

Brownfields Project #: 01003-97-11
Brownfields Property: Carolina Production Finishing, 105 Fairview Road
Property Owner (In whole or part): Asheville Commons, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: Groundwater shall not be used on the Brownfields Property for any purpose, either for human consumption or ornamental use such as fountains or ponds. Other than monitoring wells on the Brownfields Property for further study of groundwater, no wells shall be installed on the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 2: Property use shall be restricted to warehousing, office and light industrial use. The Brownfields Property shall not be used for residential purposes, recreation purposes such as playgrounds or ball fields, or as a child day care facility.

In compliance Out of compliance

Remarks: _____

LUR 3: No basements will be constructed on the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 4: The capped former wastewater pretreatment pit area ("Pit Area") near the southeast corner of the main building (now backfilled and capped), formerly evidencing chromium and cyanide, shall not be excavated, except in conformity with 7.b.v of the Brownfields Agreement. Regular inspections will be conducted of this cap area by any

owner of the Brownfields Property, (pursuant to N.C.G.S § 130A-310.35(f), and any breaks or cracks in the concrete cap will be repaired by the owner of the Brownfields Property. The owner of the Property shall maintain the existing approximately 25,000 square foot - brick structure in good repair.

In compliance Out of compliance

Remarks: _____

LUR 5: In the event of any excavation in the following areas, the owner of the Brownfields Property shall, per US EPA Standard Operating Procedures (SOP), sample excavated soil and analyze it for total and TCLP metals, and volatile organic compounds:

- Pit Area
- Underneath the existing building (e.g., if it is demolished), and
- Area B-3 at 10' depth or Area B-5 at 5' depth.

The owner of the Brownfields Property shall provide notice of the excavation and analytical results to DENR. The owner of the Brownfields Property shall comply with applicable laws regarding sampling and disposal of excavated soil and prevention of exposure of workers to contaminated soil.

In compliance Out of compliance

Remarks: _____

LUR 6: Within seven (7) days of each anniversary of the effective date of the Agreement, the owner of each portion of the Property shall submit a notarized Land Use Restrictions Update to DENR certifying that this Notice of Brownfields Property remains recorded at the Buncombe County Register of Deeds' Office, and that the land use restrictions herein are being complied with.

In compliance Out of compliance

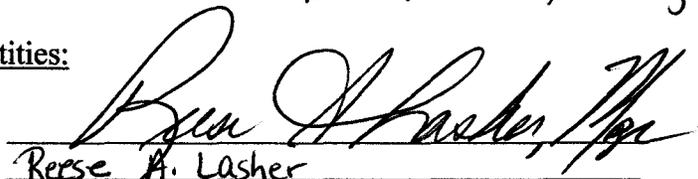
Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Buncombe County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Reese A. Lasher, Manager, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Reese A. Lasher, Manager

In the case of owners that are entities:

Signature of individual signing: 

Name typed or printed: Reese A. Lasher

Title: Manager

In the case of all owners:

Date: August 26, 2013

[Insert Name of LLC] Asheville Commons, LLC.

By: [Signature]
Name typed or printed: Reese A. Lasher
Member/Manager

NORTH CAROLINA
Buncombe COUNTY

I, Tricia Ward Melton, a Notary Public of the county and state aforesaid, certify that Reese A. Lasher personally came before me this day and acknowledged that he/she is a Member of Asheville Commons, LLC, a North Carolina (state) limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 26th day of August, 2013.

[Signature]
Name typed or printed: Tricia Ward Melton
Notary Public

My Commission expires: 6/28/16

