigating clients through the maze of loan workouts and liquidation when a borrower experiences problems and loan defaults.

Because we represent lender clients, we understand the potential problems that landowners face and thoroughly review the title, leases and other materials to identify and correct these problems before a loan closes. Since it is easier for developers to fix a problem on the front end than for lenders to deal with it after foreclosure, we counsel developers to find creative solutions that adequately protect the lender's interests while allowing the loan to close.

The firm also represents hundreds of condominium, cooperative and homeowner associations, counseling their boards of directors on issues such as corporate duties, rights and responsibilities under applicable governmental regulations, covenant enforcement and assessment collection. This practice allows us to study the effectiveness of the covenants we draft, and refine the covenants in order to offer state-of-the-art legal solutions to builders and developers.

## Added Value Services for our Clients

- Preparing contracts to acquire property
- Handling acquisition and construction financing
- Preparing required land sales registrations and filings
- Preparing lot take-down contracts
- Defending clients in court if necessary
- Handling permanent loan end-loan closings
- Preparing declarations of condominiums or covenants
- Drafting operating or partnership agreements
- Addressing zoning and land use issues
- Creating legal entities for the purpose of property ownership

## Cutting Edge Experience

Nationally respected for legal work in the creation of condominiums, principals of the firm have worked in this specialized area of the law for over 25 years, handling projects in Georgia and throughout the United States. Two of our lawyers have Master's Degrees in city and regional planning and are able to bring a multi-disciplinary approach to drafting covenants for master planned communities, new urban communities, mixed-use developments, office and residential condominiums, and other types of real estate developments involving complex ownership structures. Attorneys at WNCW drafted the Property Owners Association Act and every amendment to the Georgia Condominium Act since 1979.

## Expert Resources

In addition to practicing law, our lawyers actively speak, teach and write on a variety of real estate law subjects. Lawyers in the firm have also written books on real estate contracts, real estate brokerage and community association law. Two of our named partners have served as past chairs of the Real Property Law Section of The State Bar of Georgia and one currently serves as Dean of The College of Community Associations. The firm serves as counsel to both the Georgia Association of REALTORS® and the Greater Atlanta Home Builders Association.

## STATEMENT OF CAPABILITIES FOR REPRESENTATION

### PHILOSOPHY OF PRACTICE

The practice of community association law is unequaled and results from the unique role of the board of directors of an association. A community association is a non-profit corporation and also functions as a mini-government. As such, a board member must be both a business person as well as a politician. In that dual role, members of a board of directors are charged with the duty of operating that corporation in accordance with the standards established under the good business judgment rule and must also enforce the association's covenants similar to a town or county enforcing its laws.

The role of the community association attorney goes far beyond the basics of advising a board of directors on its duties and responsibilities under the documents and federal and state law. An effective community association attorney is one that practices preventative law. Preventative law anticipates problems and disputes that can result from a decision and counsels a board of directors on the best way to achieve its goals. This can only effectively be achieved by developing an ongoing working relationship with a board of directors and association managers in which the members of the board and managers consult with a community association attorney during the decision making process. That allows the attorney to ensure that a decision is made that is legally sound, practical, and defensible. Without this, many boards, while thinking they are acting in the best interest of the association, make decisions that are not authorized by the documents or violate the law. We encourage our clients to call and ask if it is alright to do something, not if it was alright if they did it. All calls are free under our annual retainer.

### CAPABILITIES

#### 1. GENERAL SERVICES

We view our role as general counsel to our community association clients similar to a general counsel to a corporation and as a city attorney. In that regard, our attorneys are always available to assist boards and their managers in addressing any legal issues which might arise. Typically, these include questions regarding election procedures, the adoption of annual or special assessments, maintenance responsibility for various portions of the property, zoning issues, security within the community, interpretation of provisions contained in declarations and by-laws, taxation, insurance coverage, architectural changes proposed or performed by homeowners, the adoption of rules and regulations promulgated by boards, procedures for enforcing restrictions contained in its declarations, by-laws and rules and regulations, and association control over the leasing of units. We are happy to discuss any matter over the telephone with the members of a board or manager or provide written opinion letters. We also frequently attend board meetings and annual meetings upon request by our clients.

