

VAN BUREN LAW, PLLC

April 22, 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Ms. Elizabeth Werner
NCDENR- Division of Waste Management
Solid Waste Section/Permitting Branch
217 West Jones Street
Raleigh, North Carolina 27603

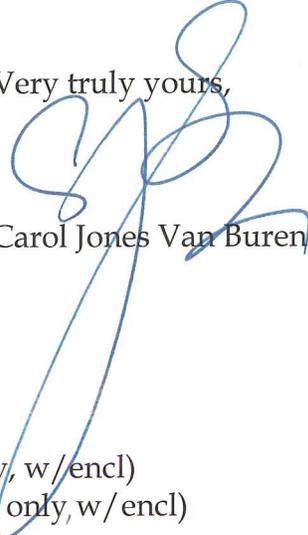
RE: Notice of Structural Fill Facility- Marshall Steam Plant

Dear Ms. Werner:

Please find enclosed the original Notice of Structural Fill Facility for the Marshall Steam Plant that was recently recorded in Book 03180 at Pages 0156-0160 at the Catawba County Register of Deeds on March 28, 2013.

Please call me with any questions.

Very truly yours,


Carol Jones Van Buren

CJVB:pch
Enclosure

Cc: Ms. Anna Jew (via regular mail only, w/encl)
Garry S. Rice, Esq. (via regular mail only, w/encl)

FILED Catawba County

on Mar 28, 2013 at 10:13:00 am

Excise Tax \$0.00 (AT)

INST. # 06194

DONNA HICKS SPENCER,
Register of Deeds

Ek 03180 Pg 0156-0160

Property Owner: Duke Energy Carolinas, LLC

Recorded in Book 03180, **Page** 0156-0160

✓ **Prepared by and return to:** Carol Jones Van Buren, Esq., Van Buren Law, 5925 Carnegie Boulevard, Suite 530, Charlotte, NC 28209

NOTICE OF STRUCTURAL FILL FACILITY

This **Notice of Structural Fill Facility** ("Notice") has been filed this 25th day of March, 2013, 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"). 4,700,000 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 25th day of MARCH, 2013.

0157

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

By: *George W. Christian, Jr.*
Name: George W. Christian, Jr.
Title: DIRECTOR, LAND SERVICES

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., _____ of Duke Energy Carolinas, LLC, a North Carolina limited liability company.

Date: 3/25/2013

Ellen Whitlock
Official Signature of Notary

(Official Seal)

Notary's printed or typed name, Notary Public
My commission expires: 12/25/2013

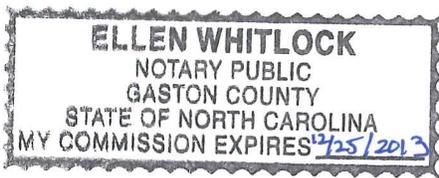


EXHIBIT A

0158

LEGAL DESCRIPTION

Parcel 1 (LU 49312)

That certain tract of land containing 9.43 acres, as shown as plat of survey dated February 15, 1982 marked Mtn. Island File No. 1176, copy of which is attached to that certain deed recorded in Book 1283, Page 157, Catawba County Public Registry, said land having been conveyed to Duke Power Company by deed recorded in Book 1283, Page 157, Catawba County Public Registry.

Being in all respects Tract 2 of that certain real property conveyed by deed from Duke Energy Carolinas, LLC, as Grantor, to Duke Energy Carolinas, LLC, as Grantee, dated February 9, 2009, and recorded in Deed Book 2954 at Page 0421, on February 13, 2009, in the Catawba County Register of Deeds.

Parcel 2 (LU 49312 & 59825)

Tract A: All that certain tract of land containing 101.97 acres, bound on the north and east by Duke Power Company's Marshall Ash Basin and on the west by the centerline of S.R. No. 1847, as shown on plat of survey dated April 6, 1994, a copy of which is attached as Exhibit B to that certain deed recorded in Book 2001, Page 1021 AND BEING all of "Tract 10" conveyed by Crescent Resources, Inc. and CLT Development Corp. by corrective deed recorded in Deed Book 1898 at page 427 in the office of the Register of Deeds for Catawba County, said land having been conveyed to Duke Power Company as Tract 2 in deed recorded in Book 2001, Page 1021, Catawba County Public Registry.

