



INSTRUMENT # 2011001461

**CORRECTIVE OR SCRIVENER'S AFFIDAVIT AND NOTICE OF CORRECTION OF
TYPOGRAPHICAL OR OTHER MINOR ERROR
[N.C.G.S. § 47-36.1]**

This Corrective or Scrivener's Affidavit and Notice of Correction of Typographical or other Minor Error pursuant to N.C.G.S. § 47-36.1 ("Affidavit and Notice") was prepared under the direction of:
W. Wallace Finlator, Jr., Assistant Attorney General, N.C. Department of Justice, Environmental Division, 9001 Mail Service Center, Raleigh, N.C. 27699-9001

After recording return to: Patrick Watters, N.C. Division of Waste Management, Superfund Section, 1646 Mail Service Center, Raleigh, N.C. 27699-1646

The undersigned Affiant, being first duly sworn, hereby swears or affirms that the Declaration of Perpetual Land Use Restrictions ("Declaration") recorded on June 10, 2010, in Book 1721, Page 615, Beaufort County Registry, by **Washington Center, LLC** and approved by the **North Carolina Department of Environment and Natural Resources ("NCDENR")** pursuant to N.C.G.S. 130A-310.3(f) contained the following typographical or other minor error:

The recording reference provided in the Declaration (page 1, 2nd paragraph, last sentence) for the survey plat constituting the Notice of Inactive Hazardous Substance or Waste Disposal Site was incorrect. The correct recording reference for the survey plat constituting the Notice of Inactive Hazardous Substance or Waste Disposal Site is Plat Cabinet H, Slide 50-4, Office of the Register of Deeds for Beaufort County.

The names of the original parties to the Declaration and as they are named in this Affidavit and Notice are Washington Center, LLC and NCDENR.

Affiant is knowledgeable of the agreement and the intention of the parties in this regard. Affiant is the (check one):

- Drafter of original instrument being corrected
- Closing attorney for transaction involving instrument being corrected
- Attorney for grantor/mortgagor named above in instrument being corrected
- Owner of the property described in instrument being corrected
- Other (Explain: duly authorized NCDENR representative signing the Declaration)

A copy of the original instrument (in part or in whole) () is / () is not attached.

Jack Butler

Signature of Affiant
Jack Butler, Chief
Superfund Section
Division of Waste Management
North Carolina Department of Environment and Natural Resources

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Signed and sworn to (or affirmed) before me, this the

11th day of March, 2011.

[Notary Stamp or Seal]

Holly A. Murray
Notary Public

HOLLY A. MURRAY
Notary Public
Wake County, NC
My Commission Expires 11/19/2014

Holly A. Murray
Notary Public's Printed Name

My Commission Expires: 11/19/2014

DECLARATION OF PERPETUAL LAND USE RESTRICTIONS

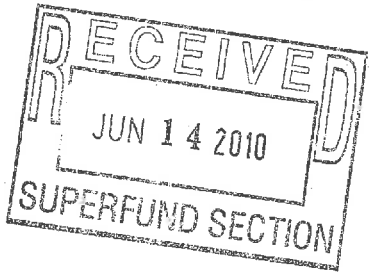
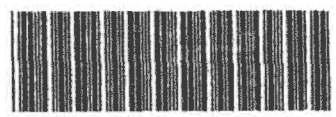
For Property Owned By: Washington Center, LLC

Former Washington Manufactured Gas Plant Site, Beaufort County, North Carolina

The real property which is the subject of this Declaration of Perpetual Land Use Restrictions ("Declaration") is contaminated with hazardous substances, and is an **INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE** as defined by North Carolina's Inactive Hazardous Sites Response Act of 1987, which consists of Section 130A-310 through Section 130A-310.19 of the North Carolina General Statutes ("N.C.G.S."). The real property which is the subject of this Declaration shall hereinafter referred to as the "Site." This Declaration is part of a Remedial Action Plan for the Site that has been approved by the Secretary of the North Carolina Department of Environment and Natural Resources (or its successor in function), or his/her delegate, as authorized by N.C.G.S. Section 130A-310.3(f). The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR."

Washington Center, LLC, Washington, North Carolina is the owner in fee simple of the Site, which is located at the south side of West Third Street between Van Norden Street and North Bridge Street in the County of Beaufort, City of Washington, State of North Carolina, and is the real property legally described in Deed Book 1455, Page 649 in the Office of the Register of Deeds for Beaufort County. The Site is also shown on a Notice of Inactive Hazardous Substance or Waste Disposal Site, constituting a survey plat that is concurrently being recorded with this Declaration Plat Cabinet G, Slide 54-6 in the Office of the Register of Deeds for Beaufort County.

For the purpose of protecting public health and the environment, Washington Center, LLC hereby declares that all of the Site shall be held, sold and conveyed subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the Site or any part thereof, their heirs, successors and assigns; and shall, as provided in N.C.G.S. Section 130A-310.3(f), be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. These restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Beaufort County Register of Deeds receives and records the written concurrence of the Secretary of DENR (or its successor in function), or his/her delegate. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.



PERPETUAL LAND USE RESTRICTIONS

1. The Site shall be used for commercial and/or residential purposes only with the required implementation and maintenance of engineering and/or institutional controls approved in advance by DENR or its successor in function. Operation and maintenance engineering controls will be required and documentation of such activities will be provided to DENR or its successor in function.

