

OFFICE OF CLERK SUPERIOR COURT  
CLINCH COUNTY, GEORGIA

Deed Book 67 Page 235

Filed for Record at 1100 O'clock A M. this  
19<sup>th</sup> day of March 20 10. Recorded in  
Deed Book 67 Page 235-250  
March 19<sup>th</sup> 20 10.  
Mon Nash Clerk

After Recording Return To:  
Joan B. Sasine, Esq.  
Bryan Cave LLP  
1201 West Peachtree Street, NW  
Fourteenth Floor  
Atlanta, Georgia 30309

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### Deed Restriction

This Deed Restriction subjects the Property identified below to the activity and/or use limitations specified in this document. The effective date of this Deed Restriction shall be the date upon which the executed Deed Restriction has been recorded.

**Fee Owner of Property:**

The Estate of Alexander Sessoms  
c/o Joy Crumbley, Co-Executor  
and Robert F. Sessoms, Co-Executor  
9625 Cogdell Road  
Homerville, Georgia 31634

**Property:**

The area subject to this Deed Restriction is the former Union Timber site (hereinafter "Property"), located on U.S. Route 84 in Homerville, Clinch County, Georgia. The postal street address is U.S. Route 84, Homerville, Georgia. The 29.66 acre tract that is part of Parcel ID No. 063-059 was conveyed on September 30, 1968 from Edna S. Sessoms to Alexander Sessoms recorded in Deed Book YY, Page 459, Clinch County Records. The 5.67 acre tract that is part of Parcel ID No. 063-059 was conveyed on August 30, 1974 from Edna S. Sessoms to Alexander Sessoms recorded in Deed Book 3D, Page 501, Clinch County Records. Parcel ID No. 063-063D was conveyed on August 22, 2001 from Southern Timber Venture, LLC to Alex K. Sessoms, II, Joy S. Crumbley and Robert F. Sessoms, as Co-Executors of the Estate of Alexander Sessoms, Deceased recorded in Deed Book 5U1, Page 108, Clinch County Records. The area is located in Land Lot 497 of the 7th District of Clinch County, Georgia. Tax Parcel 063-059 is 35.33 acres and Tax Parcel 063-063D is 28.03 acres. A complete legal description of the area is attached as Exhibit A and a map of the area is attached as Exhibit B.

**Tax Parcel Number(s):**

Tax ID parcel number(s) 063-059 and 063-063D of Clinch County, Georgia.

**Description of Contamination and Corrective Action:**

This Property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this Property. This notice is provided in compliance with the Georgia Hazardous Site Response Act.

A release of creosote, pentachlorophenol, various PAHs, dibenzofuran and numerous other constituents occurred on the Property. Creosote, pentachlorophenol, various PAHs, dibenzofuran and numerous other constituents are "regulated substances" as defined under the Georgia Hazardous Site Response Act, O.C.G.A. §12-8-90 et seq., and the rules promulgated thereunder (hereinafter "HSRA" and "Rules", respectively). The surface impoundment was closed by the owner in 1989. Sludges were removed from pond and creosote impacted soil on the bottom of the pond were mixed with Kiln dust to form a hardened 3 foot layer, which was then covered with a 3 foot layer of clay overlain with topsoil. In 2002, the owner removed impacted soil and sediment from the ditch that borders the southern boundary of the property and attempted to treat this material on-site in a treatment shed with a concrete slab. In 2005, a U.S. Environmental Protection Agency ("USEPA") Emergency and Rapid Response Services contractor removed one to two feet of contaminated soil from an area south of the former treatment shed and surface soil and sediment from the north-south trending drainage ditch along the eastern side of the former surface impoundment. Free product creosote was observed. Site restoration consisted of backfilling and seeding the excavated areas and installation of a security fence. The 2005 corrective action at the Property is described in the following document[s]: May 2005 Integrated Assessment, Union Timer Corporation, Revision 3 prepared by Weston Solutions, Inc. This document is available at the following locations:

Georgia Environmental Protection Division  
Hazardous Sites Response Program  
2 Martin Luther King, Jr. Drive, SE, Suite 1456  
Atlanta, Georgia 30334  
M-F 8:00 AM to 4:30 PM excluding state holidays

United States Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-3104

Post remediation testing confirms that additional corrective action is necessary for free product, soil, and ground water. This Deed Restriction includes institutional controls which limits use of the Property to non-residential activities, limits use of groundwater, and limits disturbance of the capped areas to protect human health and the environment.

