

After Recording Return to:
Gerald L. Pouncey, Jr.
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044

CROSS-REFERENCE:
County: Fulton
Deed Book: 51422
Page(s): 0602

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.*, as may be amended from time to time (hereinafter "Act"). This Environmental Covenant subjects the property identified below to the activity and/or use limitations and other requirements specified herein. This Environmental Covenant further grants such other rights in favor of the Environmental Protection Division (EPD) and Bright Hour Trust as set forth herein.

Fee Simple Owner(s)/Grantor(s): Bright Hour Trust
Attn: James Sochovka
P.O. Box 1569
Brentwood, TN 37024-1569

Grantee/Holder with the power to enforce: Bright Hour Trust
Attn: James Sochovka
P.O. Box 1569
Brentwood, TN 37024-1569

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 6.45 acres of real property located at 340 Armour Drive, Atlanta, Fulton County, Georgia, which is further identified by the tax parcel ID number below (hereinafter, "Property"). The Property was conveyed on January 2, 2001 to Bright Hour Trust. Such conveyance is recorded in Deed Book 51422 Page 0602, of the Fulton County deed records. The Property is identified as tax parcel 17 0058 LL0709 in Fulton County, Georgia.

A legal description of the Property is attached as Exhibit A and a survey of the Property is attached as Exhibit B. The Restricted Use Zone ("RUZ") at the Property that will be subject to the activity and use limitations described herein is approximately 3.50 acres lying entirely within the Property. The figure attached as Exhibit C depicts the boundary of the RUZ.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon Bright Hour Trust, and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the RUZ that arise under corrective action performed pursuant to the Voluntary Remediation Program at the Property. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Land Protection Branch
Response and Remediation Program
2 Martin Luther King, Jr. Drive, SE
Suite 1054 East Tower
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Notice: This Property has been listed on the State's Hazardous Site Inventory at HSI #10894 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.

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Monitoring and Maintenance. The Monitoring and Maintenance Plan dated November 19, 2020 (as may be amended from time to time with EPD's written approval) shall be implemented to ensure that annual inspections are performed

within the RUZ and the immediately adjacent conservation easement property to the west to verify the integrity of the engineered controls, document their condition, and ensure that they are fully restored following any utility work or other activities which breach such engineered controls. The official records for this Property, including the current version of the approved Monitoring and Maintenance Plan, will be maintained at the EPD office listed above.

- B. Prohibited Activities. Any activity within the RUZ that would expose contaminated soil beneath the engineered cover across the RUZ is prohibited unless conducted in accordance with the approved Monitoring and Maintenance Plan. These activities, include but are not limited to the following: digging, drilling, excavating, grading, demolition, bulldozing, earthmoving, or use of any equipment, to the extent any such activity brings contaminated soil to the surface or alters the grade of the RUZ in such a way that would cause exposure to contaminated soil.
- C. Residential Use Prohibited. The use of the Property for residential occupancy is prohibited without written approval from EPD.
- D. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater from the Property for any other purposes besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

Other Requirements. The Property is subject to the following additional requirements.

- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).
- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property that may affect the activity and use limitations described herein, a survey map showing the boundaries of the real property conveyed.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the RUZ, to apply for a building permit for construction on the RUZ, or to perform any site work.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD and Bright Hour Trust and its successors, assigns, and transferees of any fee simple interest in the Property shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or take samples.

This Environmental Covenant shall be enforceable by EPD, Bright Hour Trust, and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, Bright Hour Trust shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, Bright Hour Trust shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations and Warranties by Grantor(s). Grantor represents and warrants that all of the following are true and correct

- A. Bright Hour Trust holds fee simple title to the Property.
- B. Bright Hour Trust has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of Bright Hour Trust that will alter this representation and warranty.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of Grantor nor will it violate, contravene and/or constitute a breach or default under any agreement, contract,

order or instrument to which Bright Hour Trust is a party or by which Bright Hour Trust may be bound.

