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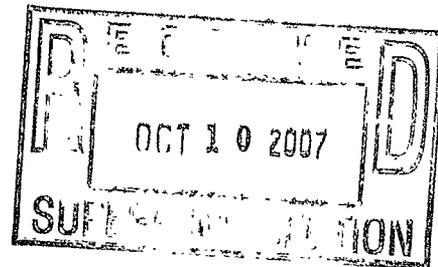
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SITENAME HENDERSON
DocumentType PRLF Location Rpt (LR)
RptSegment 1
DocDate 10/8/2007
DocRcvd 10/10/2007
Box SF550
AccessLevel Public
Division Waste Management
Section Superfund
Program IHS (IHS)
DocCat Facility



October 08, 2007

Mr. Bruce E. Lefler, Jr.
Hydrogeologist
NCDENR-Inactive Hazardous Sites Branch
Superfund Section
1646 Mail Service Center
Raleigh, North Carolina 27699

Re: *French Broad Dump*
No State ID Assigned
Task Order 10B
Henderson County, North Carolina
Contractor's Contract No. N06010S
MM&A Project No.: NCUL110-02



Dear Mr. Lefler:

During the process of performing assessments of the old unlined landfill sites assigned under Task Order 10 in Haywood, Henderson, Jackson, and Transylvania Counties, Marshall Miller & Associates, Inc. (MM&A) discovered documentation that referenced an additional unlined landfill in Henderson County which was not included in the initial task order. However, this additional Site was subsequently identified as a private dump containing stumps and limbs generated by a landscaping company and is not believed to have ever been a municipal dump. Following is a summary of the information collected to-date.

- Several Pollution Help Line Reports, recorded throughout 1973, were discovered during file research at the North Carolina Department of Environment and Natural Resources, Division of Waste Management office in Raleigh. These reports prompted the initial assessment activities.
- The Site was located based on descriptions provided in the Pollution Help Line Reports and deeds were obtained to verify the ownership.

5825 Triangle Drive / Raleigh, NC 27617 / Tel: (919) 786-1414 / Fax: (919) 786-1418

Web Site – <http://www.mma1.com> • E-mail – corp@mma1.com

Branch Offices in Charleston, WV / Harrisburg, PA / Kansas City, KS / Kingsport, TN / Lexington, KY / Raleigh, NC / Richmond, VA

- The current owners of the Site indicated that they were not aware of a dump, but that Mr. Briggs, who formerly owned the Site, ran a landscaping business and had likely dumped limbs and stumps on the property.
- Briggs Garden Center was contacted and Mrs. Briggs confirmed that they had dumped limbs and stumps. Mrs. Briggs stated that the Site was not a municipally sanctioned dump and that they had historically had problems with illegal dumping, but had “hand-picked” out all of the non-organic debris.

Enclosed are historic Pollution Helpline Reports and letters (**Attachment A**), deeds (**Attachment B**), Records of Communication (**Attachment C**), and a Topographic Map of the vicinity (**Attachment D**).

Please let us know if you have any questions or need additional information.

Sincerely,
MARSHALL MILLER & ASSOCIATES, INC.



Jacob A. Hodges
Staff Scientist



Andrew D. Waggener
Program Manager

cc: File NCDENR/NCUL110-02
Enclosures



ATTACHMENT A

Historic Pollution Helpline Reports and Letters

Henry Kleine
ROUTE 2, BOX 5
Horse Shoe, North Carolina
28742

October 5, 1972

North Carolina State
Health Department,
Raleigh NC 27600

Gentlemen:

We, my wife and I and several neighbors, would like to know what can be done to stop dumping of trash and garbage near the French Broad.

This place is beginning to look like a public dump and, not only is it an eyesore, but it is highly unsanitary. It's a breeding place for rats, juveniles drag the discarded mattresses under the bridge and, I don't have to tell you what happens when the river floods.

At various times during the last six months we have contacted the local Health Department in Hendersonville, the County Commissioners claim that they have no authority under N.C. law and the Sheriff's Department won't do anything either.

You are our last resort and we hope that you will take action. If you have a field man who can come here, please have him contact me. The phone Number is 891-7162.

Respectfully yours

Henry Kleine
Henry Kleine

Henderson
JTK

October 12, 1972

Mr. Henry Kleine
Route 2, Box 5
Horse Shoe, North Carolina 28742

Dear Mr. Kleine:

I am sending a copy of this letter to Mr. J. N. Fulp, Sr., District Sanitarian, requesting that on his next visit to the area he contact you regarding the problem of garbage disposal along the French Broad River. I hope Mr. Fulp can make recommendations that will alleviate the conditions described.

Very truly yours,

Sidney H. Usry, Chief
Solid Waste & Vector Control Section
Sanitary Engineering Division

SHU:bm
cc: Mr. J. N. Fulp, Sr.

Henderson
SM

December 11, 1972

Mr. Henry Kleine
Horse Shoe, North Carolina 28742

Dear Mr. Kleine:

In reply to your telephone call of this date, I am sending a copy of this letter to Mr. J. N. Fulp, Sr., District Sanitarian, requesting that he visit Henderson County and investigate the disposal of garbage in Henry River. He will contact you at the time of his visit and discuss the problem and recommendations that have been made.

Very truly yours,

Sidney H. Usry, Chief
Solid Waste & Vector Control Section
Sanitary Engineering Division

SHU:bm
cc: Mr. J. N. Fulp, Sr.

Mr. Fulp:

Mr. Kleine's phone number is 891-7162.

