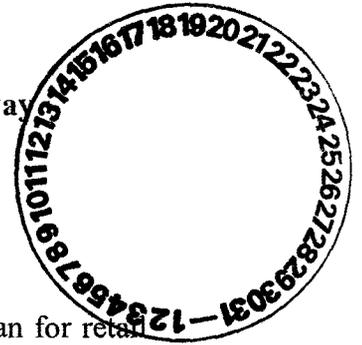


Brownfields Project #: 08039-04-60

Brownfields Property: Conbraco Facility, 701 Matthews-Mint Hill Parkway

Property Owner (In whole or part):



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for retail and commercial purposes. For purposes of this restriction, the following definitions apply:

- a. "retail" refers to a building, property or activity, the principal use or purpose of which is the sale of goods, products or merchandise directly to consumers;
- b. "commercial" refers to an occupation or enterprise carried on for profit by the owner, lessee or licensee.

In compliance Out of compliance

Remarks: _____

LUR 2: Surface water and underground water at the Brownfields Property may not be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR").

In compliance Out of compliance

Remarks: _____

LUR 3: 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 in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results disclose to DENR contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR on such conditions as DENR imposes, including at a

minimum compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities.

In compliance Out of compliance

Remarks: _____

LUR 4: 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 5: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR, vented in conformance with applicable building codes.

In compliance Out of compliance

Remarks: _____

LUR 6: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the table above, may be used or stored at the Brownfields Property without the prior approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance Out of compliance

Remarks: _____

LUR 7: The Brownfields Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the approval of DENR.

In compliance Out of compliance

Remarks: _____

LUR 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance

Remarks: _____

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance

Remarks: _____

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance

Remarks: _____

LUR 11: No party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit or order issued by, DENR may be denied access to the Brownfields Property for purposes of conducting such assessment or remediation.

In compliance x Out of compliance _____

Remarks: _____

LUR 12: During January of each year after the year in which the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance x Out of compliance _____

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that this 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 William W. Waters,
owner of at least part of the Brownfields Property. LJW LAND, LLC

Name typed or printed of party making certification: William W. Waters

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: William W. Waters
Title: Manager

In the case of all owners:

Date: 1-2-13

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]

[use for corporations]

[Name of Prospective Developer]

LJW LAND, LLC

By: William Waters

Name typed or printed: William W. Waters

Title typed or printed: Manager

William W. Waters

ATTEST:

William Waters

Name typed or printed:

Secretary, [Name of Prospective Developer]

NORTH CAROLINA

Mecklenburg COUNTY

I, Terri Stagg, a Notary Public of the county and state aforesaid, certify that William W. Waters personally came before me this day and acknowledged that he/she is the Secretary of LJW Land, a [state of incorporation] corporation, and that by authority duly given and as the act of the corporation, the foregoing Notice of Brownfields Property was signed in its name by its Developer and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 14th day of

January, 2013

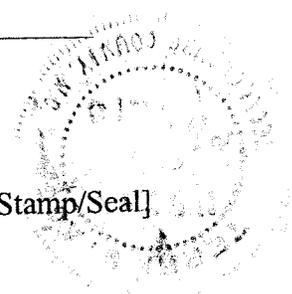
Terri Stagg

Name:

Notary Public

My Commission expires: June 19 2016

[Stamp/Seal]



[use for LLCs]

[Name of Prospective Developer]

By: _____
Name typed or printed:

Member/Manager

NORTH CAROLINA
_____ COUNTY