2. Mowing of vegetation and tree pruning are allowed on the Site.

3. Activities necessary to maintain the security of the Site, prevent human exposure to contaminated materials, and to prevent erosion of the contaminated soil at the Site are permitted, if approved in advance by DENR or its successor in function.

4. Except as approved in writing by DENR or its successor in function, all other uses of the site are prohibited, specifically including, but not limited to, the following:

a. Subsequent to redevelopment by Washington Center LLC, its successors and assigns, the Site shall not be subject to any additional above-ground or below-ground construction, improvements (including, but not limited to, utilities, roads, and sidewalks). No alternation, disturbance or removal of the existing soil, landscape and contours shall occur other than erosion control measures approved by DENR or its successor in function.

b. The Site shall not be used for agricultural or grazing purposes or for timber production.

c. The Site shall not be used for kennels, private animal pens, or for riding clubs.

d. The Site shall not be used for mining, extraction of coal, oil, gas or any other minerals or non-mineral substances.

e. Surface or underground water shall not be used for any purpose. The installation of groundwater wells or other devices for access to groundwater for any purpose other than monitoring groundwater quality is prohibited without prior approval by DENR, or its successor in function.

f. Any other uses of the Site after redevelopment by the owner shall first be approved in writing by DENR or its successor in function.

5. The owner, its successors or assigns of any portion of the Site shall submit a letter report, containing the notarized signature of the owner, in January of each year on or before January 31st, to the Superfund Section of the Division of Waste Management of DENR, or its successor in function, confirming that this Declaration is still recorded in the Office of the Beaufort County Register of Deeds and that activities and conditions at the Site remain in compliance with the land use restrictions herein.

6. No person conducting environmental assessment or remediation at the Site, or involved in

determining compliance with applicable land use restrictions, at the direction of, or pursuant to a permit or order issued by, DENR or its successor in function may be denied access to the Site for the purpose of conducting such activities.

7. The owner of any portion of the Site shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the Site to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Declaration. The failure to include such provision shall not affect the validity or applicability of any land use restriction in this Declaration.

REPRESENTATIONS AND WARRANTIES

The owner of the Site hereby represents and warrants to the other signatories hereto:

that the owner of the Site is the sole owner of the Site;

that the owner of the Site holds fee simple title to the Site free, clear and unencumbered;

that the owner of the Site has the power and authority to enter into this Declaration, to grant the rights and interests herein provided and to carry out all obligations hereunder;

that the owner of the Site has provided to DENR the names of all other persons that own an interest in or hold an encumbrance on the Site and has notified such persons of the owner's intention to enter into this Declaration;

that this Declaration will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the owner of the Site is a party or by which the owner of the Site may be bound or affected.

ENFORCEMENT

The above land use restrictions are an integral part of the remedy for the contamination at the Site. Adherence to the restrictions is necessary to protect public health and the environment. These land use restrictions shall be enforced by any owner, operator, or other party responsible for any part of the Site. The above land use restrictions may also be enforced by DENR through the remedies provided in N.C.G.S. Chapter 130A, Article 1, Part 2 or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Declaration without the approval of DENR or its successor in function shall constitute noncompliance with the Remedial Action Plan approved by DENR for the Site, and shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

When any portion of the Site is sold, leased, conveyed or transferred, pursuant to N.C.G.S. Section 130A-310.8(e) the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the real property being sold, leased, conveyed, or transferred has been used as a hazardous substance or waste disposal site and a reference by book and page to the recordation of the Notice of Inactive Hazardous Substance or Waste Disposal Site referenced in this Declaration.

OWNER SIGNATURE

IN WITNESS WHEREOF, I execute these presents on this 22nd day of FEBRUARY, 2010.

Signatory's name typed or printed: William J. Ziegler, MANAGER

Signature: *William J. Ziegler*

CA
STATE OF ~~NORTH CAROLINA~~
COUNTY OF Maricopa

I, Dana Orlando, a Notary Public, do hereby certify that William J. Ziegler personally appeared before me this day, produced proper identification in the form of CA DL, declared that he is the Member Partner of Washington Center LLC and that by authority duly given, and as the act of Washington Center LLC he has signed this Declaration.

WITNESS my hand and official seal this 22 day of Feb, 2010

Dana Orlando
Notary Public

My Commission expires: 12-9-11

[SEAL]



APPROVAL AND CERTIFICATION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The foregoing Declaration of Perpetual Land Use Restrictions is hereby approved and certified.

By: Jack Butler

Jack Butler, Chief
Superfund Section
Division of Waste Management
North Carolina Department of Environment and
Natural Resources

STATE OF NORTH CAROLINA
COUNTY OF Wake

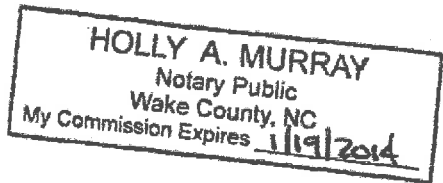
I, Holly A. Murray, a Notary Public, do hereby certify that Jack Butler personally appeared before me this day, produced proper identification in the form of NC Drivers License, and signed this Declaration.

WITNESS my hand and official seal this 9th day of April, 2010.

Holly Murray
Notary Public

My Commission expires: 1/19/2014

[SEAL]



Pick up: Jack Ulrichs/jew

Label - NC Department of Environmental & Natural Resources/aw
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