

VAN BUREN LAW, PLLC

April 5, 2010



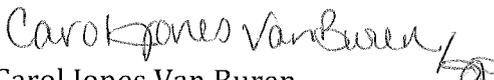
VIA FED-EX EXPRESS SAVER

Solid Waste Section
Division of Waste Management
NCDENR
401 Oberlin Road
Raleigh, NC 27605

RE: Recorded Notice of Structural Fill Facility
Belews Creek Steam Station
Duke Energy Carolinas, LLC
Stokes County, North Carolina

Please find enclosed an original Notice of Structural Fill Facility ("Notice") that was recorded by the Register of Deeds in Stokes County, North Carolina on March 10, 2010 (Book 00604, Page 1701-1709). This original Notice is being provided as required by 15A N.C.A.C. §13B.1707(c).

Sincerely,


Carol Jones Van Buren

CJVB:jp

Enclosure



BK:00604 PG:1701

FILED
STOKES COUNTY
KATHY YOUNG
REGISTER OF DEEDS

FILED	Mar 10, 2010
AT	11:27 am
BOOK	00604
START PAGE	1701
END PAGE	1709
INSTRUMENT #	01044

Property Owner: Duke Energy Carolinas, LLC

Recorded in Book _____, **Page** _____

Prepared by and return to: Carol Jones Van Buren, Esq., Van Buren Law, 6525 Morrison Blvd, Suite 402, Charlotte, NC 28211

NOTICE OF STRUCTURAL FILL FACILITY

This **Notice of Structural Fill Facility** (“Notice”) has been filed this BTH day of MARCH, 2010 by Duke Energy Carolinas, LLC, a North Carolina limited liability company (hereinafter “Owner”). Owner is the successor to Duke Power Company and Duke Energy Corporation, both entities now or formerly a North Carolina corporation.

This Notice is required by N.C. Gen. Stat. §130A-294 and N.C. Admin. Code tit. 15A r. 13B.1707 in order to provide notice of the volume and location of coal combustion by-products in the Structural Fill Area (defined below) on the Property (defined below).

Attached hereto as **Exhibit A** is a legal description of the Property that would be sufficient as a description of the property in an instrument of conveyance. Attached hereto as **Exhibit B** is a figure showing the general location of the Structural Fill Facility on the Property (the “Structural Fill Area”). 918,300 cubic yards of coal combustion by-products are present in the Structural Fill Area.

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

When any portion of the Structural Fill Area is sold, leased, conveyed or transferred, pursuant to N.C. Admin. Code tit. 15A r. 13B.1707(d), the deed or other instrument of transfer of all or any portion of the Structural Fill Area shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that coal combustion by-products have been used as fill material in the Structural Fill Area.

IN WITNESS WHEREOF, Property has caused this instrument to be duly executed this 8th day of MARCH, 2010.

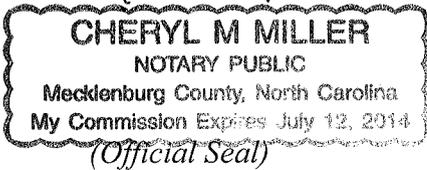
Duke Energy Carolinas, LLC,
a North Carolina limited liability company

By: [Signature]
Name: GEORGE W. CHRISTIAN, JR
Title: MANAGER, RIGHT OF WAY

Mecklenburg County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: George W. Christian Jr, Manager, Right of Way
Duke Energy Carolinas, LLC, a North Carolina limited liability company.

Date: March 8, 2010



[Signature]
Official Signature of Notary

Cheryl M. Miller
Notary's printed or typed name, Notary Public
My commission expires: July 12, 2014

