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February 19, 2013

Ms. Shirley Liggins
Administrative 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. RT Henderson, LLC has obtained a copy of the LUR that was dated March 19, 2012 and filed by Ruby Tuesday, Inc., which indicated an “In-compliance” condition for each restriction. The due diligence information collected and on-site observations by RT Henderson, LLC during the purchase process did not reveal any “Out of compliance” conditions. 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. RT Henderson, LLC has not received any such notification from the tenant. 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: Scarlett May, Esquire, Ruby Tuesday
Marguerite Duffy, Senior Vice President, Chief Financial Officer, Ruby Tuesday
Legal Department, Ruby Tuesday

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, Florida 32765



LAND USE RESTRICTIONS (“LUR”) UPDATE

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

In compliance Out of compliance

Remarks: _____

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

In compliance 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 Out of compliance

Remarks: _____

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

In compliance 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 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 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.

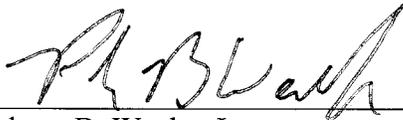
In compliance X Out of compliance _____

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.

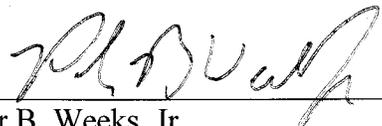
Name typed or printed of party making certification: Palmer B. Weeks, Jr.



Palmer B. Weeks, Jr.
Manager

Date: 2/20/13

RT Henderson, LLC, a Florida limited liability company

By: 
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 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 20th day of
February, 2013.


Leslie W. Curry
Notary Public

My Commission expires: 9/11/13
[Stamp/Seal]

LESLIE W. CURRY
Notary Public, State of Florida
My Commission Expires Sept. 11, 2013
Commission No. DD 913978