#### 2. TRANSITION OF THE ASSOCIATION FROM DEVELOPER CONTROL

Operating an association is first the responsibility of the developer and then becomes the responsibility of a board of directors that is composed of homeowners in the community. All associations encounter legal issues during the period of developer-control and thereafter that will affect the success and vitality of the community. Despite that, few associations seek legal advice until after the association is turned over to the members. That can be too late.

We recognize an association's need for legal counsel both before and after turnover from developer-control. We routinely work with "groups of concerned owners" before the turnover meeting and thereafter with the homeowner-elected board. We counsel our

clients that transition is a process between a developer and an association. It does not start and end at the election of a board of directors. It includes a review of the fiscal and physical assets of the association. Contrary to popular belief, transition does not release a developer from any liabilities for construction issues or fiscal issues related to the association. Based on our experience, we have developed a comprehensive checklist of items to guide our clients with the transition process.

**3. REVIEW OF CONTRACTS**

Community associations enter into many contracts. These include contracts for management, landscape maintenance, cable television, trash disposal and major common element repair work such as roofing and painting. Boards must be cautious when negotiating and signing all contracts. Failure to do so often results in disputes that could have been avoided.

Many of our association clients request that we review proposed contracts and assist in their negotiation. We advise associations of potential problems which the contractual language might create. We also recommend how contracts should be written to protect an association. Our contract review is aimed at minimizing the likelihood of a contractual dispute and insuring that if a dispute arises, the potential legal risks and expenses of an association will be as limited as possible.

**4. COVENANT ENFORCEMENT**

All community association declarations and by-laws contain provisions which govern what owners can and cannot do within their community. While our goal is to effect compliance without litigation, regrettably, not all owners voluntarily comply with association documents and associations are compelled to take action to force compliance. Prior to filing suit, we examine the facts surrounding the violation in detail with the board of directors and the association's manager, the particular covenant or restriction being violated and non-litigation options available to a board for enforcing the covenant being violated. These options will depend on each association's documents, but generally involve the imposition of a fine or suspension of privileges to use the amenities. If these efforts do not result in compliance, we will proceed to file the appropriate action to force compliance.

**5. LITIGATION SERVICES**

While our preventative law approach is to assist a board in avoiding litigation, regrettably, that is not always possible. We have extensive experience in all areas of association litigation including assessment collection, covenants enforcement, contract disputes between associations and providers of services to associations, construction defects claims, as well as defending associations and their boards against various claims brought by owners, renters, contractors and others. Our litigators have been involved with most of the appellate cases that have made law for community associations in Georgia.

We recognize that an association's involvement in litigation can strain its budget, as well as the patience of the members of a board. Despite good intentions, ill-advised and uncontrolled litigation can take on a life of its own and proceed without regard to sound business goals or intended limitations. Consequently, prior to institution of proceedings and throughout the entire dispute resolution process, our attorneys confer and consult with our clients to identify goals clearly, discuss the likelihood of success, identify and discuss settlement and strategic opportunities, and select a cost-effective course of action calculated to achieve the desired goals of the client. We believe that dispute resolution must be a joint undertaking between attorney and client from beginning to end.

**6. AMENDMENTS**

Many community association legal documents become outdated as the needs and problems in a community change and as statutes are enacted and amended. We draft amendments to declarations and by-laws to address these changes, as well as the specific needs of an association. We recognize the effort it takes to get the majority of the members to agree to any changes. Therefore, we typically recommend that a board look at overall changes to the documents, rather than just addressing one or two issues at a time.