DUKE ENERGY CORPORATION
ASSISTANT CORPORATE SECRETARY CERTIFICATE

I, Sue C. Harrington, Assistant Corporate Secretary of Duke Energy Corporation, a Delaware corporation, do hereby certify that the Board of Directors of Duke Energy Corporation (the "Board of Directors") on February 26, 2008, approved an amended and restated Approval of Business Transactions Policy (the "ABT Policy") whereby the Board of Directors maintained the responsibility for approving the authority limits for the President and Chief Executive Officer and delegated to the President and Chief Executive Officer the responsibility for approving the ABT Policy and any updates thereto, which ABT Policy provides in relevant part that certain direct reports to the President and Chief Executive Officer of Duke Energy Corporation may approve, or delegate the authority to approve, routine business transactions involving amounts of \$25 million or less before considering any approved exceptions. I further certify that Marc E. Manly, Group Executive, Chief Legal Officer and Corporate Secretary, Duke Energy Corporation, is a direct report to the President and Chief Executive Officer of Duke Energy Corporation, is responsible for real estate transactions on behalf of Duke Energy Corporation and its affiliates, and, pursuant to the authority granted by the ABT Policy, has up to \$25 million in authority for routine business transactions.

I further certify that per the Delegation of Authority Policy (the "DOA Policy"), which is referenced in the ABT Policy, or per the approved exceptions to the DOA Policy, Angeline M. Clinton, Senior Vice President, Enterprise Operation Services, Duke Energy Business Services LLC, as the executive responsible for real estate transactions, has the authority to approve amounts up to \$10,000,000 for routine business transactions on behalf of Duke Energy Corporation and its affiliates (including but not limited to capital projects, commitments to buy products or services, real estate acquisitions and divestitures, and operating leases); that Dennis F. Wood, III, Vice President, Real Estate Services, Duke Energy Business Services LLC, has the authority to approve up to \$5,000,000 for routine business transactions on behalf of Duke Energy Corporation and its affiliates (including but not limited to land acquisitions and divestitures and building rent); that R. Steven Bodenheimer, Director, Workplace Solutions; Timothy E. Beeker, Director, Land Services; and George E. Toft, Director, Land Services, have the authority to approve \$5,000,000 to execute deeds, leases and similar real estate documents on behalf of Duke Energy Corporation and its affiliates for land and facility acquisitions and divestitures, which authority includes the authorization to execute any contract, lease, deed, easements, rights of way or other instruments related to the authorized transaction; and that Kristina L. Breeding, Manager, Right-of-Way; George W. Christian, Jr., Manager, Right-of-Way; and Harold L. Glorius, Jr., Manager, Right-of-Way, have the authority to approve up to \$750,000 to execute deeds, leases and similar real estate documents on behalf of Duke Energy Corporation and its affiliates for land and facility acquisitions and divestitures, which authority includes the authorization to execute any contract, lease, deed, easements, rights of way or other instruments related to the authorized transaction.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Duke Energy Corporation this 24rd day of February, 2010.



Sue C. Harrington
 Assistant Corporate Secretary

Exhibit ALegal Description of Property

The following parcels of real property located in Stokes County, North Carolina, and more particularly described as follows:

Parcel 1

Being known and designated as Lot Nos. 6, 7, 8, 9 and 10, as set out upon the Map of the Thorton A. Freeman Estate, Section No. 1, said map recorded in Deed Book 108, at Pages 205 and 206, in the Office of the Register of Deeds, Stokes County, North Carolina, reference to which is hereby made for a more particular description.

Being in all respects the same property conveyed by deed from Frank Jacobs and wife, Flossie M. Jacobs, to Duke Power Company dated July 28, 1969, and recorded on August 1, 1969, in Deed Book 188, Page 347 in the Register of Deeds for Stokes County, North Carolina.

Parcel 2

Beginning at a maple, corner on east side of Creek; thence North 52 deg. West, crossing Belews Creek, 3.50 chains to pointers; thence South 12 deg. West 4 chains to a poplar; thence South 31 deg. West 3.07 chains to a pine; thence South 35 deg. West 9 chains to a stone; thence South 82 deg. West 2 chains; thence North 46 deg. West 4 chains to a birch on bank of Creek; thence North 88 deg. West, crossing creek; 8 chains to a forked white oak on south bank; thence South 39 ¼ deg. East 29 chains to pointers in Flynn's line; thence North 11 ½ deg. East 9.70 chains; thence North 14 deg. East 7.10 chains to pointers; thence North 1 1/2 deg. East 15 chains to the beginning and containing thirty (30) acres, more or less.

