



P.O. BOX 620257 • OVIEDO, FL 32762-0257 • BUSINESS 407-365-2111 • FAX 407-365-2147

January 12, 2015

Ms. Shirley Liggins
Public Information Assistant
North Carolina Department of Environment
and Natural Resources
Division of Waste Management – Brownfields Program
217 West Jones Street
Raleigh, North Carolina 27603



RE: Annual Land Use Restrictions Update
Burkhart Carolina: 1703 Dabney Drive, Henderson, Vance County, NC (Ruby Tuesday)
Brownfields Project Number: 06015-02-91

Dear Ms. Liggins:

On behalf of RT Henderson, LLC, a subsidiary of A. Duda & Sons, Inc., please find enclosed an executed "Land Use Restrictions (LUR) Update" for Brownfields Project Number 06015-02-91 (Burkhart Carolina; 1703 Dabney Drive, Henderson, Vance County, NC/Ruby Tuesday) submitted in compliance with the Notice of Brownfields Property filed on March 7, 2003.

RT Henderson, LLC purchased the Ruby Tuesday restaurant property located at 101 Exchange Street in Henderson, NC, from Ruby Tuesday, Inc. on June 29, 2012. Contemporaneously with the purchase, Ruby Tuesday, Inc. entered into a lease agreement with RT Henderson, LLC and is continuing to operate their restaurant business on this property as tenant. As required by the lease agreement, the tenant is obligated to maintain the property and to notify RT Henderson, LLC of any alterations to the property. The tenant confirms that no construction to the building or parking lot was done in 2014. Therefore, RT Henderson, LLC is providing the requisite LUR form.

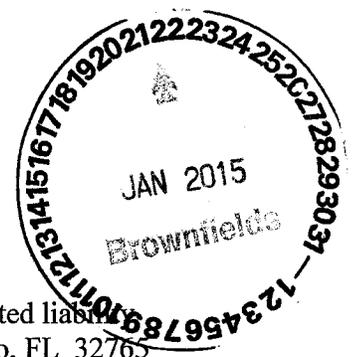
If you have any questions, please feel free to contact me.

Sincerely yours,
RT Henderson, LLC

Palmer B. Weeks, Jr.
Manager

PBW/lwc
enclosure

cc: Jill Golder, Executive Vice President, CFO, Ruby Tuesday
Beth Stute, Vice President, Real Estate and Development, Ruby Tuesday
Maura Fry, Real Estate Manager, Ruby Tuesday
Sue B. Coley, Real Estate Paralegal



Brownfields Project #: 06015-02-91
Brownfields Property: Burkhart Carolina, 1703 Dabney Drive
Property Owner (In whole or part): RT Henderson, LLC, a Florida limited liability
company located at 1200 Duda Trail, Oviedo, FL 32765

LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No water supply wells may be installed or used at the Property.

In compliance X Out of compliance _____

Remarks: _____

LUR 2: No mining activities may be conducted on the Property.

In compliance X Out of compliance _____

Remarks: _____

LUR 3: No activities likely, as determined by the Department of Environment and Natural Resources (“DENR”) in its sole discretion, to result in direct exposure to or removal of groundwater in the area of VOC-contaminated soil (including, but not limited to, excavation), may be conducted on the Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal to DENR or its successor in function of the analytical results along with, if DENR so requires, plans and procedures to protect public health and the environment during those activities, and a written determination by DENR or its successor in function that those activities will not pose a threat to public health or the environment.

In compliance X Out of compliance _____

Remarks: _____

LUR 4: No basements may be constructed at the Property.

In compliance X Out of compliance _____

Remarks: _____

LUR 5: No fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Property.

In compliance X Out of compliance _____

Remarks: _____

LUR 6: No chlorinated solvents, including but not limited to those listed in the tables in paragraphs (2)a. and (2)b. of the Notice of Brownfields Property ("Notice"), may be used, warehoused, or otherwise stored at the Property, except for those used in de minimis amounts for cleaning and for other routine housekeeping activities incidental to the uses of the Property approved in the Brownfields Agreement ("Agreement"), or offered for retail sale in household quantities by lessees, sublessees, assignees, and transferees in the normal course of their businesses.

In compliance X Out of compliance _____

Remarks: _____

LUR 7: Within thirty (30) 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 the Notice remains recorded at the Vance County Register of Deeds office, and that the land use restrictions herein are being complied with. The Land Use Restrictions Update shall also describe land uses and development activities that have occurred on the Property during the reporting period and that it is anticipated will occur on parcels adjacent to the Property, and shall contain a

certification that any building foundations and parking and driveway surfaces constructed on the Property are continuing to function as caps and are being properly maintained.

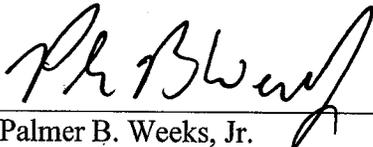
In compliance X Out of compliance

Remarks: _____

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

This Land Use Restrictions Update is certified by RT Henderson, LLC, a Florida limited liability company, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Palmer B. Weeks, Jr.



Palmer B. Weeks, Jr.
Manager

Date: January 12, 2015

RT Henderson, LLC, a Florida limited liability company

By: *Palmer B. Weeks, Jr.*
Palmer B. Weeks, Jr.
Member/Manager

State of FLORIDA
Seminole COUNTY

I, Leslie W. Curry, a Notary Public of the county and state aforesaid, certify that Palmer B. Weeks, Jr. who is personally known to me personally came before me this day and acknowledged that he is a Member of RT Henderson, LLC, a Florida 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.

WITNESS my hand and official stamp or seal, this 12th day of
January, 2015.

Leslie W. Curry
Leslie W. Curry
Notary Public

My Commission expires: 9/11/17
[Stamp/Seal]

LESLIE W. CURRY
Notary Public, State of Florida
My Commission Expires Sept. 11, 2017
Commission No. FF 38953