**7. ASSESSMENT COLLECTION**

With rare exceptions, every association has owners that fail to pay assessments. Left unchecked, delinquencies can cripple an association. We recognize that and have developed a unique collection service that passes the attorney's fees of the initial steps in the collection process to the delinquent owners, not an association. Our attorney's fees for commencing the collection practice are deferred and are only collected when a payment is made by a delinquent owner or an association terminates its retainer relationship with WNCW. The first step is to send the delinquent owner a letter demanding payment within 30 days. If an association is not subject to the Georgia Condominium Act or the Property Owners Association Act and subject to an automatic lien, we also file a lien against the delinquent owner's property. We also call each delinquent owner to attempt to encourage payment. If an owner fails to respond we will, with the board's approval, file suit. Suits request principal, interest, court costs and attorney's fees.

**8. BOARD TRAINING**

We recognize that the practice of preventative law requires the involvement of the members of a board. To be effective, board members must understand their duties, roles, and responsibilities. They also must understand the risks and liabilities that go along with serving on a board. That can only be accomplished through education. We have developed a board training program that does that. It is an interactive program that draws upon real-life examples so that it is fun, fast-paced, and never boring. Best of all, it is included as a benefit of the annual retainer.

**9. UNEQUALED EXPERIENCE**

Only a few firms in the United States represent more associations than we do. In addition, our attorneys continually share their expertise with others and are actively involved with the Community Associations Institute (CAI) both on the local, as well as the national level serving on committees and in leadership positions. Attorneys at WNCW drafted the Property Owners Association Act and every amendment to the Georgia Condominium Act since 1979. The community association manager pre-licensing course for community association managers was written and is taught solely by WNCW attorneys. Several of our attorneys have served as the president of the Georgia Chapter of the Community Associations Institute (CAI). On a national level, George Nowack served as the president of CAI (1994-1995) and has twice been awarded the Presidents Award and is also currently the Dean of the College. Julie McGhee Howard sits on the CAI National Board of Trustees. WNCW is the only law firm in the United States that has three members of the prestigious College of Community Association Lawyers. Our attorneys also publish articles and books, speak at conferences and seminars, volunteer their services to numerous professional organizations and participate in other professional activities. Our firm publishes an electronic magazine, the *Community Advisor*, which has twice been selected as Legal Marketing Association Client Magazine of the Year. A subscription to the *Community Advisory* is yet another benefit for those clients who choose to retain our firm on an annual basis. Our experience and these activities keep us attuned to the latest changes in the law without charging our clients for research and enabling us to continue to provide services in a cost-efficient manner.

# Community Association Attorney Resume

## 2010 Community Association Law Seminar & Expo

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**FLOYD DICKENS, III**, born Cincinnati, Ohio; admitted to bar 1994, Ohio. **Education:** Howard University (B.A., 1990); Ohio State University College of Law (J.D., 1994). **Member:** Ohio State Bar; Ohio State Bar Association; Community Associations Institute. **Practice Areas:** Collections  
**Email:** floyddickens@wncwlaw.com  
**Phone:** 404-926-4698



**TANYA FAIRCLOUGH-JAMES**, born Kingston, Jamaica, 1970; admitted to bar 1997, New York; 2001, Georgia. **Education:** University of the West Indies (B.S., with honors, 1991); Benjamin N. Cardozo School of Law School (J.D., 1996). **Honors:** Moot Court Honor Society; Jessup International Law Competition, Editor. **Member:** Georgia Bar Association; New York State Bar Association; Community Associations Institute (Membership Committee). **Practice Areas:** Condominiums, Cooperatives & Homeowner Associations.  
**Email:** tanyafaircloughjames@wncwlaw.com  
**Phone:** 404-926-4593