Being in all respects the same property conveyed by deed from Mack R. Leath and wife, Lucy H. Leath, to Duke Power Company dated May 29, 1969, and recorded on June 13, 1969, in Deed Book 665, Page 241 in the Register of Deeds for Stokes County, North Carolina.

Parcel 3

Beginning at a stake on the East margin of Craig Road at Pearl Hoyle's corner; running thence East 210 feet to a stake; thence North along a new line (Arthur Mabe line) 210 feet parallel with Craig Road; thence west 210 feet to an iron stake in the East margin of Craig Road; thence Southward along the East margin of Craig Road, 210 feet to the beginning.

Being in all respects the same property conveyed by deed from Gene A. Mabe and wife, Frances C. Mabe, to Duke Power Company recorded on July 15, 1969, in Deed Book 188, Page 282 in the Register of Deeds for Stokes County, North Carolina.

Parcel 4

Beginning at a pine tree on Old North Carolina Highway No. 77 and at the intersection of the highway and with Belews Creek Road and a Farm Road, follows along the centerline of the farm road runs 80 deg. 0' East a distance of 429 feet to an iron stake in said road, and 7 feet south of an iron stake in north bank of said road; thence North 4 deg. 0' East a distance of 187 feet to an iron stake in a field; thence North 80 deg. 0' West a distance of 327 feet to an iron stake near the edge of the Old N.C. Highway No. 77; thence the following along State Highway No. 77 South 33 deg. 0' West a distance of 210 feet to the beginning pine corner as described, containing 1.85 acres, more or less.

Being in all respects the same property conveyed by deed from James H. Martin and wife, Rebecca Martin, to WOCASAR, Inc., and recorded on April 25, 1969, in Deed Book 187, Page 494 in the Register of Deeds for Stokes County, North Carolina. Being in all respects a portion of the same property conveyed by WOCASAR, Inc. to Duke Power Company on August 18, 1969 and recorded December 22, 1969 in Deed Book 190, Page 411 in the Register of Deeds for Stokes County, North Carolina.

Parcel 5

Beginning at an iron stake in Rhoda Martin line and Reginald Martin corner; thence with Martin line South 4 deg. West 187.0 feet to an iron stake; Reginald Martin corner in road and Arthur Mabe line; thence with Road and Mabe line South 80 deg. East 94 feet to an iron stake in road and Arthur Mabe line James H. Martin corner; thence with Martin line North 4 deg. East 187.0 feet to an iron stake James H. Martin corner in Rhoda Martin line; thence with Rhoda Martin line North 80 deg. West 94.0 feet to the beginning, containing .40 acres more or less.

Being in all respects the same property conveyed by deed from Donald K. Martin to Duke Power Company, and recorded June 13, 1969, in Deed Book 188, Page 139 in the Register of Deeds for Stokes County, North Carolina.

Parcel 6

Being known and designated as Lot Nos. 11, 12, 13 and 14 in the subdivision of the lands of Thornton A. Freeman Estate, according to a map or plat of same made by F. O. Jones, surveyor in December 1947, which plat is recorded in the Office of the Register of Deeds, Stokes County, North Carolina in Book 108, at Pages 205 and 206, to which reference is hereunto made.

Being in all respects the same property conveyed by deed from Carrie Y. Holland and husband, C. E. Holland, to WOCASAR, Inc. and recorded April 25, 1969, in Deed Book 187, Page 496 in the Register of Deeds for Stokes County, North Carolina. Being in all respects a portion of the same property conveyed by WOCASAR, Inc. to Duke Power Company on August 18, 1969 and recorded December 22, 1969 in Deed Book 190, Page 411 in the Register of Deeds for Stokes County, North Carolina.

Parcel 7

Being known and designated as Lot Nos. 15 through 21, inclusive, and a farm Tract No. 2 as set out upon the subdivision of the lands of the Thornton A. Freeman Estate, recorded in Book 108, at Pages 205 and 206, in the Office of the Register of Deeds, Stokes County, North Carolina.