Parcel B: All that certain tract of land containing 73.00 acres, more or less, bound on the north by the centerline of S.R. 1838, and on all other sides by Duke Power Company's project boundary of Marshall Steam Plant, as shown on plat of survey dated April 6, 1994, recorded in Plat Book 35 at Page 128 in the office of the Register of Deeds for Catawba County; AND BEING a portion of "Tract 11" conveyed by Crescent Resources, Inc. and CLT Development Corp. by corrective deed recorded in Deed Book 1898 at page 427 in the office of the Register of Deeds for Catawba County, said land having been conveyed to Duke Power Company as Tract 3 in deed recorded in Book 2001, Page 1021, Catawba County Public Registry.

Parcel C: That certain parcel of land described as Parcel C of Tract 5 in the deed from Duke Energy Carolinas, LLC, as Grantor, to Duke Energy Carolinas, LLC, as Grantee, dated February 9, 2009, and recorded in Deed Book 2954 at Page 0421, on February 13, 2009, in the Catawba County Register of Deeds.

Parcels A, B and C of Parcel 2 being in all respects Parcels A, B and C of Tract 5 of that certain real property conveyed by deed from Duke Energy Carolinas, LLC, as Grantor, to Duke Energy Carolinas, LLC, as Grantee, dated February 9, 2009, and recorded in Deed Book 2954 at Page 0421, on February 13, 2009, in the Catawba County Register of Deeds.

Parcel 3 (LU 49984)

0159

BEGINNING at the northwesterly corner of the lands of Duke Power Company (formerly W.A. Christy) and running thence with the northerly line of the property of Frank Cherry N 87-00 W 676.5 ft.; thence with the westerly line of the property of Frank Cherry S 4-36 W 452.1 ft.; thence with another northerly line of the property of Frank Cherry N 86-30 W 854.1 ft.; thence with the northerly line of the Woodward property N 82-43 W 1,002.5 ft.; thence with the easterly line of the property of Otho Brotherton N 5-38 E 1,613.5 ft.; thence with the easterly line of the property of Richard Beatty and Ilene Gabriel and the property of James C. Howard N 5-57 E 390.9 ft. to the southwest corner of the property of Junius P. Sherrill; thence with the southerly line of said property N 86-57 E 861.2 ft.; thence S 84-32 E 1,530.3 ft.; thence S 0-50 W 1,567.2 ft. to the BEGINNING, containing 109.0 acres as shown on print dated January 23, 1961, marked Mountain Island File No 719; being the same property conveyed to O.W. Gabriel by deed of W.A. Day dated November 25, 1921, and recorded in Book 160 at page 373 in the office of the Register of Deeds for Catawba County.