POLLUTION HELP LINE REPORT

DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

DATE: 1-5- 19 73

TIME: _____ AM
PM

NAME OF CALLER: Mr. Henry Klein

ADDRESS: Route # 2 Box 5
Street P. O. Box

Horse Shoe, N. C. 28742
City Zip

TELEPHONE NUMBER: 891-7162

RECEIVED

POINT OF POLLUTION: French Broad River

JAN 10 1973

SANITARY ENGINEERING
DIVISION

SOURCE OF POLLUTION: Garbage Dump

NATURE OF CALL: Garbage, trash, dead animals, mattresses, etc., is being dumped just a short distance from the complainant's home along the French Broad River. This condition has existed for two or three years and is getting worse. The Health Dept, Sheriff, County Commissioners, & Human Resources have been contacted concerning this situation; however, no steps have been taken to correct the problem.

REPORT REFERRED TO: Sanitary Engr. Div., State Board of Health.

IMMEDIATE ACTION TAKEN: _____

SIGNED Jackie Hall

Henderson
JRK

oud

January 11, 1973

Mr. Henry Kleine
Route 2, Box 5
Horse Shoe, North Carolina 28742

Re: Pollution Help Line Report No. 1000

Dear Mr. Kleine:

According to our records, Mr. J. N. Fulp, Sr. has visited the area with the authorities of the local health department and made recommendations for the alleviation of this problem. It is my understanding that appropriate action would be taken by local officials.

Very truly yours,

Sidney H. Usry, Chief
Solid Waste & Vector Control Section
Sanitary Engineering Division

SHU:bn

cc: Mr. J. N. Fulp, Sr.
Mrs. Jackie Wall

Henry Kleine
ROUTE 2, Box 5
Horse Shoe, North Carolina
28742

Denderso
JHK

January 29. 1973

me

Mr. Sidney H. Usry, Chief
Solid Waste & Vector Control Section
Sanitary Engineering Division
State Board of Health
P.O. Box 2091
Raleigh NC 27602

RECEIVED

JAN 30 1973

SANITARY ENGINEERING
DIVISION

Dear Mr. Usry:

I want to thank you for your efforts to correct the trash disposal near the French Broad.

While the problem continues, there has been no great change since Mr. Fulp's visit, we are glad to know that you are sympathetic and will do what you can to help to alleviate this condition within the scope of your limited authority.

Thanks again.

Sincerely yours.

Henry Kleine

fm

POLLUTION HELP LINE REPORT

DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

DATE: June 15 19 63

TIME: _____ AM
PM

NAME OF CALLER: Bill Muerdter

ADDRESS: P.O. Box 255

Street P.O. Box

Horseshoes, N.C. 28742

City Zip

TELEPHONE NUMBER: 891-4483

RECEIVED

JUN 19 1973

SANITARY ENGINEERING
DIVISION

POINT OF POLLUTION: Intersection of French Broad River and Banner Farms Road

SOURCE OF POLLUTION: _____

NATURE OF CALL: Littering, garbage, old automobiles, debris, etc. is found
at the above point of pollution. This is being dumped over the embankment
and eventually goes into the river. The owner of this property, Mr. Brady
Briggs, contends that he has taken this matter to court and has permission
to dump in this area. This is believed to be untrue, since there is no
record of such a court case. The County Health Dept. has investigated this
matter and Mr. Jones has advised Mr. Briggs of his responsibility in dis-
couraging this kind of pollution. Signs saying "No Dumping" have been
erected, only to be bulldozed down within a day or two. The people living
in this area would like very much to see the situation corrected, inasmuch
as it is most unsightly.

REPORT REFERRED TO: Sanitary Engineering Division, State Board of Health

IMMEDIATE ACTION TAKEN: _____

SIGNED

Jackie Wall

Henderson
AK

June 19, 1973

Mr. Bill Maerder
Post Office Box 255
Horseshoe, North Carolina 28742

Dear Mr. Maerder:

Re: Pollution Help Line Report No. 1243

I am sending a copy of the above report to Mr. J. W. Moore, Jr., District Sanitarian, requesting that he visit the area and make recommendations regarding this problem. He will contact you at the time of his visit.

Very truly yours,

Sidney W. Ury, Chief
Solid Waste & Vector Control Section
Sanitary Engineering Division

SHU:bm
cc: Mr. J. W. Moore, Jr.
Mr. Dan Jones
Mrs. Jackie Wall

POLLUTION HELP LINE REPORT

DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

DATE: Sept. 5, 19 73

TIME: _____ AM
PM

NAME OF CALLER: Mr. Albert Allor

ADDRESS: Banner Farm Road Box 21
Street P. O. Box

Horseshoe, N. C.
City Zip

TELEPHONE NUMBER: 891-3883

POINT OF POLLUTION: _____

SOURCE OF POLLUTION: _____

NATURE OF CALL: Garbage, trash, debris, etc., is washing into the French Broad River from a dump along the French Broad River in Horseshoe, N. C. The people who own the property where the dumping is being done is encouraging this. This matter has been reported previously, but no action has been taken to correct the situation.

REPORT REFERRED TO: Mr. Marshall Staton, State Board of Health

IMMEDIATE ACTION TAKEN: _____

SIGNED Jackie Wall

JWR

September 6, 1973

Mr. Albert Allor
Banner Farm Road
Box 21
Horseshoe, North Carolina 28742

Re: Pollution Help Line Report 1400

Dear Mr. Allor:

I am sending a copy of the above report to Mr. J. W. Moore, Jr., District Sanitarian, requesting that he visit the area and investigate the conditions described. He will contact you at the time of his visit and discuss with you recommendations in regard to alleviation of the problem.