Being in all respects the same property conveyed by deed from C. E. Holland and wife, Carrie Y. Holland, to WOCASAR, Inc., recorded on March 25, 1969, in Deed Book 187, Page 321 in the Register of Deeds for Stokes County, North Carolina. Being in all respects a portion of the same property conveyed by WOCASAR, Inc. to Duke Power Company on August 18, 1969 and recorded December 22, 1969 in Deed Book 190, Page 411 in the Register of Deeds for Stokes County, North Carolina.

Parcel 8

Tract 1. Beginning at a point in the center of Craig Road Arthur Mabe corner (iron stake in the Eastern margin of said Road); thence South 2 deg. East 373.0 feet to a point in the center of said road, Arthur Mabe corner; thence with Mabe line South 84 deg. East 177.0 feet to an iron stake, Arthur Mabe corner; thence with Mabe line North 76 deg. 30' East 161.0 feet to an iron stake Arthur Mabe corner; thence with Mabe line North 45 deg. West 498.0 feet to the place of beginning, containing 1.53 acres more or less.

AND

Tract 2. Beginning at an iron stake in the margin of the public road at a point in Tabe Holland's line and runs thence in a northerly direction a distance of 95 yards along the margin of the public road to an iron stake; thence in an easterly direction a distance of 140 yards to an iron stake; thence in a southwesterly direction a distance of 90 yards to an iron stake, the place of beginning, containing 1 acres, more or less, and being a triangular shaped plat of land and a part of the Freeman Estate as purchased by Arthur Mabe.

Being in all respects the same property conveyed by deed from Reverend J. H. Hutchins, D.G. Freeman and Lonzo G. Mabe, Trustees of the Belews Creek Baptist Church, and their successors in office, to Duke Power Company dated January 15, 1970, and recorded on February 20, 1970, in Deed Book 190, Page 682 in the Register of Deeds for Stokes County, North Carolina.

Parcel 9

Tract 1. Beginning at a point in the east margin of Belews Creek Road, corner of Ralph Chilton; said point being 2500 feet East of Chilton's corner and from said corner running North 10 deg. 38' West 397 feet to a stake in East margin of Road; thence still with Road North 00 deg. 32' West 170 feet to a stake; thence leaving road South 84 deg. 00' East 150 feet to a stake, church lot corner; thence with church lot North 76 deg. 30' East 177 feet to a stake; thence with church lot, North 45 deg. 00' West 498 feet to a point in margin of road; thence with road North 17 deg. 30' West 383.5 feet to a point in margin of road; thence with road North 02 deg. 30' West 254.2 feet to a point in margin of road; thence leaving road and with line of Pearl Hoyle, South 61 deg. 15' East 160 feet to a stake; thence with Hoyle line, North 25 deg. 15' East 140 feet to a stake; thence South 67 deg. 30' East 70 feet to a stake; thence with

Holland's line, North 32 deg. 30' East 210 feet to a stake; thence North 63 deg. 30' West 210 feet to iron stake; Reggie Martin's corner; thence crossing public road, North 36 deg. 15' East 337 feet to an iron stake; thence with Martin's line, South 80 deg. 00' East 676.3 feet to an iron stake; thence with Martin's line South 72 deg. 30' East 100 feet to an iron stake; thence with James Mabe's line, South 19 deg. 00' West 157 feet to an iron stake; thence with Mabe's line, South 71 deg. 30' East 228 feet to an iron stake; thence with Mabe's line, North 11 deg. 30' East 150 feet to an iron stake; thence with line of Mrs. C. E. Holland, South 72 deg. 30' East 175.3 feet to a stone; thence with her line South 44 deg. 09' East 353.2 feet to an oak stump and stone; thence South 27 deg. 58' East 1523 feet with her line to a forked pine; thence South 42 deg. 20' East 400 feet to center of Belews Creek; thence with Ralph Chilton's line West 2500 feet to the beginning, containing 74.60 acres more or less, as surveyed.