#### Activity and/or Use Limitation(s)

1. Notice. The Owner of the Property or any other party conveying an interest in the Property must give thirty (30) day advance written notice to Georgia Environmental Protection Division ("EPD") of the intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated without adequate and complete provision for continued monitoring, operation, and maintenance of the previous corrective action. The Owner of the Property or any other party conveying an interest in the Property, must also give thirty (30) day advance written notice to EPD of the intent to change the use of the Property, apply for building permit(s), or propose any site work that would affect the Property.

2. Notice of Limitation in Future Conveyances. Each instrument hereafter conveying an interest in the Property subject to this Deed Restriction shall contain a notice of the activity and use limitations set forth in this Deed Restriction and shall provide the recorded location of the Deed Restriction.

3. Periodic Reporting. Annually, by no later than March 31 following the effective date of this Deed Restriction, the Owner shall submit to EPD an Annual Report including, but not limited to: maintenance and inspection activities, certification of non-residential use of the Property, and documentation stating whether or not the activity and use limitations in this Deed Restriction are being abided by.

4. Activity and Use Limitation(s). The Property shall be used only for non-residential uses, as defined in Section 391-3-19-.02 of the Rules and defined in and allowed under the Clinch County's zoning regulations as of the date of this Deed Restriction. Any residential use on the Property shall be prohibited. Any activity on the Property that may result in the release or exposure to the regulated substances that were contained as part of the corrective action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include, but are not limited to: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork, and removing the fence. In addition, no soil may be removed from the Property and used as fill material at another site.

5. Groundwater Limitation. The use or extraction of groundwater beneath the Property for drinking water, for irrigation, or for any other non-remedial purposes is prohibited.

6. Right of Access. In addition to any rights already possessed by EPD and/or EPA, the Owner shall allow authorized representatives of EPD and/or EPA the right to enter the Property at reasonable times for the purpose of evaluating the corrective action; to take samples, to inspect the corrective action conducted at the Property, to determine compliance with this Deed Restriction, and to inspect records that are related to the corrective action; and to perform additional corrective action.

7. Modification or Termination. This Deed Restriction shall remain in full force and effect, unless and until the Director of the EPD determines that the Property is in compliance with the Type 1, 2, 3, or 4 Risk Reduction Standards, as defined in Georgia Rules of Hazardous Site Response (Rules) Section 391-3-19-.07 of the Rules and removes the Property from the Hazardous Site Inventory, or otherwise agrees in writing that any or all of the restrictions are no longer necessary, whereupon the Deed Restriction may be modified or terminated.

8. Severability. If any provision of this Deed Restriction 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.

Notices.

Any document or communication required to be sent pursuant to the terms of this Deed Restriction shall be sent to the following persons:

Georgia Environmental Protection Division  
Hazardous Waste Management Branch  
Georgia Environmental Protection Division  
Suite 1154, East Tower  
2 Martin Luther King Jr. Drive SE  
Atlanta, Georgia 30334

ACKNOWLEDGED by Owner, in the following form.

## THE ESTATE OF ALEXANDER SESSOMS

Joy L. Crumbley  
Joy Crumbley  
Co-Executor

Dated: 3/8/10

Sworn to and subscribed before me  
this 8 day of March, 2010

[Signature]  
WITNESS

Harold Griffis Daniel  
NOTARY PUBLIC



Robert F. Sessoms  
Robert F. Sessoms  
Co-Executor

Dated: 3/8/10

Sworn to and subscribed before me  
this 8 day of March, 2010

[Signature]  
WITNESS

Harold Griffis Daniel  
NOTARY PUBLIC