Very truly yours,

Sidney H. Usry, Head
Solid Waste & Vector Control Branch
Sanitary Engineering Section

SHU:bm

cc: Mr. J. W. Moore, Jr.
Mrs. Jackie Wall

IN REPLYING REFER TO: NO. 1441

POLLUTION HELP LINE REPORT

DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

DATE: Sept. 19, 1973

TIME: _____ AM
PM

NAME OF CALLER: Mr. Kurt M. Muerdter

ADDRESS: Route #2, Box 79
Street P. O. Box

Horse Shoe, N. C. 28742
City Zip

TELEPHONE NUMBER: 891-7210

RECEIVED
SEP 20 1973

POINT OF POLLUTION: _____

SANITARY ENGINEERING SECTION

SOURCE OF POLLUTION: _____

NATURE OF CALL: Garbage and trash is being dumped in an area at the French Board River Bridge near the Railroad tracks on Banner Farm Road. Mr. Muerdter has reproted this pollution problem previously (See Pollution Help Line Report No. 984); however, the condition still exists and getting worse. The owner of the property was to have erected a fence, but so far this has ^{not} been accomplished. The owner plans to place a trailer on the site near the river and the complainant believes this will add to the pollution problem.

REPORT REFERRED TO: Mr. Marshall Staton, State Board of Health

IMMEDIATE ACTION TAKEN: _____

SIGNED Jackie Wall

Henderson
SR

September 21, 1973

Mr. Kurt M. Muerdter
Route #2, Box 79
Horse Shoe, N. C. 28742

Re: Pollution Help Line
Report #1441

Dear Mr. Muerdter:

I am sending a copy of the above report to Mr. James Moore Jr., District Sanitarian, requesting that he investigate the conditions described. At the time of his investigation, he will contact you and discuss his recommendations in regards to alleviation of the problem.

Very truly yours,

Sidney H. Usry, Head
Solid Waste & Vector Control Branch

cc: Mr. James Moore Jr.
Mrs. Jackie Wall

SHR/ct

ATTACHMENT B

Henderson County Register of Deeds - Deeds

29.00

→ PREPARED BY: BOYD B. MASSAGEE, JR.

193

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

This Deed, Made this 1st day of October, in the year of our Lord, one thousand nine hundred and eighty-five between WILLIAM H. BRIGGS, UNMARRIED

of the County of HENDERSON, and State of NORTH CAROLINA, of the first part, and MARK STEVEN GIRMANN and wife, SHERRY JEAN GIRMANN

P.O. Box 279 Banner Farm Rd, Banner Farm, N.C.
of the County of _____, and State of _____, of the second part.

WITNESSETH:



WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of (\$ 10.00)
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION DOLLARS,

in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, ha ve Bargained and Sold, Conveyed and Confirmed, and by these presents do Bargain and Sell and Convey and Confirm, unto the said part ies of the second part, their heirs and assigns forever, all the following described piece _____ or parcel _____ of land lying and being in the

Township of _____, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at the intersection of the center of French Broad River and Banner Farm Road, being the northernmost corner of the W. H. Briggs property which is a portion of Tract 13 of the H. P. Houk Property as shown on plat recorded in Plat Book 4, Page 103, Henderson County Registry; thence from said beginning point with the center of Banner Farm Road, South 50 deg. 23 min. 53 sec. East 271.97 feet to the center of the railroad track; thence with the center of the railroad track the following four calls: South 77 deg. 34 min. 47 sec. West 100 feet; South 69 deg. 09 min. 47 sec. West 100 feet; South 60 deg. 35 min. 17 sec. West 100 feet; and South 53 deg. 06 min. 53 sec. West 100 feet; thence leaving the railroad track, North 43 deg. 50 min. 13 sec. West 137.01 feet to the center of the French Broad River; thence with the center of French Broad River North 45 deg. 20 min. East 342.46 feet to the point of BEGINNING, containing 1.49 acres.

THIS PROPERTY is conveyed subject to rights of way of Banner Farm Road, the Southern Railway Line, the telephone and electric lines running across the property, and the riparian rights of the French Broad River.

BEING all of that property conveyed by deed dated October 13, 1982 from Barry Cosgrove Landscaping, Inc. to William H. Briggs, recorded October 13, 1982 in Deed Book 619, at Page 81, Henderson County Registry.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said part ies of the second part, their heirs and assigns forever.

And the said part Y of the first part do es covenant with the said part ies of the second part their heirs and assigns, as follows: FIRST, that the said part Y of the first part is the owner and lawfully seized of said land and premises. SECOND, That he ha s good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said part ies of the second part, their heirs and assigns, shall quietly enjoy and possess the same, and that the said part Y of the first part, his heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

SUBJECT to 1985 ad valorem property taxes.

IN TESTIMONY WHEREOF, The said part Y of the first part ha s hereunto set his hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

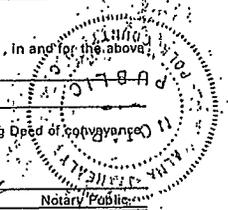
William H. Briggs (SEAL)
WILLIAM H. BRIGGS, UNMARRIED (SEAL)

(SEAL)

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

I, Alma J. Healey, a Notary Public, _____, in and for the above County and State do hereby certify that WILLIAM H. BRIGGS, Unmarried

personally appeared before me this day and acknowledged the due execution by him of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this 4th day of October, A.D. 19 85. My commission expires 8/14/89 Alma J. Healey Notary Public



STATE OF _____ COUNTY OF _____ I, _____, a Notary Public, _____, in and for the above County and State do hereby certify that _____

personally appeared before me this day and acknowledged the due execution by _____ of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this _____ day of _____, A.D. 19 _____. My commission expires _____ Notary Public

WARRANTY DEED

WILLIAM H. BRIGGS, Unmarried

TO MARK STEVEN GIRMANN and wife, SHERRY JEAN GIRMANN

NORTH CAROLINA, HENDERSON COUNTY

The foregoing certificate of Alma J. Healey

Notary Public (Notarize-Public) is/are-certified to be correct. This instrument presented for registration and recorded in this office this 4 day of October, 19 85 at 3:15 PM in Book 666, Page 193 and verified: John J. M. Black Register of Deeds (Assistant) (Deputy)

PREPARED BY PRINCE, YOUNGBLOOD, MASSAGEE LAWYERS 240 THIRD AVENUE WEST HENDERSONVILLE, NORTH CAROLINA 28739 Printed and For Sale By FLAMAGAN PRINTING COMPANY HENDERSONVILLE, N.C.