- D. There are no persons with existing interests other than fee simple in the Property;
- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, Bright Hour Trust served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
 Branch Chief
 Land Protection Branch
 2 Martin Luther King Jr. Drive SE
 Suite 1054 East Tower
 Atlanta, GA 30334

With a copy to:

Bright Hour Trust
 Attn: James Sochovka
 P.O. Box 1569
 Brentwood, TN 37024-1569

EPD’s Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD’s registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

[SIGNATURES ON THE FOLLOWING PAGE]

Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the 28th day of January, 2021.

For the Grantor/Grantee Holder:

Bright Hour Trust
A Tennessee Trust Pursuant to the Laws of the State of Tennessee

By: [Signature]
Name: Joseph V. Russell
Title: Co-Trustee

By: [Signature]
Name: Regg E. Swanson
Title: Co-Trustee

By: [Signature]
Name: Bryan Howard
Title: Co-Trustee

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness (signature)

James Sochor kg
Unofficial Witness Name (print)

[Signature]
Notary Public (signature)

My Commission Expires: 5-3-2021



For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 28 day of February, 2021.

Richard Dunn (Seal)
(signature)

By: Richard Dunn
Director

Signed, sealed, and delivered in the presence of:

Annisel Jones
Unofficial Witness (signature)

Annisel Jones
Unofficial Witness Name (print)

Tamara C. Fischer
Notary Public (signature)

My Commission Expires: 7-27-2022

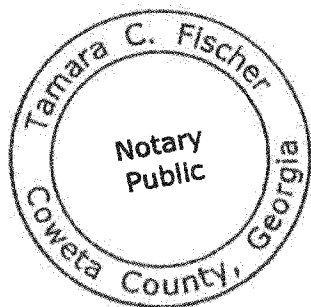


Exhibit A

Legal Description of Property

Land Lot 58 of the 17th District of Fulton County, Georgia, more particularly described as follows:

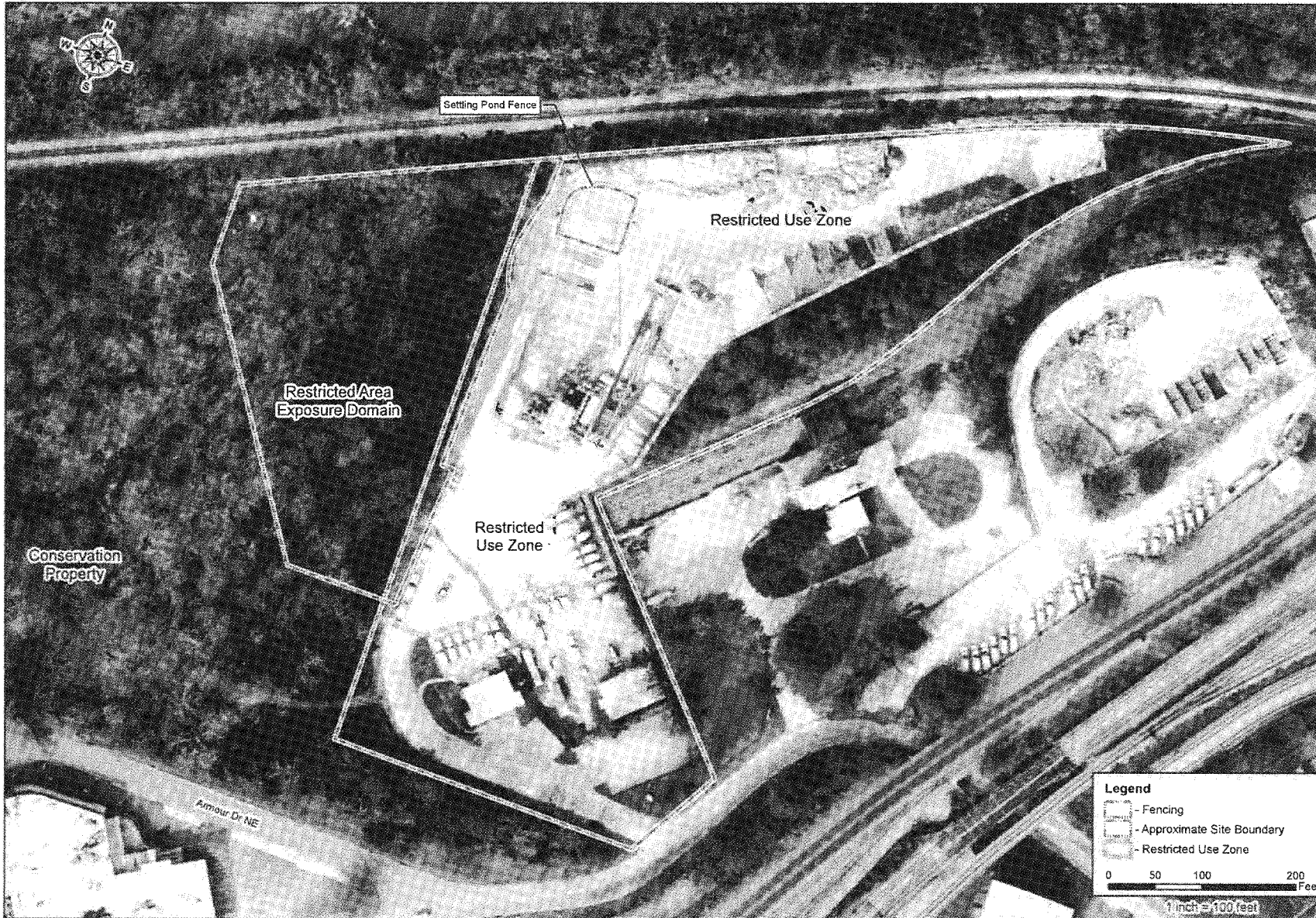
BEGINNING at the corner formed by the intersection of the northwesterly side of the right-of-way of Southern Railway with the southerly side of the right-of-way of Seaboard Air Line Railroad Company, and running thence in a southeasterly direction along the northwesterly side of the right-of-way of Southern Railway, and following the curvature thereof, a distance of 1100 feet, more or less, to the south line of said Land Lot 58; thence west along the south line of said Land Lot 58 a distance of 500 feet, more or less, to the southwest corner of said Land Lot 58; thence north along the west line of said Land Lot 58 a distance of 650 feet, more or less, to the southeasterly side of the right-of-way of Seaboard Air Line Railroad Company; thence in a northeasterly and easterly direction along the southeasterly and southerly side of the right-of-way of Seaboard Air Line Railroad Company, following the curvature thereof, a distance of 1068 feet, more or less, to the point of beginning.

The above described property is the same property conveyed by Walker Hauling Co., Inc., a Corporation by deed dated August 20, 1963 and recorded in Book 4116, page 196, Fulton County, Georgia records. |

Exhibit B
Survey of Property

EXHIBIT C

Figure Depicting the RUZ



BRIGHT HOUR TRUST PROPERTY
HSI #10894
340 Armour Drive NE
Atlanta, Fulton County, Georgia
Job No. 152-079

SITE PLAN

SEA SAILORS
ENGINEERING
ASSOCIATES, INC.
ENVIRONMENTAL/GEOTECHNICAL
1616 SPECTRUM DRIVE
LAWRENCEVILLE, GEORGIA 30043
(770) 962-5822 FAX 962-7964

Monitoring and Maintenance Plan
for
Bright Hour Trust Property (BHT); HSI #10894
340 Armour Drive NE; Atlanta, Fulton County, Georgia
and
Adjacent Restricted Area Exposure Domain (RAED)
Property

