



August 19, 2013



Mr. David Peacock  
NC Dept of Environment & Natural Resources  
ND Division of Waste Management  
Brownfields Program  
1646 Mail Service Center  
Raleigh, NC 27699-1646

RE: Notice of Noncompliance  
Cole Orchard  
198 Interchange Dr Henderson County  
Project #10060-06-45

Mr. Peacock,

I am in receipt of your letter (copy attached) dated August 13, 2013 of Notice of Noncompliance. Although Mountain 1<sup>st</sup> Bank & Trust did acquire adjoining property to the Cole Orchard, none of the property on the Cole tract was taken into the banks portfolio. Mountain 1<sup>st</sup> has subsequently conveyed all the lots and tracts of the adjoining property to private individuals and no longer has any right, title or interest in the property. Should you need further information, please do not hesitate to ask.

Thank you,

A handwritten signature in cursive script that reads 'Becky Pittman'.

Becky Pittman  
Special Asset Admn Manager  
Mountain 1st Bank & Trust  
960 Spartanburg Hwy  
Hendersonville, NC 28739  
828-694-6791  
bpittman@mountain1st.com



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

August 13, 2013

Mr. William H. Burton, III  
Mountain 1st Bank & Trust  
101 Jack Street  
Hendersonville, NC 28792

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)  
Annual Land Use Restrictions Update  
Cole Orchard, #10060-06-45  
198 Interchange Drive, Henderson County

Dear Mr. Burton:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Henderson County Register of Deeds, all owners of the subject brownfields property are required to submit an annual certification in January to maintain liability protection granted by the Brownfields Agreement. Our records indicate that Mountain 1st Bank & Trust is a current owner of at least part of the subject brownfields property and that the last annual certification from this company was not received.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, Mountain 1st Bank & Trust or its authorized agent should immediately complete, sign, notarize, and submit a Land Use Restrictions Update ("LURU") to the following address:

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

Site specific LURU forms are available by visiting <http://portal.ncdenr.org/web/wm/bf-lurus> or you may send a request to me via the contact information provided.

August 13, 2013

Should you have any concerns or have information showing that you have not owned any part of the brownfields property since the Notice of Brownfields Property was recorded, please contact me by telephone at (910) 796-7401 or by e-mail at [David.Peacock@ncdenr.gov](mailto:David.Peacock@ncdenr.gov).

Sincerely,

*David Peacock*

David Peacock  
Brownfields Compliance Coordinator

Cc: Central Files  
Ec: Bruce Nicholson, Brownfields Program Manager  
Tracy Wahl, Brownfields Project Manager