PREPARED BY: TIMOTHY R. COSGROVE

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

OK
A.S.

This ~~Deed~~, Made this 13th day of October in the year of our Lord, one thousand nine hundred and eighty-two, between Barry Cosgrove Landscaping, Inc.

a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principle office located at _____

of the County of Henderson, and State of North Carolina, of the first part, and William H. Briggs

of the County of _____, and State of North Carolina, of the second part.
WITNESSETH:



WITNESSETH, That the said party of the first part, for and in consideration of the sum of (\$ 10.00) Ten Dollars and other valuable consideration DOLLARS,

in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents does Bargain and Sell and Convey and Confirm, unto the said part y of the second part, his heirs and assigns forever, all the following described piece or parcel of land lying and being in the Township of _____, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at the intersection of the center of French Broad River and Banner Farm Road, being the northernmost corner of the W. H. Briggs property which is a portion of Tract 13 of the H. P. Houk Property as shown on plat recorded in Plat Book 4, Page 103, Henderson County Registry; thence from said beginning point with the center of Banner Farm Road, South 50 deg. 23 min. 53 sec. East 271.97 feet to the center of the railroad track; thence with the center of the railroad track the following four calls: South 77 deg. 34 min. 47 sec. West 100 feet; South 69 deg. 09 min. 47 sec. West 100 feet; South 60 deg. 35 min. 17 sec. West 100 feet; and South 53 deg. 06 min. 53 sec. West 100 feet; thence leaving the railroad track, North 43 deg. 50 min. 13 sec. West 137.01 feet to the center of the French Broad River; thence with the center of French Broad River North 45 deg. 20 min. East 342.46 feet to the point of BEGINNING, containing 1.49 acres.

THIS PROPERTY is conveyed subject to rights of way Banner Farm Road, the Southern Railway Line, the telephone and electric lines running across the property, and the riparian rights of the French Broad River.

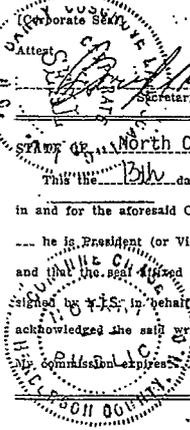
TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said part Y of the second part, his heirs and assigns for ever.

And the said party of the first part does covenant with the said part Y of the second part, his heirs and assigns, as follows: FIRST, that the said party of the first part is the owner and lawfully seized of said land and premises. SECOND, That it has good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said part Y of the second part, his heirs and assigns, shall quietly enjoy and possess the same, and that the said party of the first part, its successors and assign, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, said party of the first part has caused these presents to be signed in its name by its President (or Vice President), and its corporate seal to be hereto affixed and attested by its Secretary (or Assistant Secretary) the day and year first above written:

Attest [Signature]
Secretary or Assistant Secretary
By [Signature]
President or Vice President
BARRY COSGROVE LANDSCAPING, INC.

STATE OF North Carolina COUNTY OF Henderson
This the 13th day of October, A. D. 1982, personally came before me, the undersigned Notary Public in and for the aforesaid County and State, Barry Cosgrove, who, being duly sworn, says that he is President (or Vice President) of Barry Cosgrove Landscaping, Inc. and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Corporation, and that said writing was signed by YJS in behalf of said Corporation by its authority duly given. And the said Barry Cosgrove acknowledges the said writing to be the act and deed of said Corporation.



Caroline Chase
Notary Public

30
CORPORATION WARRANTY
DEED

BARRY COSGROVE LANDSCAPING, INC.
a North Carolina Corporation
TO
WILLIAM H. BRIGGS
NORTH CAROLINA, HENDERSON COUNTY
The foregoing certificate(s) of
Caroline Chase

Notary Public (Notarize-Public) is/are certified to be correct. This instrument presented for registration and recorded in this office this 13 day of Oct, 1982 at 3:45 P. M. in Book 619, Page 81 and verified by [Signature] Register of Deeds
[Signature] (Assistant) (Deputy)

PREPARED BY
STEPP, GROCE, PINALES & COSGROVE
112 SOUTH MAIN STREET
HENDERSONVILLE, NORTH CAROLINA 28739
Printed and For Sale By
FLANAGAN PRINTING COMPANY
Hendersonville, N. C.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

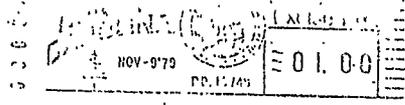
O.K.
E.V.

929

This Deed, Made this 25th day of October, in the year of our Lord, one thousand nine hundred and seventy-nine, between WILLIAM H. BRIGGS, Unmarried (aka SILAS BRIGGS)

of the County of _____, and State of _____, of the first part, and BARRY COSGROVE LANDSCAPING, INC.

of the County of _____, and State of _____, of the second part, WITNESSETH:



WITNESSETH, That the said party... of the first part, for and in consideration of the sum of (\$ 10.00) TEN DOLLARS AND OTHER VALUABLE CONSIDERATION DOLLARS, in hand paid by the said party... of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents does Bargain and Sell and Convey and Confirm, unto the said party... of the second part, SUCCESSORS its and assigns forever, all the following described piece... or parcel... of land lying and being in the Township of _____, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at the intersection of the center of French Broad River and Banner Farm Road, being the northernmost corner of the W. H. Briggs property which is a portion of Tract 13 of the H. P. Houk Property as shown on plat recorded in Plat Book 4, at Page 103, Henderson County Registry; thence from said Beginning point, with the center of Banner Farm Road, South 50 deg. 23 min. 53 sec. East 271.97 feet to the center of the railroad track; thence with the center of the railroad track the following four calls: South 77 deg. 34 min. 47 sec. West 100 feet, South 69 deg. 09 min. 47 sec. West 100 feet, South 60 deg. 35 min. 17 sec. West 100 feet, and South 53 deg. 06 min. 53 sec. West 100 feet; thence leaving the railroad track, North 43 deg. 50 min. 13 sec. West 137.01 feet to the center of the French Broad River; thence with the center of French Broad River North 45 deg. 20 min. East 342.46 feet to the point of Beginning, containing 1.49 acres.