**LISA BAER FUERST**, born Portsmouth, Virginia, 1968; admitted to bar 1993, Virginia; 1995, Georgia. **Education:** College of William & Mary (B.A., Economics, 1990); University of Virginia School of Law (J.D., 1993). **Faculty:** Georgia Institute of Real Estate, Community Association Management Licensing Course. **Speaker:** "Community Association Finances 101," 2008, Community Associations Institute of Georgia; "Community Association Liens," 2008, LandAmerica Dale P. King Memorial Seminar; "Post Judgment Collections," 2008 Atlanta Volunteer Lawyers Foundation Saturday Lawyer Skills Training; "Homeowner and Condominium Association Assessments: From Origins to Impact," 2006, LandAmerica Dale P. King Memorial Seminar; "Benefits of the POA," 2006, Lorman. **Member:** State Bar of Georgia; Virginia State Bar; Atlanta Bar Association; Community Associations Institute. **Practice Areas:** Collections; Condominiums, Cooperatives & Homeowner Associations; Community Associations; Litigation.  
**Email:** lisafuerst@wncwlaw.com  
**Phone:** 404-926-4633



**LAUREN M. GUNNELS**, born Knoxville, Tennessee, 1976; admitted to bar, 2006, Georgia. **Education:** Georgetown University (B.S., 1999); University of Tennessee (J.D., 2006). **Member:** Georgia State Bar Association (litigation committee for the Young Lawyers Division); Community Associations Institute. **Practice Areas:** Community Associations; Litigation.  
**Email:** laurengunnels@wncwlaw.com  
**Phone:** 404-926-4539



**JULIE MCGHEE HOWARD**, born Atlanta, Georgia, 1968; admitted to bar 1993, Georgia. **Education:** Furman University (B.A., 1990); University of Georgia (J.D., 1993). **Honors:** Intrastate Moot Court Team; Moot Court Board; Editorial Board, Georgia Journal of International and Comparative Law. **Clerkship:** Law Clerk to the Honorable Robert E. Flournoy, Jr., Superior Court of Cobb County, 1993-1995. **Faculty:** Georgia Institute of Real Estate, Community Association Management Licensing Course, 1998-present. **Member:** State Bar of Georgia; Georgia Association for Women Lawyers; Georgia Chapter, Community Associations Institute (Program Committee Chair, 1999-2001; Chapter President-Elect, 2002; Chapter President, 2003); National Community Associations Institute (Board of Trustees; Member, College of Community Association Lawyers). **Awards:** CAI-Georgia Chapter's *Rita Kennedy Award*. **Practice Areas:** Community Association Litigation; Condominiums, Cooperatives & Homeowner Associations; Real Estate Law.  
**Email:** juliehoward@wncwlaw.com  
**Phone:** 404-926-4506

# Community Association Attorney Resume

## 2010 Community Association Law Seminar & Expo

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**SCOTT B. KUPERBERG**, Brooklyn, New York; admitted to bar 2005, Georgia. **Education:** Brooklyn College (B.A., 2002); Syracuse University College of Law (J.D., 2005). **Member:** American Bar Association; State Bar of Georgia; New York State Bar ; DeKalb Bar Association. **Practice Areas:** Collections; Bankruptcy  
**Email:** scottkuperberg@wncwlaw.com  
**Phone:** 404-926-4644

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**JASON LOMONACO**, born New York, New York, 1971; admitted to bar 1998, New York. **Education:** Marist College (B.A., 1994); Brooklyn Law School (J.D., 1997). **Member:** State Bar of Georgia; State Bar of New York; National Italian-American Bar Association; Community Associations Institute. **Practice Areas:** Real Estate Litigation; Condominiums, Cooperatives & Homeowner Associations; Civil Litigation.  
**Email:** jasonlomonaco@wncwlaw.com  
**Phone:** 404-926-4645

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**BARBARA MICIUL**, born Liberty, New York 1956; admitted to bar 1988, California; 1994, Ohio; 2005, North Carolina; 2006, Georgia. **Education:** Duquesne University (B.A., 1977); Whittier College School of Law (J.D., 1987). **Member:** Georgia State Bar Association; Community Associations Institute. **Practice Areas:** Community Associations; Collections; Insurance Subrogation.  
**Email:** barbaramiciul@wncwlaw.com  
**Phone:** 404-926-4629

