

Brownfields Program
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 0400900039
Facility Name: Oxford Printing
Document Group: Land Use Restriction Updates (LURU)
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Author of Doc: David Peacock

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North Carolina Department of Environment and Natural Resources
Division of Waste Management
Dexter R. Matthews
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

August 5, 2011

CERTIFIED MAIL

Mr. Stanley Fox
FHO Partners, LLC
P.O. Box 1206
Oxford, NC 27565

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)
Annual Land Use Restrictions Update
Oxford Printing
8 Industry Drive, Granville County
Project Number: 04009-00-39

Dear Mr. Fox:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Granville County Register of Deeds, all owners of the brownfields properties are required to submit an annual certification to maintain liability protection granted by the Brownfields Agreement for the subject property. Our records indicate that FHO Partners, LLC is a current owner of at least part of the subject brownfields property and that an annual certification from this company has not been received.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, FHO Partners, LLC or its authorized agent should immediately complete, sign, notarize, and submit the attached Land Use Restrictions Update ("LURU") form to the following address:

NC Brownfields Program
Mail Service Center 1646
Raleigh, NC 27699-1646

Please retain a copy of the attached form for future LURU submittals or you may request an electronic version by e-mailing me at David.Peacock@ncdenr.gov. Should you have any questions 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Peacock', written in a cursive style.

David Peacock
Brownfields Compliance Coordinator

W/Enclosures

Cc: Central Files
Ec: Bruce Nicholson, NCDENR
Rob Gelblum, Special Deputy Atty. General

Brownfields Project #: 04009-00-39
Brownfields Property: Oxford Printing, 8 Industry Drive
Property Owner (In whole or part): FHO Partners, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No water supply wells may be installed or used at the Property.

In compliance ____ Out of compliance ____

Remarks: _____

LUR 2: No mining activities may be conducted on the Property.

In compliance ____ Out of compliance ____

Remarks: _____

LUR 3: No activities which result in direct exposure to or removal of groundwater (for example, construction or excavation activities which encounter or expose groundwater) may be conducted on the Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal of the analytical results to the Department of Environment and Natural Resources ("DENR") or its successor in function along with plans and procedures to protect human health and the environment during those activities, and approval of those activities by DENR or its successor in function.

In compliance ____ Out of compliance ____

Remarks: _____

LUR 4: No fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Property.

In compliance ____ Out of compliance ____

Remarks: _____

LUR 5: Within seven (7) days of each anniversary of the effective date of the Brownfields Agreement ("Agreement"), the owner of each portion of the Property shall submit a notarized Land Use Restriction Update to DENR certifying that the Notice of Brownfields Property referenced in Paragraph 12 of the Agreement remains recorded at the Granville County Register of Deeds office, and that the land use restrictions therein are being complied with.

In compliance ____ Out of compliance ____

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Granville 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: _____

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.]
[use for corporations]

[Insert Name of Corporation]

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

ATTEST:

Name typed or printed:
Secretary, _____ (corporation name)

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 _____ (corporation name), a _____ (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update 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 _____, 20__.

Name:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for LLCs]

[Insert Name of LLC]

By: _____

Name typed or printed:

Member/Manager

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 Member of _____, LLC, a _____ (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 _____ day of _____, 20__.

Name typed or printed:

Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for Partnerships]

[Insert 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) partnership, and that by authority duly given and as the act of the partnership, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this _____ day of _____, 20__.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

[use for individuals]

[Insert Name of Owner]

By: _____
Name typed or printed:

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the county and state
aforesaid, certify that _____ personally came before me this day,
demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this _____ day of
_____, 20__.

Name typed or printed:
Notary Public

My Commission expires: _____

[Stamp/Seal]

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Mr. Stanley Fox
FHO Partners, LLC
P.O. Box 1206
Oxford, NC 27565

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