Tract 2. Beginning at a Hickory, Allen Knight's old corner, running South 57 poles to a post oak; thence South 38 deg. West 18 $\frac{3}{4}$ poles with line of Lot No. 1, in division of B. S. Brown's land to a stone; thence East 51 poles to a stone; thence North 38 deg. East 18 $\frac{3}{4}$ poles to a stake; thence North 57 poles to a stake; thence North to the beginning, containing 24 acres more or less.

Tract 3. Beginning at Branson's corner on Black Oak and running South on Mrs. B. S. Brown's line 104 poles to a hickory, now down on Knight's and Phillip corner; thence East 31 poles to a Black Oak on old line; thence North 104 poles to pointers on Branson's line; thence West 31 poles to the beginning, containing 20 acres more or less.

Tract 4. Beginning at three birches on the bank of Big Belews Creek, the Northeast corner of the tract as shown on a plat of same made by R. B. Carter, Surveyor, and running South 4 deg. 30' West 13.50 chains; South 13 deg. 30' East 5 chains; South 45 deg. West 8 chains; South 35 deg. 45' West 13 chains; South 22 deg. East 3 chains; South 40 deg. East 5.85 chains to a birch; thence crossing road leading to Pine Hall, North 85 deg. 15' West 53.25 chains to a stone; North 4 deg. 45' East 42.50 chains to pointer; thence South 85 deg. 45' East, crossing the road leading to Pine Hall, 58 chains to the beginning, containing 233.72 acres, more or less.

Tract 5. Beginning at a post oak in Meranda Branson line, running North 40.50 chains to sourwood pointers, being Northeast corner of George Vaughn land; thence continuing along said line North 2.24 chains to the creek at a maple; thence up Belews Creek as it meanders to Mrs. M.J. Feeman's line; thence South 42 deg. East to a poplar stump near the meadow spring; thence South 25 chains to a maple in Meranda Branson's line; thence East 16 chains with her line to the beginning, containing 66 acres, more or less.

Tract 6. Beginning at a black gum, Freeman's corner, and running thence with Freeman's line East 35 chains to pointers in a hollow; thence an old division line South 28 deg. East 43 chains to pointers on the bank of Belews Creek; thence up the same Westerly $\frac{1}{2}$ chain to the mouth of Rocky Branch Creek; thence up said branch Northwesterly 41 $\frac{1}{2}$ chains to a poplar on the West bank of said branch; thence West 18 $\frac{1}{2}$ chains to Dalton's line; thence North 10 chains; thence West 8 chains; thence North 16 $\frac{3}{4}$ chains to the place of beginning, and containing 123 acres, more or less.

Tract 7. Beginning at a stake in a branch and pointers; running thence North 1 deg. 45' West 281.2 feet to a hickory stump, M.S. Freeman's corner; thence with Freeman's line North 88 deg. 30' West 765.5 feet to a red oak stump in Freeman's line; thence North 5 deg. East 173.2 feet to a stone in said