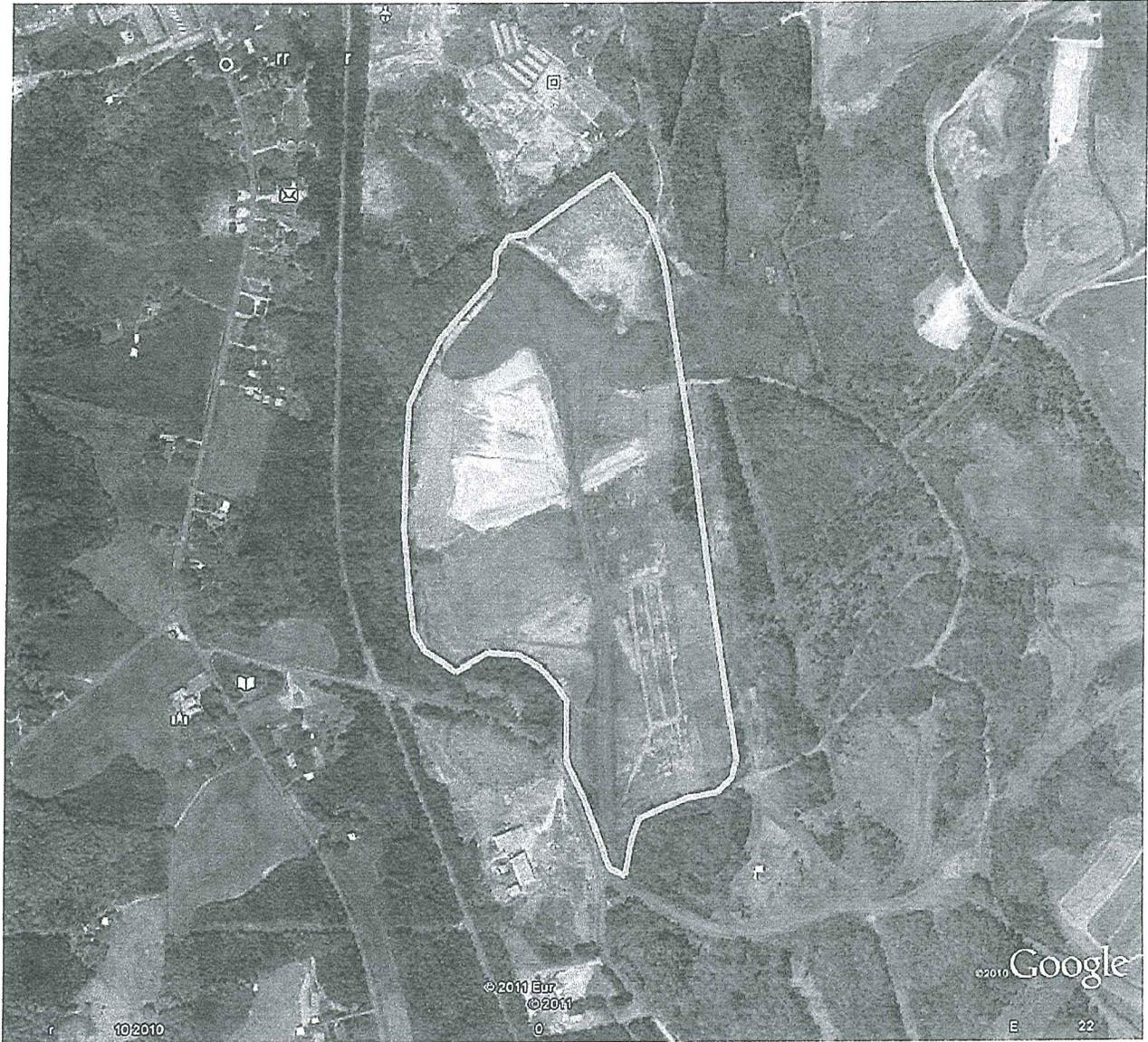
Being in all respects the same real property conveyed by deed from O.W. Gabriel and wife, Annie Saunders Gabriel, as Grantors, to Duke Power Company, as Grantee, dated January 31, 1961, and recorded in Deed Book 652 at Page 48, on February 1, 1961, in the Catawba County Register of Deeds.

Further, a portion (but not all) of the real property described in this Parcel 3 is contained within the legal description of Parcel 2 above.

Parcel 4 (LU 49157)

That tract of land containing 22.6 acres, more or less, bounded on the east by lands of Duke Power Company and on all other sides by lands of Crescent Land & Timber Corp., the contour elevation 820 feet above mean sea level, U.S.G.S. datum, being established as the boundary, as shown on the plat of survey entitled, "Duke Power Company Addition to Marshall Steam Station Ash Basin Acquired from Crescent Land & Timber Corp.," dated September 19, 1979, marked Mtn Island File No. 1178, Deed File No. UMI-697(4), AND BEING a portion of the property conveyed to Crescent Land & Timber Corp. by deed of Duke Power Company dated May 1, 1969, and recorded in Book 947 at Page 632 in the Catawba County Registry, AND BEING ALSO a portion of the property conveyed to Duke Power Company by five deeds as follows: (1) from O.W. Gabriel, dated January 31, 1961, and recorded in Book 652 at Page 48 of the Catawba County Registry; (2) from W. Pink Turner, dated March 8, 1927, and recorded in Book 191 at Page 355 of the Catawba County Registry; (3) from Garland Gabriel, dated February 18, 1927, and recorded in Book 211 at Page 101 of the Catawba County Registry; (4) from John R. Raymer, dated September 24, 1927, and recorded in Book 191 at Page 531 of the Catawba County Registry; and (5) from D.A. Sheeks, dated March 3, 1958, and recorded in Book 555 at Page 235 of the Catawba County Registry.

Being in all respects Tract 3 of that certain real property conveyed by deed from Crescent Land & Timber Corp., as Grantor, to Duke Power Company, as Grantee, dated October 15, 1979, and recorded in Deed Book 1216 at Page 916, on October 18, 1979, in the Catawba County Register of Deeds.



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.

NCGS 47-30(n)

EXHIBIT B

STRUCTURAL FILL AREA