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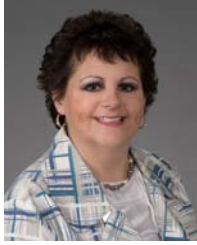
**GEORGE E. NOWACK, JR.**, born Newark, New Jersey 1955; admitted to bar 1981, Georgia. **Education:** Lehigh University (B.A., with highest honors, 1977); Washington & Lee University (J.D., 1981). Phi Alpha Delta. **Articles:** Author, "Covering Your Assets--Thefts of Community Association Funds," Probate & Property, May/June 1994; "Full House--Single Families and the Fair Housing Act," Common Ground, March/April 1996; "Communities Can No Longer Block Satellite Antennas," The Atlanta Business Chronicle, December 6-12, 1996; "Fair Housing Law and Practice in Georgia," National Business Institute, March 2000. Contributing Author, "Condominium and Homeowner Association Litigation: Community Association Law," Wiley Law Publications Trial Practices Library, John Wiley & Sons, 1987; Weekly Column, Atlanta Journal & Constitution, 1984-1990. Weekly Column, Lanier Life/Gainesville Times, 2003-2005. **Faculty:** Community Associations Institute (CAI) Professional Managers Designation Program, 1989-1994; ABA Annual Meeting, 1991; CAI Law Reporter Seminar, 1987-1991, 1994, 1996; National Business Institute, 2000. **Speaker:** CAI State Chapters: Georgia (1982-1992, 1995-1996, 1998-1999); Hawaii (1989-1991, 1994, 2000, 2002, 2007); Tennessee (1990, 1994); North Carolina (1994); Pocono Mountain (1989); New Jersey (1987, 1992, 1994, 1998); Washington (1994); South Carolina (1995-1999); Massachusetts (1996); Connecticut (1994); Inland Empire (California) (1994); St. Louis (1995); 17th - 41st, 50th National Conference on Community Associations, 1984-1996, 1999-Present. **Member:** State Bar of Georgia; Georgia Chapter of CAI, Board member, Newsletter Editor, Program Chair, Executive Director and President, 1989-1990; Legislative Action Committee, 1993-1995, 1999-Present; CAI, Insurance Professional Committee, Attorneys Committee, Public Policy Committee, Board of Trustees, 1990-1995, Executive Committee, 1992-1995, Treasurer, 1992-1993, President Elect, 1993-1994, President, 1994-1995; College of Community Association Lawyers; Charter Class, Member, 1994-Present; Board of Governors, 2004-Present; Dean of College 2007-2009; Counsel to Common Interest Risk Management Specialists (CIRMS). **Awards:** Educator of the Year Award 2003. CAI President's Award 2004-2005; Award of Excellence in Designations 2007-2008; Gurdon "Don" Hall Buck Award 2010. **Practice Areas:** Condominiums, Cooperatives & Homeowner Associations; Real Estate Law; Directors & Officers Insurance Defense.  
**Email:** georgenowack@wncwlaw.com  
**Phone:** 404-926-4534

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# Community Association Attorney Resume

## 2010 Community Association Law Seminar & Expo

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**ROBIN PHILLIPS**, born Philadelphia, Pennsylvania; admitted to bar 1984, Georgia. **Education:** University of Georgia (B.A., 1981); Walter F. George School of Law, Mercer University (J.D., 1984). **Member:** Georgia Bar Association; Community Associations Institute - Georgia Chapter. **Practice Areas:** Community Association Law.  
**Email:** robinphillips@wncwlaw.com  
**Phone:** 404-926-4531



**JULIE SELLERS**, born Winter Haven, Florida; admitted to bar 2000, Florida. **Education:** University of Florida (B.S., 1997); University of Florida College of Law (J.D., 2000). **Member:** American Bar Association; Federal Bar Association; Florida Bar Association; Community Associations Institute. **Practice Areas:** Real-Estate Litigation, Civil Litigation.  
**Email:** juliesellers@wncwlaw.com  
**Phone:** 404-926-4630



