



FOR REGISTRATION REGISTER OF DEEDS
Willie L. Covington
DURHAM COUNTY, NC
2011 SEP 19 01:29:41 PM
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INSTRUMENT # 2011028061

NOTICE OF RESIDUAL PETROLEUM

Happer Property, Durham County, North Carolina
(site name)

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with. This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum, and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the

Durham Register of Deeds' office Book 2150, Page 779-780.
(name of county)

Any map or plat required by DENR has been/shall be recorded at the Durham Register of Deeds' office Book 2150, Page 779-780, and has been/shall be incorporated into the Notice by this reference.

Source Property

Carolyn Murray Happer of Raleigh, NC is the owner in fee
(owner's name) *(city & state of homeowner)*
simple of all or a portion of the Site, which is located in the County of Durham, State of North Carolina, and is known and legally described as:

Return to:
STRATUS ENV. SERV. LLP
PO Box 97683
RALEIGH NC 27624-7683

BEGINNING at a stake at the Northwest corner of Lot 10, Block I, Hope Valley, as shown on plat recorded in Plat Book 13, Page 137, Durham County Registry and running thence North 60° 59' 44" East 103.34 feet to a point; thence South 82° 03' 27" East 136.31 feet to a point on the west side of Hathaway Road; thence North 82° 06' East 227.54 feet to the point and place of BEGINNING as shown on that unrecorded survey by Robert W. Young, Land Surveyor, dated June 24, 1995 entitled "Survey for Carolyn Murray Happer". See also Plat Book 6 Page 90 and Plat Book 13, Page 137, Durham County Registry.

PERPETUAL LAND USE RESTRICTIONS

Soil: Soil containing residual petroleum above applicable regulatory standard(s) remains on the site in the area identified as "Bottom" (depth of 9') in Figure 2, Attachment A. No soil shall be excavated or disturbed within 3 feet of the area identified in Figure 2, Attachment A except to remediate the soil in accordance with all applicable state and federal statutes, regulations and guidelines.

~~Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.~~

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law 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 Notice without the approval of DENR (or its successor in function) 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 restriction(s) 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.

IN WITNESS WHEREOF, CAROLYN HAPPER has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 23 day of August, 2011.

Carolyn Murray Happer
(name of responsible party if agent is signing)
By: Carolyn Murray Happer
(signature of responsible party, attorney or other agent if there is one)
Carolyn Murray Happer
(title of agent for responsible party if there is one)

Signatory's name typed or printed: Carolyn Murray Happer

NORTH CAROLINA
Wake COUNTY
(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Carolyn Murray Hopper

Date: August 31, 2011



Donna G. Knott
(signature of Notary Public)

Donna G. Knott
(printed or typed name of Notary Public)

Notary Public

My commission expires: May 21, 2013

Approved for the purposes of N.C.G.S. 143B-279.11

Mark R. Powers
(signature of Regional Supervisor)

MARK R. POWERS, Regional Supervisor
(printed name of Regional Supervisor)

RALEIGH Regional Office

UST Section
Division of Waste Management
Department of Environment and Natural Resources

NORTH CAROLINA
Wake COUNTY
(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Mark R. Powers (full printed name of Regional Supervisor)

Date: 9/7/11

(Official Seal)



Janet L. Manthey
(signature of Notary Public)

Janet L. Manthey
(printed or typed name of Notary Public)

Notary Public

My commission expires: 3/30/14