THIS property is conveyed subject to rights of way Banner Farm Road, the Southern Railway Line, the telephone and electric lines running across the property, and the riparian rights of the French Broad River.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said part...Y... of the second part, its ^{SUCCESSORS} heirs and assigns forever.

And the said part...Y... of the first part does... covenant with the said part...Y... of the second part, its ^{SUCCESSORS} and assigns, as follows: FIRST, that the said part...Y... of the first part is the owner... and lawfully seized of said land and premises. SECOND, That he has good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said part...Y... of the second part, its ^{SUCCESSORS} and assigns, shall quietly enjoy and possess the same, and that the said part...Y... of the first part, his heirs, executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, The said part...Y... of the first part has hereunto set his hand and seal... the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

William H. Briggs
WILLIAM H. BRIGGS, Unmarried (SEAL)
(aka SILAS BRIGGS) (SEAL)
(SEAL)
(SEAL)

STATE OF NORTH CAROLINA COUNTY OF HENDERSON
I, Jean S. Simpson, a Notary Public, in and for the above County and State, do hereby certify that WILLIAM H. BRIGGS, Unmarried (aka SILAS BRIGGS) personally appeared before me this day and acknowledged the due execution by him of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this 25th day of October, A. D. 1979. My commission expires 1-24-84. *Jean S. Simpson* Notary Public

STATE OF _____ COUNTY OF _____
I, _____, a Notary Public, in and for the above County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution by _____ of the foregoing Deed of conveyance. WITNESS my hand and notarial seal, this _____ day of _____, A. D. 19____. My commission expires _____ Notary Public

WARRANTY DEED

WILLIAM H. BRIGGS, Unmarried
(aka SILAS BRIGGS)
TO
BARRY
COSGROVE LANDSCAPING, INC.

NORTH CAROLINA, HENDERSON COUNTY
The foregoing certificate(s) of
Jean S. Simpson

Notary Public (Notaryes-Public) is/are certified to be correct. This instrument presented for registration and recorded in this office this 7th day of Nov at 1035 A M in Book 582 Page 929 and verified. *Ruby D. May, wife* Register of Deeds *Ray H. Adams, Simpson* (Association)

PREPARED BY
PRINCE, YOUNGBLOOD, MASSAGEE & CREEKMAN
422 North Church Street
Hendersonville, NC. 28739
Printed and Published by
FLAMBEAU PRINTING COMPANY
Hendersonville, N. C.

Cosgrove

B1315 2418

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE, NEDRA W. MOLES, REGISTER *WP*

DATE: 4/20/07 TIME: 4:26 pm

EXCISE TAX STAMP: 338.00

BOOK: 1315 PAGE: 418

NORTH CAROLINA GENERAL WARRANTY DEED

Revenue \$338.00

Tax Lot No. _____ Parcel Identifier No. _____

Verified by _____ County on the ____ day of _____, 20
by _____

Mail after recording to **LAWRENCE D. WINSON**, 140 4th Avenue West, Suite 102, Hendersonville, NC 28792
This instrument was prepared by **William R. White, WHITE & DALTON**

Brief Description for the index

THIS DEED made this 20th day of April, 2007, by and between

GRANTOR	GRANTEE
MARK S. GIRMANN and wife, NANCY K. GIRMANN	SHANE C. SWEKOSKY and wife, SARA J. SWEKOSKY <i>P.O. Box 1489</i> <i>HENDERSONVILLE, NC 28793</i>

Enter in appropriate block for each party name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in **Henderson** County, North Carolina and more particularly described as follows:

BEING AND COMPREHENDING ALL OF THAT CERTAIN PROPERTY DESCRIBED ON THE PAGE ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

MS
NB

CT
-0116742
9930429

41315 2419

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book at Page.

A map showing the above described property is recorded in Plat File at Slide .

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

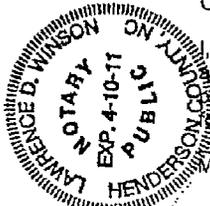
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Mark S. Girmann 4-20-07 (SEAL)
MARK S. GIRMANN

Nancy K. Girmann 4-20-07 (SEAL)
NANCY K. GIRMANN

SEAL-STAMP

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON



Lawrence D. Winson a Notary Public of the County and State aforesaid, certify that MARK S. GIRMANN and NANCY K. GIRMANN, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 20th day of April, 2007.

My commission expires: 4/10/2011
Lawrence D. Winson
Notary Public

SEAL-STAMP

STATE OF NORTH CAROLINA
COUNTY OF Transylvania

I, _____ a Notary Public of the County and State aforesaid, certify that _____, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 20____.