**ROBERT S. STEIN**, born Atlanta, Georgia, 1962; admitted to bar 1989, Georgia. **Education:** University of Georgia (B.B.A., 1984; J.D., cum laude, 1989). **Speaker:** "Fundamentals of Real Estate Law in Georgia", Lorman Education Services, December, 2003; "How to Win the Zoning Game," Community Associations Director Training Seminar and Brenau College Forum; "Effective Methods in Collecting Assessments," 2000 Georgia Society of CPA's Real Estate Conference, Community Associations Institute Georgia Chapter Expo, 1992, Community Associations Institute Georgia Chapter Law Seminar, 1993, 1994; "Covenant Enforcement," Community Associations Director Training Seminar. **Member:** State Bar of Georgia; Board of Directors, Georgia Chapter of Community Associations Institute, 1992-1998, Vice-President 1992-1994, President-elect, 1995-1996, President 1996-1997; Board of Directors Buckhead Kiwanis 1992-1995; Urban Land Institute. **Practice Areas:** Zoning Law; Condominiums, Cooperatives & Homeowner Associations.  
**Email:** robstein@wncwlaw.com  
**Phone:** 404-926-4503



**MINDY C. WAITSMAN**, born New York, New York, 1953; admitted to bar 1977, Georgia; 1977, Florida. **Education:** Cornell University (B.S., 1974); Emory University (J.D., 1977). **Honors:** Dean's List; Vice Magistir, Phi Delta Phi Fraternity. **Member:** State Bar of Georgia; State Bar of Florida; Lekotek of Georgia Board of Directors; Chair, Community Associations Institute Program Committee. **Practice Areas:** Condominiums, Cooperatives & Homeowner Associations.  
**Email:** mindywaitsman@wncwlaw.com  
**Phone:** 404-926-4525

## ASSOCIATION & BOARD OF DIRECTORS CONTACT INFORMATION

### ASSOCIATION INFORMATION

**NAME OF ASSOCIATION:** \_\_\_\_\_  
*(Please use proper corporate name)*

**ASSOCIATION ADDRESS:** \_\_\_\_\_  
 Check here for all correspondence to be mailed to Association address

**MANAGEMENT COMPANY:** \_\_\_\_\_ **MANAGER:** \_\_\_\_\_  
 Self-Managed Property

**MONTH OF ANNUAL ASSOCIATION MEETING:** \_\_\_\_\_ **ASSOCIATION COUNTY:** \_\_\_\_\_

### BOARD INFORMATION

#### **PRESIDENT**

**Name:** \_\_\_\_\_  
**Home Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

#### **VICE PRESIDENT**

**Name:** \_\_\_\_\_  
**Home Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

#### **SECRETARY**

**Name:** \_\_\_\_\_  
**Home Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

#### **TREASURER**

**Name:** \_\_\_\_\_  
**Home Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

#### **OTHER (SPECIFY TITLE)**

**Name:** \_\_\_\_\_  
**Home Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_  
**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Please designate the appropriate contact by name:**

*All correspondence will be forwarded to President unless designated below.*

**BILLING CONTACT:** \_\_\_\_\_  
*Mail Billing Correspondence to:*  Home Address  Association Address

**COLLECTIONS AND PAYMENTS CONTACT:** \_\_\_\_\_  
*Mail Collections & Payments Correspondence to:*  Home Address  Association Address

**PLEASE RETURN FORM TO:**  
CLIENT SERVICES COORDINATOR  
WEISSMAN, NOWACK, CURRY & WILCO, P.C.  
ONE ALLIANCE CENTER, 4<sup>TH</sup> FLOOR  
3500 LENOX ROAD  
ATLANTA, GEORGIA 30326  
E: CACLIENTSERVICES@WNCWLAW.COM  
F: 404-926-4807  
P: 404-926-4607