

September 21, 2012

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



Moore & Van Allen

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Suite 4700
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Charlotte, NC 28202-4003

Re: Charlotte Army Missile Plant Site/Project No. 11044-07-60

Ladies and Gentlemen:

This firm represents MV Hercules, LLC. On behalf of MV Hercules, LLC, and in response to the Notice of Non-Compliance regarding the referenced Project dated September 7, 2012, I am forwarding a notarized Land Use Restriction update containing certifications specified in Section 14(k) of the Brownfields Agreement in the referenced Project.

Please let me know if you have any questions.

Very truly yours,

Moore & Van Allen PLLC

Peter J. McGrath Jr.

PJM/tsm

Enclosure

cc: Geoffrey Curme

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES



IN THE MATTER OF)
MV HERCULES, LLC)
BROWNFIELDS PROJECT #11044-07-60)

UNDER THE AUTHORITY OF) CERTIFICATION REGARDING
NORTH CAROLINA GENERAL) LAND USE RESTRICTIONS
STATUTES 130A-310.30, et. seq.)

Geoffrey M. Curme, being duly sworn, hereby deposes and says:

1. I am the Managing Member of Mount Vernon Asset Management, LLC, which is the Manager of MV Acquisitions I, LLC, which is the Manager of MV Hercules, LLC (“Hercules”).
2. Hercules is the Prospective Developer under that certain Brownfields Agreement (the “Brownfields Agreement”) between Hercules and the North Carolina Department of Environment and Natural Resources, pursuant to N.C.G.S. 130A, Article 9, Part 5 (Brownfields Act), in relation to the following that certain property in Charlotte, Mecklenburg County, North Carolina: tax parcel number 07903101 (the “Property”).
3. Hercules is the current owner of the Property.
4. Hercules is submitting this certificate to DENR in accordance with Paragraph 14(k) of the Brownfields Agreement.
5. Hercules certifies to DENR that the Notice of Brownfields Property containing the land use restrictions set forth in Paragraph 19 of the Brownfields Agreement remains recorded at the Mecklenburg County Register of Deeds, and that such land use restrictions are being complied with.

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

9/13/12

Geoffrey M. Curme
Managing Member

Date

Sworn to and subscribed before me

this 13th day of September, 2012.

Brenda L. Jordan
Notary Public

My Commission Expires:

April 22, 2013