My commission expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

EXHIBIT "A" TO A DEED FROM MARK S. GIRMANN AND WIFE, NANCY K. GIRMANN TO SHANE SWEKOSKY

TRACT ONE:

BEGINNING at the intersection of the center of French Broad River and Banner Farm Road, being the Northernmost corner of the W.H. Briggs property which is a portion of Tract 13 of the H. P. Houk Property as shown on plat recorded in Plat Book 4, at Page 103, Henderson County Registry; thence from said Beginning Point with the center of Banner Farm road, South 50 deg. 23 min. 53 sec. East 271.97 feet to the center of the railroad track; thence with the center of the railroad track the following courses and distances: South 77 deg. 34 min. 47 sec. West 100 feet; South 69 deg. 09 min. 47 sec. West 100 feet; South 60 deg. 35 min. 17 sec. West 100 feet; and South 53 deg. 06 min. 53 sec. West 100 feet; thence leaving the railroad track, North 43 deg. 50 min. 13 sec. West 137.01 feet to the center of the French Broad River; thence with the center of the French Broad River, North 45 deg. 20 min. East 342.46 feet to the point of BEGINNING. Containing 1.49 acres.

THIS PROPERTY is conveyed subject to rights of way of Banner Farm Road, the Southern Railway Line, the telephone and electric lines running across the property, and the riparian rights of the French Broad River.

BEING all of that property conveyed by deed dated October 1, 1985, from William H. Briggs, unmarried, to Mark Steven Girmann, recorded in Deed book 665 at Page 193, Henderson County Registry.

TRACT TWO:

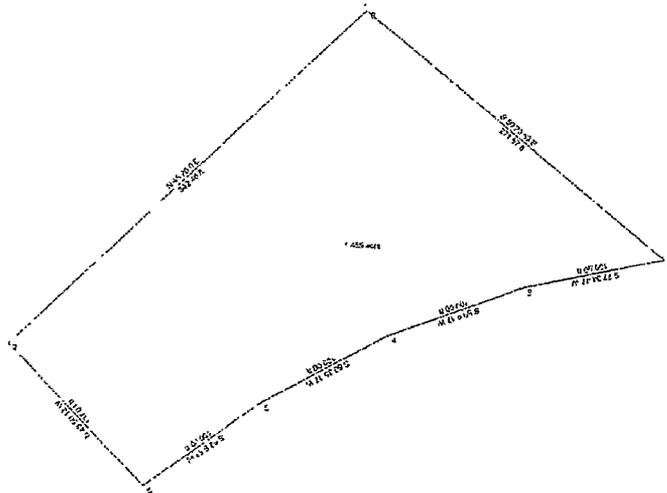
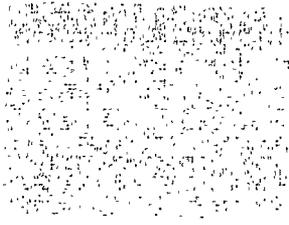
BEGINNING at a point located within the centerline of the right of way of the Southern Railway Line, said point also being located in the Southernmost corner of that property previously conveyed to Mark S. Girmann and wife, by deed recorded in Deed Book 666 at Page 193, Henderson County Registry; thence traveling from said Beginning Point with the center of the railroad tract, South 45 deg. 08 min. 44 sec. West 1,774.52 feet to a point in the centerline of a 36 inch culvert; thence North 42 deg. 40 min. 37 sec. West 43 feet to a point in the Southeastern edge of the French Broad River; thence up and with the Southeastern edge of said river the following three (3) courses and distances: North 42 deg. 42 min. 44 sec. East 385 feet to a point; thence North 45 deg 46 min. 44 sec. East 507 feet to a point; thence North 42 deg. 38 min. 44 sec. East 983.40 feet to a point; thence leaving said river and traveling South 43 deg. 50 min. 13 sec. East 100.74 feet to the point and place of BEGINNING and being 2.81 acres, more or less, according to a survey prepared by Michael D. Case, RLS, entitled "Survey for Mark Steven Girmann" dated September 1, 1987, and being Job No. 87-01-658, reference to which is hereby made and incorporated herein.

THIS PROPERTY is conveyed subject to the right of way of the Southern Railway Line and the riparian rights of the French Broad River.

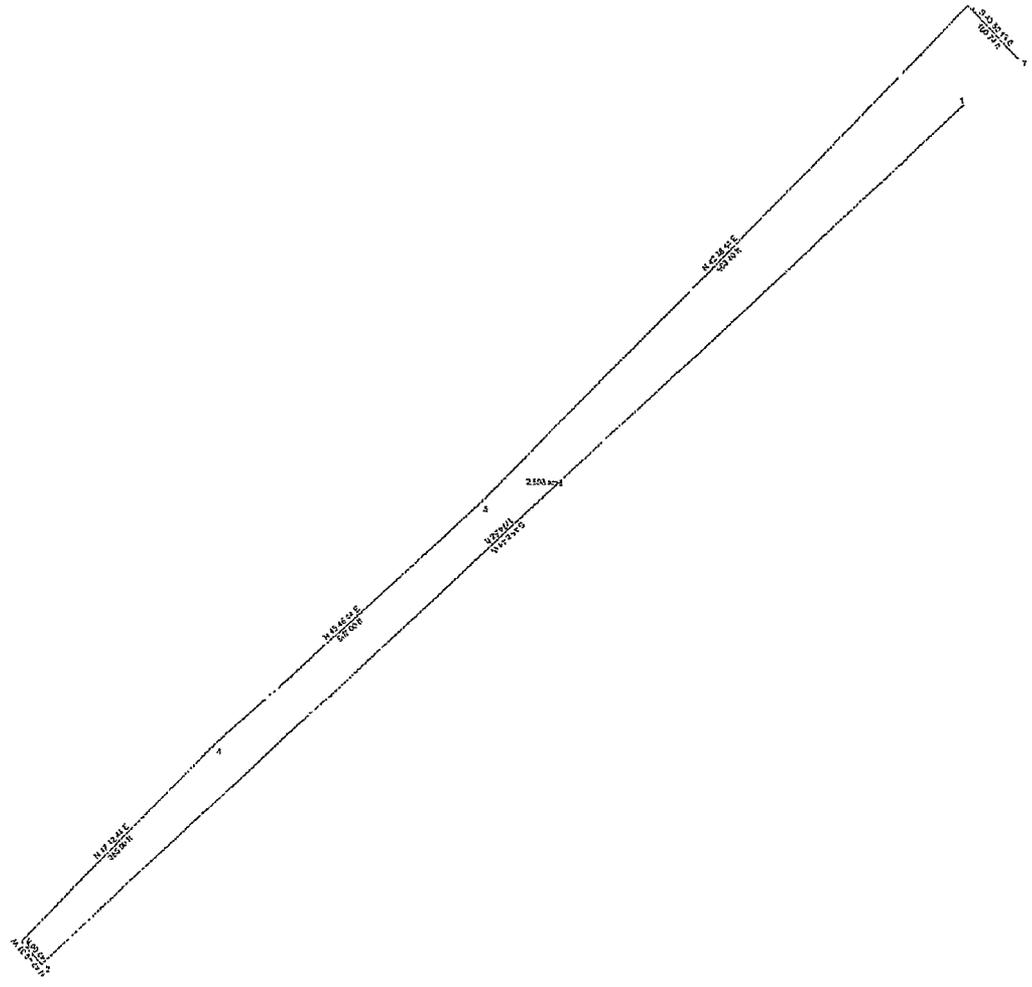
AND BEING a portion of Tract 13 of the H.P. Houk property as shown on plat recorded in Plat Book 4 at Page 103, Henderson County Registry, and also being a portion that property recorded in Deed Book 454, at Page 221, Henderson County Registry.