November 19, 2020

Maintenance and Monitoring Plan

The Bright Hour Trust Property (BHT) and an adjacent Restricted Area Exposure Domain (RAED) (collectively, the “Property”) were remediated under the Georgia Voluntary Remediation Program to a Type 5 risk reduction standard using engineering controls. This consisted of the placement of a concrete cap at least six inches thick over the uncovered areas on the BHT. The majority of the BHT is covered with concrete paved surface level parking and drive areas, which will serve to further prevent potential for exposure. The settling and recirculating pond at the northwest portion of the BHT is a restricted access area and a perimeter fence was constructed to further restrict access. These areas of the BHT that are covered in concrete or fenced consist of approximately 3.50 acres of the BHT and are referred herein collectively as the Restricted Use Zone (or RUZ). A figure depicting the BHT and the RUZ is provided in Exhibit A. The RAED includes approximately 2.2 acres and is located within a larger property that is subject to a perpetual Conservation Easement in favor of the City of Atlanta which restricts certain development activities. A survey and a legal description of the RAED are provided in Exhibit B. In order to prevent potential access to the RAED, a six-foot tall, heavy gauge wire perimeter fence was constructed to restrict access to no more than 63 days per year for non-residential receptors (i.e., maintenance worker) and to prevent potential for exposure. This Maintenance and Monitoring Plan must be followed to ensure that the aforementioned engineering controls remain in place on the Property.

Annual Inspections

The concrete cap and the pond perimeter fence on the RUZ, and the perimeter fence on the RAED will be inspected annually by a qualified environmental professional to evaluate the integrity of each. The Annual Inspection will consist of visual reconnaissance of the RUZ and RAED and interviews with property management concerning the site conditions. The Annual Inspections will not address issues beyond the restrictions set forth in the Environmental Covenant, such as building code compliance, zoning issues, structural integrity, fitness for occupancy, etc.

During the Annual Inspections, the surface of the RUZ will be visually inspected to confirm the integrity of the concrete cap across the BHT. The perimeter fence on the RAED will be visually inspected to confirm the integrity of the fence. If any issues with the concrete cap or fences are identified, the inspection report will note necessary recommendations for repair. The qualified environmental professional will also confirm that no residential occupancy or use of groundwater for drinking water purposes is occurring within any portion of the BHT tax parcel or RAED.

Except for emergency utility repairs, no penetrations of concrete capped areas or the pond perimeter fence of the RUZ or the perimeter fence of the RAED shall occur except for routine fence and vegetative growth maintenance activities within the RAED. Written notice shall be provided to the Georgia Environmental Protection Division (EPD) within 30 days after entry into the RUZ or RAED for non-routine activities. The length of time spent on all activities within these areas shall be documented to ensure that the 63 day per year access restriction is being maintained. All work that will require the breach of the concrete cap or fences shall be overseen by a qualified environmental professional and performed pursuant to a Health and Safety Plan.

During each Annual Inspection, the attached Evaluation Forms will be completed. A copy of each Evaluation Form signed by an authorized person, along with a brief narrative describing the inspection, will be provided to EPD within 30 days of the inspection. After the first year, the Evaluation Form from the previous year's inspection will be reviewed with property management during each Annual Inspection to evaluate how recommendations for repairs have been implemented.

Reporting and Recordkeeping Requirements

Annually, but no later than December 31 of each year, completed copies of the attached Evaluation Form and reports documenting necessary repairs will be submitted to EPD. These documents and the Evaluation Forms shall be kept on files for a minimum of three years.

Annual Certification Form

Bright Hour Trust Property
Atlanta, Fulton County, Georgia

		Yes?	No?
1	Is groundwater beneath the Property being extracted and used for drinking water purposes?		
1(a)	If yes to 1 above, then provide a written explanation to EPD within 30 days.		
2	Has residential occupancy occurred within the BHT Property over the past year?		
2(a)	If yes to 2 above, then provide a written explanation to EPD within 30 days.		
3	Has any portion of the cap which was placed across the RUZ or pond perimeter fence been breached for any reason in the past year?		
3(a)	If yes to 3 above, then provide a written explanation to EPD within 30 days.		
4	Are the cap and fencing in a state of good repair to prevent exposure to underlying soils beneath the cap and to prevent unauthorized entry into the RUZ?		
4(a)	If no to 4 above, then provide a written explanation together with a schedule for repair to EPD within 30 days.		

