NC BROWNFIELDS

LAND USE RESTRICTIONS ("LUR") UPDATE

Certification Year: 2014

Name: Goldtex Plant Facility
Project #: 09056-05-96

Address: 401 Patetown Road
County: Wayne

Property Owner (In part or whole): Scouts, LLC

Read the following LURs and mark each restriction accordingly. Additional remarks may be added for compliance status clarification. Attach any required or supplemental documentation, sign, notarize and submit to the following address:

NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

LUR 1: No use may be made of the Brownfields Property other than for a facility that fabricates and distributes fence materials, or for other manufacturing purposes. For purposes of this restriction:

a. A "facility that fabricates and distributes fence materials" is a facility where finished goods purchased from manufacturers are assembled to create fence materials, and where these materials are staged for:
   I. local fence installation projects; or
   II. distribution to other fence installation facilities.
b. "Manufacturing" refers to the assembly, fabrication or processing of goods or materials.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 2: Any demolition of a building depicted on the plat component of the Notice of Brownfields Property ("Notice") shall be conducted in accordance with applicable legal requirements, including without limitation those related to lead and asbestos abatement that are administered by the Health Hazards Control Unit within the Division of Public Health of the North Carolina Department of Health and Human Services.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 3: Surface water at the Brownfields Property may not be used for any purpose without the prior written approval of the Department of Environment and Natural Resources ("DENR").

✓ In compliance __ Out of compliance

Remarks:

LUR 4: 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 written satisfaction of DENR in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results reflect contaminant concentrations that exceed the standards and screening levels applicable to the uses authorized for the Brownfields Property, the groundwater-related activities proposed may only occur in compliance with any written conditions DENR imposes.

✓ In compliance __ Out of compliance

Remarks:

LUR 5: Soil on the Brownfields Property may not be disturbed unless and until DENR states in writing, in advance of the proposed disturbance, that as to soil contamination on the Brownfields Property the Brownfields Property is, or assuming successful implementation of DENR-approved measures will be, suitable for the uses specified in LUR 1 above and poses no risk that renders public health and the environment less than fully protected. Any measures DENR determines in writing are necessary for that statement to be made shall be taken pursuant to a plan approved in writing by DENR in advance, and approved in writing as implemented. Such measures may include without limitation environmental sampling and soil removal, treatment and/or capping.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 6: No new building containing indoor space may be constructed on the Brownfields Property unless and until:

a. DENR determines in writing, based on submittals from the building's proponent, that the building's users, and public health and the environment, would not be at risk from the Brownfields Property's volatile contaminant plume; or
b. vapor mitigation measures approved in writing by DENR in advance are installed to the satisfaction of a professional engineer licensed in North Carolina, as evidenced by said engineer's seal, and photographs illustrating the installation and a brief narrative describing it are submitted to DENR and deemed satisfactory in writing by that agency.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 7: 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 without DENR's prior written approval.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 8: No basements may be constructed on the Brownfields Property unless they are, as determined in writing by DENR, vented in conformance with applicable building codes.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 9: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed above in the table of groundwater contaminants and in paragraph 7 of the Agreement, may be used or stored at the Brownfields Property without the prior written approval of DENR, except in de minimis amounts for cleaning and other routine housekeeping activities and as a component in fuel used for an emergency generator or similar equipment, provided that DENR has approved, in writing, the storage of such fuel in advance.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 10: 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 prior written approval of DENR.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 11: The Brownfields Property may not be used as a playground, or for child care centers or schools.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 12: The owner of any portion of the Brownfields Property where any existing, or subsequently installed, DENR-approved monitoring well is damaged shall be responsible for repair of any such wells to DENR's written satisfaction within a time period acceptable to DENR.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 13: No party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit, order or agreement issued or entered into by, DENR may be denied access to the Brownfields Property for purposes of conducting such assessment or remediation, which activities shall be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

✓ In compliance __ Out of compliance

Remarks: _____

LUR 14: During January of each year after the year in which the Notice is recorded, the owner of any part of the Brownfields Property as of January 1st of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DENR, and to the chief public health and environmental officials of Wayne County, certifying that, as of said January 1st, the Notice containing these land use restrictions remains recorded at the Wayne County Register of Deeds office and that the land use restrictions are being complied with, and stating:

a. the name, mailing address, telephone and facsimile numbers, and contact person's e-mail address of the owner submitting the LURU if said owner acquired any part of the Brownfields Property during the previous calendar year.

b. the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner transferred any part of the Brownfields Property during the previous calendar year.

c. whether any vapor barrier and/or mitigation systems installed pursuant to land use restriction 6.b. above are performing as designed, and whether the uses of the ground floors of any buildings containing such vapor barrier and/or mitigation systems have changed, and, if so, how.

✓ In compliance __ Out of compliance

Remarks: _____

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

This Land Use Restrictions Update is certified by N. Weston Seegars, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: N. Weston Seegars

In the case of owners that are entities:

Signature of individual signing: N. Weston Seegars
Name typed or printed: N. Weston Seegars
Title: Manager

In the case of all owners:

Date: 1/31/14

[use for LLCs] Scouts LLC

By: N. Weston Seegars
Name typed or printed: N. Weston Seegars
Member/Manager

NORTH CAROLINA
Wayne COUNTY

I, Veronica K. Aycock, a Notary Public of the county and state aforesaid, certify that N. Weston Seegars personally came before me this day and acknowledged that he/she is a Member of Scouts, 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 31st day of Janvary, 2014

Veronica K. Aycock
Name typed or printed: Veronica K. Aycock
Notary Public

My Commission expires: 10-6-14

[Stamp/Seal]