MJ
NB

County: 1" = 100 ft
Deed: 1315 Area: 1.489 acre
Page: 418 Closing Distance = 0.01 ft
Tract: one Closing Error = 0.00 %
User: JUDY Perimeter = 1151.44 ft



County: 1" = 200 ft
Deed 1315 Area: 2.808 acre
Page:418 Closing: SW 47 Deg, 31 Min, 4 Sec
Tract:two Closing Distance = 99.50 ft
User:JUDY Closing Error = 2.62 %
Perimeter = 3793.66 ft



ATTACHMENT C
Records of Communication



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 23, 2007

Mr. and Mrs. Shane C. Swekosky
PO Box 1489
Hendersonville, North Carolina 28793

COPY

*Re: Request for Site Access
PIN: 9539894211
French Broad Dump
Henderson County, North Carolina*

Dear Mr. and Mrs. Swekosky:

On behalf of the North Carolina Department of Environment and Natural Resources (NCDENR), Marshall Miller & Associates, Inc. (MM&A) is submitting this information to you in advance of requesting access to inspect your property located at 10 Banner Farm Road. The purpose of the requested inspection is explained in a copy of a letter from NCDENR, which is attached. We will contact you within approximately one week from the date of this letter to answer any questions that you may have. You may also contact the NCDENR representatives listed on the attached letter with any questions.

We look forward to talking with you.

Sincerely,
MARSHALL MILLER & ASSOCIATES, INC.


Jacob A. Hodges
Staff Geologist

cc: Bruce Lefler, NCDENR
Attachment

5825 Triangle Drive / Raleigh, NC 27617 / Tel: (919) 786-1414 / Fax: (919) 786-1418
Web Site – <http://www.mma1.com> • E-mail – corp@mma1.com
Branch Offices in Charleston, WV / Harrisburg, PA / Kansas City, KS / Kingsport, TN / Lexington, KY / Raleigh, NC / Richmond, VA



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

April 11, 2006

To: Property Owner

Re: Hurricane Recovery Act of 2005
Old Unlined Landfill Assessments

The North Carolina Department of Environment and Natural Resources' Division of Waste Management (State) has been tasked with gathering information and accurately locating old landfills and dumps. The State is in the process of compiling a statewide inventory of these sites. Over 700 dump/landfill sites are currently included on a list maintained by the State.

The General Assembly has appropriated funding for sites through Senate Bill 7 to determine the location of these sites and potential hazards to the public and the environment. After reviewing the information contained in the State's files, your property and/or a nearby property may have been used as a landfill or dump in the past. The State requests permission to inspect your property to look for the disposal area and the presence of any hazards that may exist because of the property's past use as a landfill or dump. Any cataloged dumps/landfills determined not to be present will be removed from the State's list.

Marshall Miller & Associates, Inc. and Schnabel Engineering South, P.C. have been contracted by the State to perform location research and inspection of these old landfill sites. This inspection is for information gathering purposes only. By granting permission you are not assuming responsibility for any hazards found.

If you have any questions, please contact either Cheryl Marks at (919) 508-8465 or me at (919) 508-8463.

Sincerely,

Bruce E. Lefler Jr., Hydrogeologist
Inactive Hazardous Sites Branch
Superfund Section



Communication Log

Landfill Name: French Broad Dump		ID: Unassigned
Contact Name: Sara and Shane Swekosky		Phone: (828) 891-6629
Address: 133 Campground Rd		
<i>Street Address</i>		<i>Alternate Number</i>
Hendersonville		NC
<i>City</i>		<i>State</i>
		28791
		<i>Zip Code</i>
Date	Time	Notes
10/03/2007	13:15	Mrs. Swekosky stated they do currently own the Site and had bought it from Mr. Briggs less than a year ago. She is not familiar with any dumping, but indicated that Mr. Briggs ran a landscaping business and surmised that he may have dumped brush. The Swekoskys currently run a landscaping business and maintain the Site as an equipment storage area. Mrs. Swekosky stated that they have never observed any debris. No municipal water is available and, though the Site is not utilized as a residence, it is supplied water by a private well. Mrs. Swekosky volunteered to locate the prior owner's (Mr. Briggs) telephone number and call back.
	13:30	Mrs. Swekosky called back and indicated that they had actually bought the property from Mr. Steve Girmann (828-674-5522), but that Mr. Briggs operated Briggs' Nursery in town and his number should be in the phone book.

