PEARSON PROPERTIES

1422 Burtonwood Drive • Suite 200 • Gastonia, NC 28054-4009
PHONE 704/ 867-5002 • FAX 704/ 867-0465

January 2, 2013

Ms. Shirley Liggins

Brownfields Program Assistant

North Carolina Dept. of Environmental and Natural Resources

1646 Mail Service Center

Raleigh, North Carolina 27599-1646

Re: Land Use Restriction ("LUR") Update for Brownfields

Project # 10063-06-36

Dear Ms. Liggins:

Please find enclosed our LURU for Lot #3 in the above referenced project. The site is now known as Gaston Crossing and is comprised of five (5) lots. I am providing the other four (4) owners with blank LURU forms so that they can file their updates.

Please let me know if additional information is needed.

Best regards,

PAMA-321, LLC

Robert S. Pearson

Brownfields Project #: 10063-06-36
Brownfields Property: ATS Manufacturing, NC Hwy 321 & Rankin Lake Rd.
Property Owner (In whole or part): PAMA-321, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than as limited by the other land use restrictions below and for retail (including without limitation restaurant and convenience store/gas station) and, with prior written Department of Environment and Natural Resources ("DENR") approval, other commercial purposes. The conduct of these activities is governed by the following definitions:

a. "Commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.

b. "Retail" refers to the sale of goods, products or merchandise directly to the consumer.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 2: Unless compliance with this Land Use Restriction is waived in writing by DENR in advance, no use of the Brownfields Property may occur prior to demolition of all buildings depicted on the plat component of the Notice of Brownfields Property ("Notice"), in accordance with applicable legal requirements, including without limitation those administered by the Lead and Asbestos Abatement Program of DENR's Division of Public Health.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 3: Surface water and underground water at the Brownfields Property may not be used for any purpose without the prior written approval of 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 disclose to DENR contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the prior written 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 5: Soil anywhere on the Brownfields Property exhibiting any stain or odor may not be disturbed without prior sampling and analysis (a determination regarding which DENR shall provide within a commercially reasonable time period), to DENR's written satisfaction, of soil proposed to be disturbed. If sampling results disclose contamination that DENR determines renders the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above, the soil may only be disturbed in conformance with procedures (a determination regarding which DENR shall provide within a commercially reasonable time period) approved in writing in advance by DENR to protect public health and the environment while the disturbed soil is exposed, and if as much soil is treated, removed and disposed of in accordance with applicable law, or covered with an impervious or hard pervious surface, as DENR determines is necessary to render the Brownfields Property suitable for said uses. If treatment is chosen, it shall occur in conformance with procedures approved in writing in advance and afterwards by DENR. If covering the soil is chosen, said surface shall be maintained to DENR's satisfaction. If soil removal is chosen, information satisfactory to DENR regarding the transportation and disposition of such soil shall be supplied in a written report to DENR within ninety (90) days following removal. For purposes of this land use restriction, the following definitions apply:

a. "Impervious surface" means any structure or groundcover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or other natural or man-made material that prevents the absorption of surface water into the soil.

b. "Hard pervious surface" means any structure or groundcover that allows absorption of surface water into the soil, but has a hard surface formed or cast in place that protects land users from exposure to any contaminants in the soil. Pervious concrete and pervious tennis court materials are examples.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 6: 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 7: 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 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the table at (2) of the Notice, 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.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 9: 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 10: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production, 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, without the prior written approval of DENR.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 12: The Brownfields Property may not be used for kennels, private animal pens or horse-riding, without the prior written approval of DENR.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 13: The owner of any portion of the Brownfields Property where any existing or later DENR-approved monitoring well is damaged shall be responsible for repair of any such wells to DENR's written satisfaction and within a time period acceptable to DENR.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 14: 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 ✓ Out of compliance ____

Remarks: _____

LUR 15: During January of each year after the year in which the Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update ("LURU") to DENR certifying that the Notice remains recorded at the Gaston County Register of Deeds office, 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. Insert required information here, if applicable:

_____
_____
_____
_____
_____

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, and insert required information here, if applicable:

_____
_____
_____
_____
_____

In compliance ✓ Out of compliance ____

Remarks: _____
_____
_____
_____

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

This Land Use Restrictions Update is certified by Robert S Pearson, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: ROBERT S. PEARSON

In the case of owners that are entities:

Signature of individual signing: Robert S. Pearson
Name typed or printed: ROBERT S. PEARSON
Title: MEMBER/MANAGER

In the case of all owners:

Date: JANUARY 29, 2013

[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]

By:_____
Name typed or printed:
Title typed or printed:

ATTEST:

_____
Name typed or printed:
Secretary, [Name of Prospective Developer]

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the Secretary of _____, 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 _____ and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this _____ day of _____, 200_.

_____
Name:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for LLCs]

PAMA -321, LLC
~~[Name of Prospective Developer]~~

By: Robert S Pearson
Name typed or printed: ROBERT S PEARSON

Member/Manager

NORTH CAROLINA
GASTON COUNTY

I, Cynthia B. Fletcher, a Notary Public of the county and state aforesaid, certify that ROBERT S. PEARSON personally came before me this day and acknowledged that he/she is a Member of Bama - 321, LLC, a **[state of incorporation]** limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Brownfields Property was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 2nd day of January, 2013

Cynthia B. Fletcher
Name typed or printed: CYNTHIA B. FLETCHER
Notary Public

My Commission expires: May 23, 2014

CYNTHIA B. FLETCHER NOTARY PUBLIC GASTON COUNTY, NC

[Stamp/Seal]

[use for Partnerships]

[Name of Owner]

By:_____
Name typed or printed:
General Partner

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is a General Partner of _____, a **[state where partnership is registered]** partnership, and that by authority duly given and as the act of the partnership, the foregoing certification was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this _____ day of _____, 200_.

_____
Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]