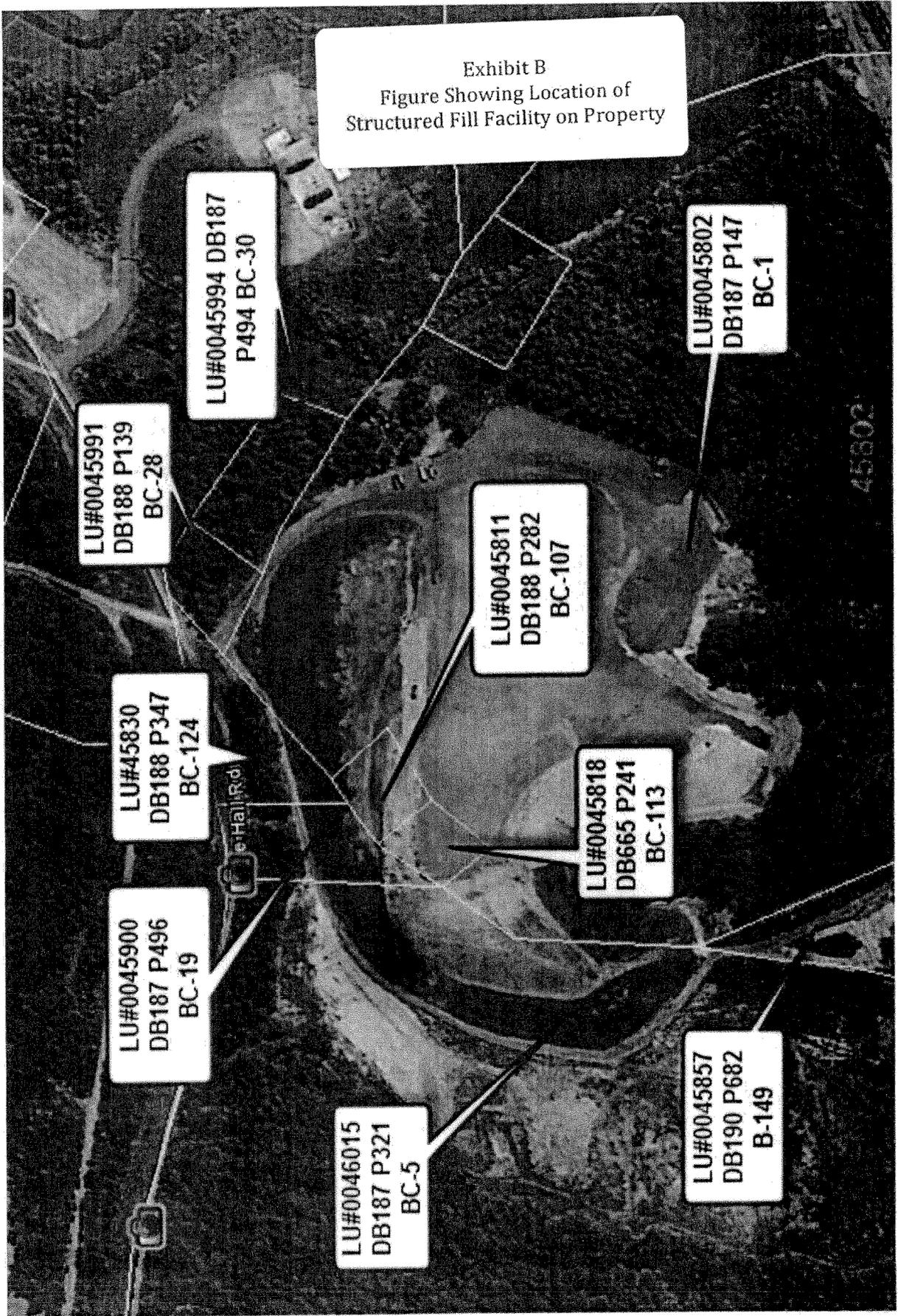
Freeman's line; thence with said Freeman's line North 86 deg. 45' West 626 feet to a stake in the South side of the second branch; Bob Vaughn's Northeast corner; thence with said Vaughn's line South 963 feet to a stake in a branch, the Northwest corner of Lot No. 2; thence down said branch to the point to the point of beginning, containing 19.2 acres, more or less.

Tract 8. Beginning at a white oak corner in Branson's (Meranda) line to head of branch; thence west 23 poles to Eanes Hairston's corner on Branson's line; thence South on E. Hairston's line 104 poles to a black oak; thence Northeast on a division line 164 poles to a white oak at the beginning, containing 57 ½ acres, more or less.

AND

Tract 9. Being known and designated as Tract Nos. 5 and 6 as set out upon the Subdivision of the lands of the Thorton A. Freeman Estate, recorded in Deed Book 108, at Pages 205 and 206, in the Office of the Register of Deeds, Stokes County, North Carolina.

Being in all respects the same property conveyed by deed from D. S. Hedgecock and wife, Mary Lee Hedgecock, to WOCASAR, Inc. dated February 20, 1969, and recorded in Deed Book 187, Page 147 in the Register of Deeds for Stokes County, North Carolina. Being in all respects a portion of the same property conveyed by WOCASAR, Inc. to Duke Power Company on August 18, 1969 and recorded December 22, 1969 in Deed Book 190, Page 411 in the Register of Deeds for Stokes County, North Carolina.



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.