



A Duke Energy Company

Environment, Health & Safety  
Environmental Protection  
13339 Hagers Ferry Road  
Huntersville, N.C. 28078  
(704) 875-5974

### Fax Cover Sheet

**TO:** Bill Holcutt

**Company:** NC DENR

**Phone #:** \_\_\_\_\_

**Fax #:** \_\_\_\_\_

**From:** Allen Stowe

**Phone #:** (704) 875-4655

**Fax #:** \_\_\_\_\_

**Comments:** Re: Coal Ash Structural Fills -  
Iredell; Terry K Smith. I have included the recordation  
with the Register of Deeds (.1707) for this site. I noticed from  
your records that this information was missing.

Number Pages (Excluding Cover Sheet) 2

## Customers are our focus!

STATE OF NORTH CAROLINA  
COUNTY OF IREDELL

STATEMENT OF STRUCTURAL FILL

The undersigned, Terry K. Smith and Crystal Smith, in accordance with the provisions of N.C.G.S. 130A-294 and 15A NCAC 13B.1703, acknowledge that they are the owners of the real property located in Davidson Township, Iredell County, North Carolina, and more specifically described on Schedule A attached hereto.

The undersigned further acknowledge that they have consented to the use of coal combustion by-products as structural fill on the real property described on Schedule A. The volume of coal combustion by-products placed on this property is approximately 55,000 tons.

IN WITNESS WHEREOF, said parties have hereunto set their hand and have caused this instrument to be signed this 22<sup>nd</sup> day of May, 1995.

Terry K. Smith (SEAL)  
TERRY K. SMITH

Crystal Smith (SEAL)  
CRYSTAL SMITH

STATE OF NORTH CAROLINA  
COUNTY OF IREDELL

I, Notary Public for the County and State aforesaid do hereby certify that Terry K. Smith personally appeared before me and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this the 22<sup>nd</sup> day of May, 1995.

Sabrina F. Johnson  
NOTARY PUBLIC

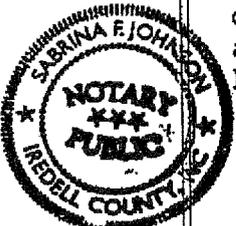
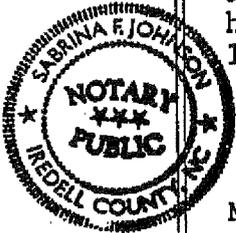
My Commission Expires: 11-26-95

STATE OF NORTH CAROLINA  
COUNTY OF IREDELL

I, Notary Public for the County and State aforesaid do hereby certify that Crystal Smith personally appeared before me and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this the 22<sup>nd</sup> day of May, 1995.

Sabrina F. Johnson  
NOTARY PUBLIC

My Commission Expires: 11-26-95



STEVEN G. TATE  
ATTORNEY AT LAW  
STATESVILLE, NC  
28687

## ATTACHMENT "A"

BEGINNING at a point in the center line of NC Highway 150, West of the Town of Mooresville, which point is the Southeast corner of CMW Properties (see Deed Book 813, Page 124 and Deed Book 831, Page 797, Iredell County Registry) and same is a common corner with the Southwest corner of Donald L. Horton (see Deed Book 739, Page 594 and Deed Book 771, Page 428, Iredell County Registry); thence with the center line of said NC Highway 150 North 74 deg. 24 min. 42 sec. West 396.38 feet to a point in the center line of NC Highway 150, said point being a common corner of CMW Properties and Richard W. Keffer, Jr. (see Deed Book 816, Page 191, Iredell County Registry); thence leaving the center line of NC Highway 150 and the common line of CMW Properties and Keffer and passing through an existing iron pin at 30 feet, North 15 deg. 35 min. 18 sec. East 651.82 feet total to an iron pin set, which point is a common corner of CMW Properties, and EMR Builders, Inc., (see Deed Book 757, Page 882, Iredell County Registry); thence with the line of CMW Properties and EMR Builders, Inc., South 82 deg. 22 min. 33 sec. East 158.47 feet to an existing iron pin; thence North 07 deg. 50 min. 13 sec. West 40.46 feet to a point; thence with a curve of the center line of an existing 50 foot easement which curve has a radius of 563.82 feet, arc length of 64.93 feet and a chord of 64.90 feet to a point; thence leaving the center line of said 50 foot easement South 03 deg. 56 min. 29 sec. East 47.23 feet to an existing iron pin in the common line of CMW Properties and S. W. Neel (see Deed Book 649, Page 398); thence with the common line of CMW Properties and Neel South 03 deg. 56 min. 29 sec. East 99.64 feet to an existing iron pin at a stone, which pin is a common corner of CMW Properties, Neel and Horton; thence with the common line of CMW Properties and Horton South 01 deg. 52 min. 52 sec. West 605.88 feet total passing through an existing iron pin 51.27 feet from the point of BEGINNING, containing 4.880 acres and designated as Lot 2 on a survey by Sharpe Surveying Company dated 3-14-92 and filed as a minor subdivision plat of the property of CMW Properties on May 7, 1992, Plat Book 23, Page 6 and 6A, Iredell County Registry.