Certification:

I certify under penalty of law that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Annual Certification Form

Restricted Area Exposure Domain (RAED)
Atlanta, Fulton County, Georgia

		Yes?	No?
1	Is groundwater beneath the RAED being extracted and used for drinking water purposes?		
1(a)	If yes to 1 above, then provide a written explanation to EPD within 30 days.		
2	Has residential occupancy occurred within the RAED over the past year?		
2(a)	If yes to 2 above, then provide a written explanation to EPD within 30 days.		
3	Has any portion of the perimeter fence which was placed around the RAED been breached for any reason in the past year?		
3(a)	If yes to 3 above, then provide a written explanation to EPD within 30 days.		
4	Is the fencing in a state of good repair to prevent unauthorized entry into the RAED and exposure to soils within the RAED?		
4(a)	If no to 4 above, then provide to EPD within 30 days a written explanation with the total estimated exposure duration for the year, together with a schedule for repair.		

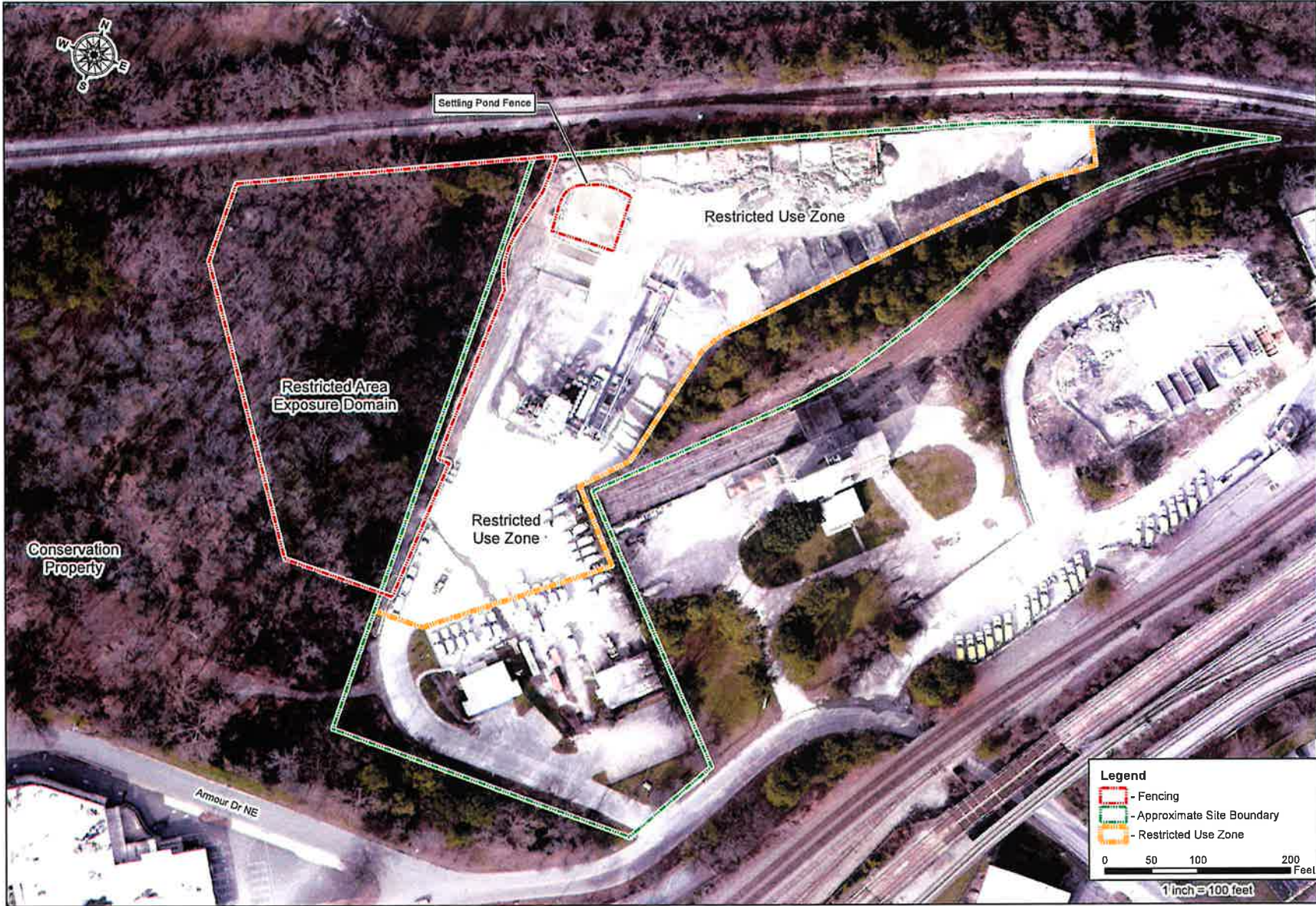
Certification:

I certify under penalty of law that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

EXHIBIT A



BRIGHT HOUR TRUST PROPERTY
 HSI #10894
 340 Armour Drive NE
 Atlanta, Fulton County, Georgia

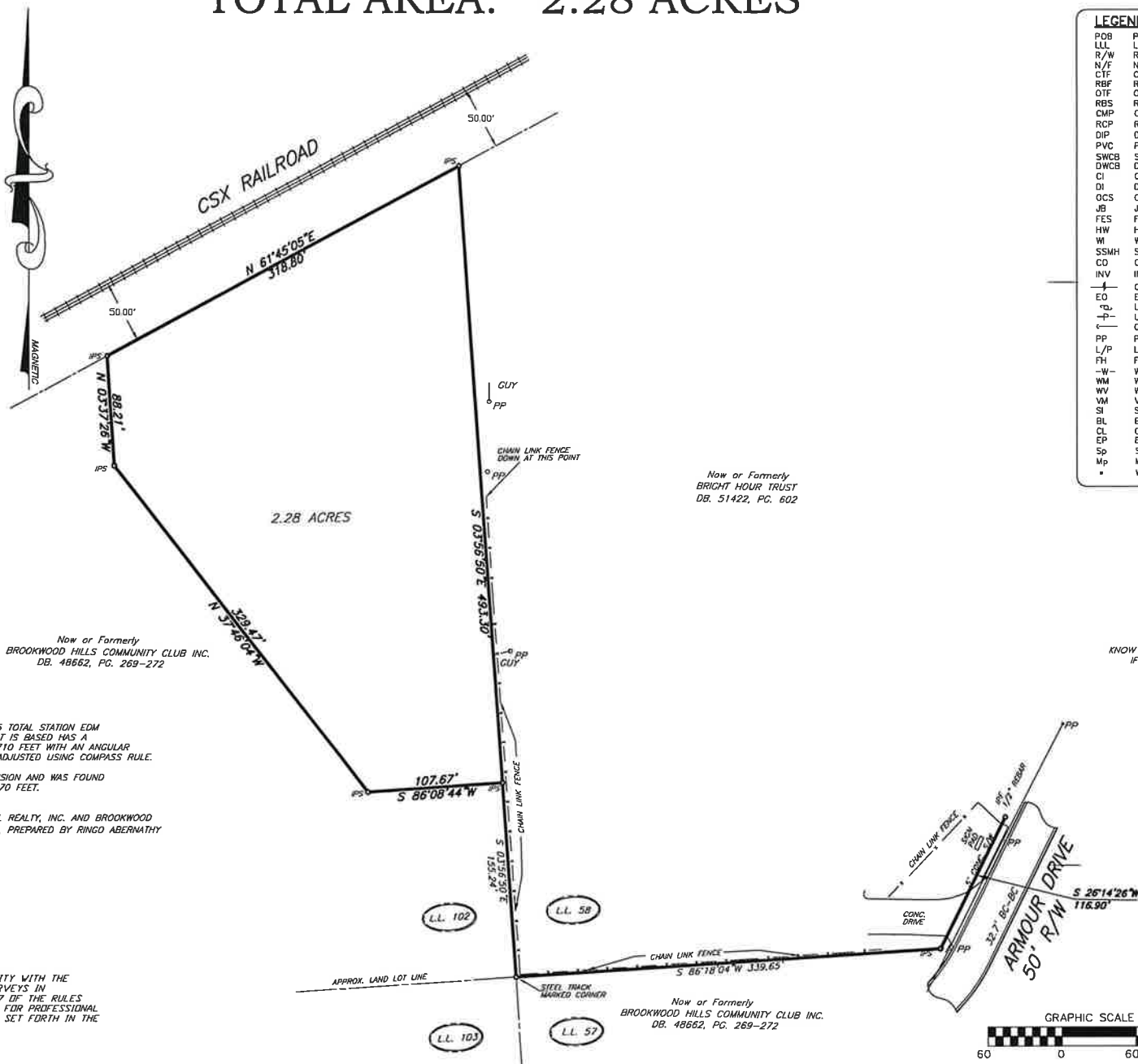
Job No. 152-079

SITE PLAN

SEA SAILORS
 ENGINEERING
 ASSOCIATES, INC.
 ENVIRONMENTAL/GEOTECHNICAL
 1675 SPECTRUM DRIVE
 LAWRENCEVILLE, GEORGIA 30043
 (770) 962-5922 FAX 962-7964

EXHIBIT B

TOTAL AREA: 2.28 ACRES



KNOW WHAT'S BELOW. CALL BEFORE YOU DIG
IF YOU DIG GEORGIA - CALL 811



SURVEY NOTATION:
THIS SURVEY WAS RUN USING A TOPCON 225 TOTAL STATION EDM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 149,710 FEET WITH AN ANGULAR ERROR OF 0.3" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 324,270 FEET.

REFERENCE MATERIAL:
DEED BETWEEN SOUTHERN REGION INDUSTRIAL REALTY, INC. AND BROOKWOOD PLAT OF SURVEY FOR KEY INVESTMENTS INC., PREPARED BY RINGO ABERNATHY AND ASSOCIATES DATED 01-22-16

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 190-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT D.C.G.A. 15-6-67.



NO.	DATE	REVISION

COUNTY:	FULTON
LAND LOT:	102
DISTRICT/PARCEL:	17TH
DATE:	4/10/18
SCALE:	1" = 60'
JOB NO.	16003

SURVEY FOR:
BRIGHT HOUR TRUST



RINGO ABERNATHY & ASSOCIATES
CONSULTANTS SURVEYORS ENGINEERS PLANNERS
174 DACULA ROAD - DACULA, GA. 30019
Phone (770) 962-8456

L E G A L D E S C R I P T I O N

FENCED PROPERTY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 58 OF THE 17 TH LAND DISTRICT, FULTON COUNTY, GEORGIA AND BEING IN THE CITY OF ATLANTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE LAND LOT CORNER COMMON TO 58,57,102 & 103;
THENCE PROCEEDING NORTH 03 DEGREES 56 MINUTES 50 SECONDS WEST A
DISTANCE OF 155.24 FEET TO A POINT, SAID POINT BEING THE TRUE
POINT OF BEGINNING.

THENCE South 86 degrees 08 minutes 44 seconds West for a
distance of 107.67 feet TO A POINT;
THENCE North 37 degrees 46 minutes 04 seconds West for a
distance of 329.47 feet TO A POINT;
THENCE North 03 degrees 37 minutes 26 seconds West for a
distance of 88.21 feet TO A POINT;
THENCE North 61 degrees 45 minutes 05 seconds East for a
distance of 318.80 feet TO A POINT;
THENCE South 03 degrees 56 minutes 50 seconds East for a
distance of 493.30 feet TO A POINT, SAID POINT BEING THE TRUE
POINT OF BEGINNING.

Together with and subject to covenants, easements, and
restrictions of record.

Said property contains 2.28 acres.