Brownfields Project #: 11031-07-36
Brownfields Property: CRS Facility, 1224 Isley Drive
Property Owner (In whole or part): **Gastonia CRS Investments, LLC**

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for industrial, storage and/or office purposes, and/or, if the Department of Environment and Natural Resources ("DENR") determines in writing in advance that the Brownfields Property is suitable for such use while fully protecting public health and the environment, any other commercial purpose, all as limited by the other Land Use Restrictions below. Within the meaning of this Land Use Restriction, the following definitions apply:

a. "Industrial" refers to:

   i. the assembly, fabrication, processing, storage, transportation and/or distribution of goods and materials using processes that may have greater than average (though legal) impacts on the environment, and may have significant (though legal) impacts on the use and enjoyment of adjacent property that relate to noise, smoke, fumes, odors, glare, or health and safety hazards; or

   ii. any assembly, fabrication or processing of goods and materials where the area occupied by outdoor storage of goods and material used in the assembly, fabrication or processing exceeds 25 percent of the floor area of all buildings on the Brownfields Property.

b. "Office" refers to the rendering of business or professional services.

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

In compliance ✓ Out of compliance ____

Remarks: Full occupancy by Tenant for distribution

LUR 2: No activities that encounter, expose, remove or use surface water or 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 water sampling and analysis 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 that DENR determines may make the Brownfields Property unsuitable for the uses specified in subparagraph 1.a. of the Notice of Brownfields Property ("Notice"), the proposed activities may not occur without the prior written approval of DENR, 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: Storage only

LUR 3: The owner(s) of the portion of the Brownfields Property denominated "Contaminated Soil" on the plat component of the Notice shall be responsible for maintaining to DENR's reasonable satisfaction the asphalt or concrete over that portion. Soil in said portion may not be disturbed without prior soil sampling and analysis to the written satisfaction of DENR. If said sampling discloses contamination that DENR determines renders the Brownfields Property unsuitable for the uses specified in subparagraph 1.a. above, the soil may not be disturbed 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 soil-disturbing 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 in writing 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 Tables 1 and 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, maintenance and other routine housekeeping activities, and as constituents of fuel for vehicles, equipment or backup generators used to support operations at the Brownfields Property.

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 prior written 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 without the prior written approval of DENR.

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: 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 12: 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, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance ✓ Out of compliance ____

Remarks: _____

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LUR 13: During January of each year after the year in which the Notice is recorded, the owner on December 1st of the prior year of any part of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice containing these Land Use Restrictions remains recorded at the Gaston County Register of Deeds office, that the Land Use Restrictions are being complied with and, in the case of the owner of the portion of the Brownfields Property denominated "Contaminated Soil" on the plat component of the Notice, that the asphalt or concrete over that portion is being maintained in good condition, 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 Information:

   _____

   _____

   _____

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. Insert information:

   _____

   _____

   _____

For purposes of the land use restrictions set forth above, the DENR point of contact shall be the DENR official referenced in paragraph 36.a. of the Brownfields Agreement, at the address stated therein.

In compliance ✓ Out of compliance ____

Remarks: _____

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Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the 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 _____, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: _____

In the case of owners that are entities:

Signature of individual signing: _____
Name typed or printed: Thomas J. McKittrick
Title: Manager

In the case of all owners:

Date: 12/3/12

[use for LLCs]

Gastonia CRS Investments, LLC

By: Thomas J. McKittrick
Name typed or printed:
Member/Manager

NORTH CAROLINA
Mecklenburg COUNTY

I, Shannon H. Doster, a Notary Public of the county and state aforesaid, certify that Thomas J. McKittrick personally came before me this day and acknowledged that he/she is a Member of Gastonia CRS Investments, LLC, a North Carolina **(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 3rd day of December, 2012.

Shannon H. Doster
Name typed or printed:
Notary Public

My Commission expires: 9/23/2017

[Stamp/Seal]