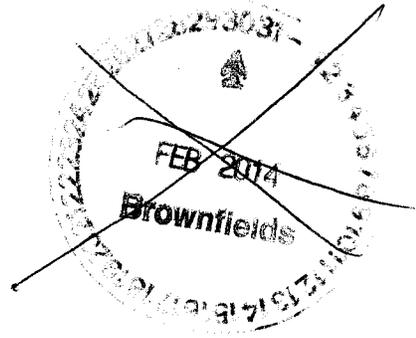


Brownfields Project #: 11044-07-60
Brownfields Property: Charlotte Army Missile Plant (CAMP)
Property Owner (In whole or part): MV Hercules, LLC



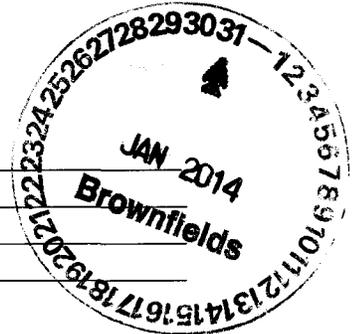
LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for industrial or warehousing purposes, other commercial purposes with prior written Department of Environment and Natural Resources ("DENR") approval, and multi-family residential purposes. Within the meaning of this restriction, the following definitions apply:

- a. "Industrial" refers to the assembly, fabrication or processing of goods or materials.
- b. "Commercial" refers to a business enterprise.
- c. "Multi-family residential" refers to use for a permanent dwelling of a multi-unit building.
- d. "Warehousing" refers to storage of goods, materials, or merchandise for shipment to or processing on other Brownfields Property.

In compliance X Out of compliance ____

Remarks: _____



LUR 2: Surface water and groundwater at the Brownfields Property may not be used for any purpose without the prior written approval of DENR.

In compliance X Out of compliance ____

Remarks: _____

LUR 3: Soil in the areas designated "Area of Possible Soil Contamination," on the plat component of the Notice of Brownfields Property ("Notice"), may not be disturbed unless any sampling DENR requires has been conducted, and any actions DENR requires have been taken based on the sampling results, to ensure the Brownfields

Property is suitable for the uses specified Land Use Restriction 1 above and public health and the environment are fully protected. Such actions may include the capping or treatment of soil *in situ* and/or disposal of soil off-site.

In compliance Out of compliance

Remarks: _____

LUR 4: No building that will be used residentially may be constructed at the Brownfields Property, nor may any structure be converted to residential use, without prior written notification to DENR. If DENR determines that the footprint of a building subject to this restriction would fall within 100 feet of groundwater contamination on the Brownfields Property, it may not be constructed or converted without:

- a. a vapor barrier and sub-slab vapor venting system, or other vapor mitigation system, approved in advance in writing by DENR, within 30 days after installation of which DENR shall be provided certification of proper installation under seal of a professional engineer licensed in North Carolina, as well as photographs illustrating the installation and a brief narrative describing it; or
- b. an assessment of the risk posed by soil gas to potential users of the building that demonstrates to DENR's written satisfaction that no vapor mitigation system is required.

In compliance Out of compliance

Remarks: _____

LUR 5: 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 6: 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 7: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A, B and C 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 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance

Remarks: _____

LUR 9: The owner of any portion of the Brownfields Property where any existing, or later-installed, 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 10: Neither DENR nor any 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.

In compliance X Out of compliance _____

Remarks: _____

LUR 11: 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 (a joint LURU may be submitted for owners of residences by a duly constituted homeowners’ association) certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office; the land use restrictions are being complied with; and any vapor mitigation system installed pursuant to Land Use Restriction 4 above remains intact and in the condition it was in when engineer-certified; 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:

NA

- 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:

NA

In compliance X Out of compliance _____

Remarks: _____

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

Name typed or printed of party making certification: MV Hercules, LLC

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: _____

Title: _____

In the case of all owners:

Date: _____

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

MV Hercules, LLC

By MV Acquisitions 1 LLC, a Delaware limited liability company,
Its Manager
By Mount Vernon Asset Management, LLC, a North Carolina
limited liability company,
Its Manager
By:

Geoffrey M. Curme
Geoffrey M. Curme Date:
Managing Member

NORTH CAROLINA
Rockingham COUNTY

I, Janet H. Maday, a Notary Public of ^{UNION} ~~the~~ county and state
aforesaid, certify that Geoffrey M. Curme personally came before me this day
and acknowledged that he/she is a Member of Mount Vernon Asset Management, LLC,
the Manager of MV Acquisitions, 1, LLC, the Manager of MV Hercules, LLC, a North
Carolina limited liability company, 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 28th day of
January, 2014

Janet H. Maday
Name typed or printed: Janet H. Maday
Notary Public

My Commission expires: June 19, 2018

[Stamp/Seal]

