Brownfields Project #: 05016-01-60
Brownfields Property: Southern Manufacturing, 1000 Seaboard Street
Property Owner (In whole or part): Music Factory Condominiums, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: Surface water at the Property may not be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR") or its successor in function.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 2: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to the satisfaction of DENR or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DENR or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR or its successor in function on such conditions as DENR or its successor in function imposes, including at a minimum legal approval of plans and procedures to protect public health and the environment during the proposed activities.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 3: No mining may be conducted on or under the Brownfields Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 4: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 5: No asbestos may be used or stored at the Brownfields Property without the prior approval of DENR or its successor in function.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 6: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 7: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 8: The Property may not be used for kennels, private animal pens or horse-riding.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 9: Prior to January 31st of each calendar year, the then current owner of any part of the Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, that the land use restrictions are being complied with, and that the measures that have been implemented to cover the areas of the Property where asbestos-containing waste is located are being maintained such that the asbestos-containing waste is not exposed.

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 Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Music Factory Condominiums, LLC owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Richard Lazos

In the case of owners that are entities:

Signature of individual signing: _____
Name typed or printed: Richard Lazos
Title: Manager

In the case of all owners:

Date: 1-3-13

[use for LLCs]

[Name of LLC] Music Factory Condominiums, LLC

By: _____

Name typed or printed: Richard Lazos

Member/Manager

NORTH CAROLINA

Mecklenburg COUNTY

I, Michele R. Dems a Notary Public of the county and state aforesaid, certify that Richard Lazos personally came before me this day and acknowledged that he/she is a Member of Music Factory Condos LLC, a NC (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 3 day of January, 2013

_____

Name typed or printed: Michele R. Dems

Notary Public

My Commission expires: 10/2/16

[Stamp/Seal]

MICHELE R DEMS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
OCTOBER 02, 2016
MECKLENBURG CO NC