Owner of property:





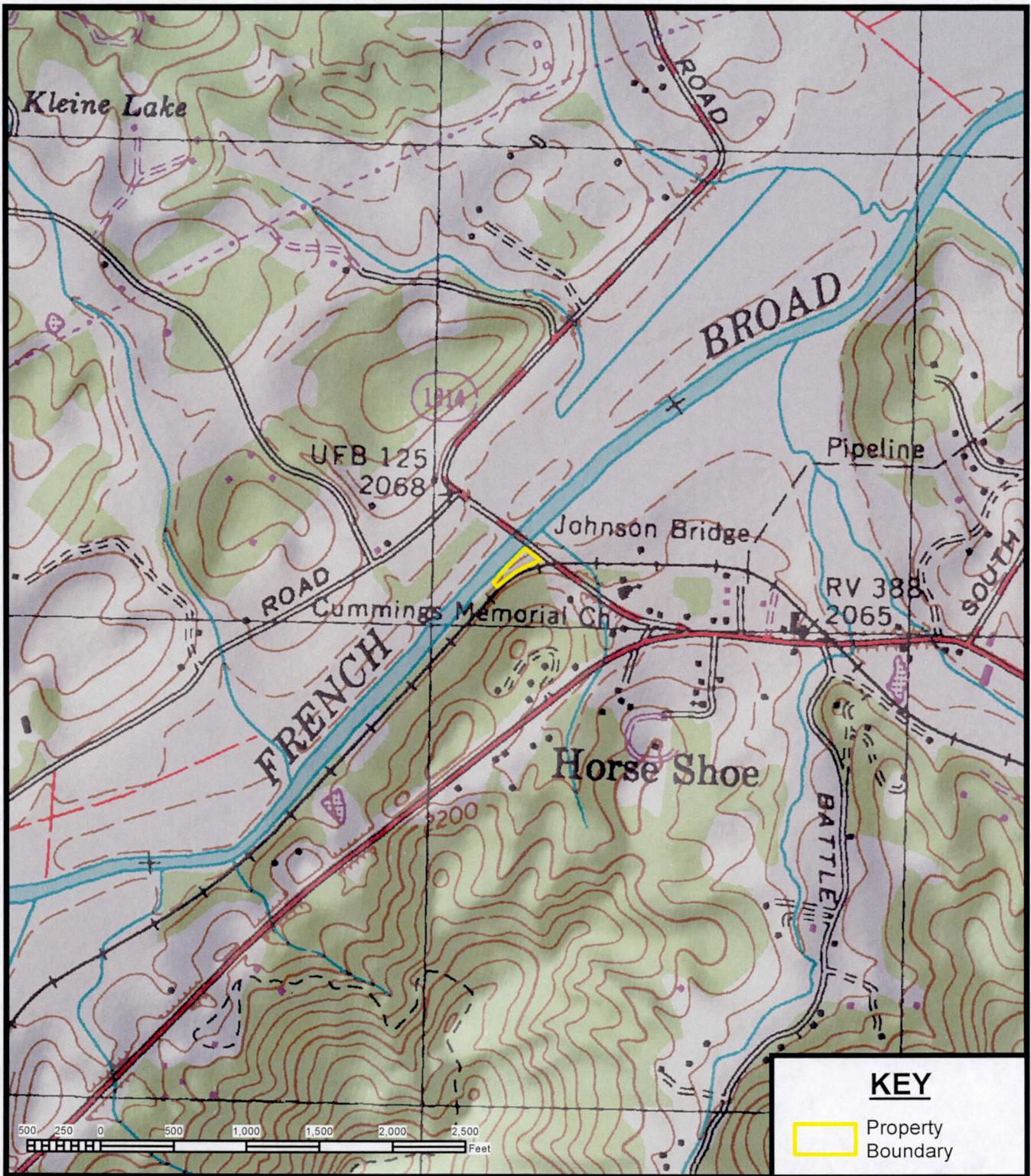
Hurricane Recovery Act of 2005
State of North Carolina

Communication Log		
Landfill Name: French Broad Dump		ID: Unassigned
Contact Name:	Mr. and Mrs. William (Silas) Briggs	Phone: (828) 891-7925
Address:	27 W Vine Dr	(828) 891-4000 (work)
	<i>Street Address</i>	<i>Alternate Number</i>
	Hendersonville	NC 28739
	<i>City</i>	<i>State</i> <i>Zip Code</i>
Date	Time	Notes
10/04/2007	12:45	Mrs. Briggs reported that limbs and stumps were dumped on the property as a result of their landscaping business, but that it was not a municipal dump. She continued to state that, from time to time, individuals would sneak on to the property and illegally dump other debris, but that they had "hand-picked" all of that out, reportedly leaving only stumps and limbs.

Owner of property:



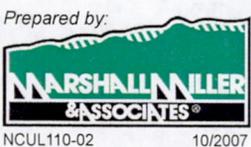
ATTACHMENT D
Topographic Map



NCDENR/OLD UNLINED LANDFILL ASSESSMENTS
 FRENCH BROAD DUMP
 NO STATE ID ASSIGNED
 HORSE SHOE, HENDERSON COUNTY,
 NORTH CAROLINA

1 inch equals 1,000 feet

TOPOGRAPHIC MAP



SOURCE:
 United States Geological Survey
 7.5" Quadrangle -
 Horse Shoe, NC 1997

