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Notice of Environmental Conditions

STATE OF TEXAS §
COUNTY OF HENDERSON §

This Notice of Environmental Conditions is filed to provide information concerning certain environmental conditions and use limitations pursuant to Texas Commission on Environmental Quality (TCEQ) rules, and affects the real property (Property) described as follows:

All of that tract or parcel of real property consisting of 87.799 acres of land, more or less, located at the southeast intersection of State Highway 31 and Flat Creek Road (Farm Road 2495), in the City of Athens, Texas, and being the same property conveyed by a General Warranty Deed from Curtis Mathes Corporation, et al., to Harvey Joint Venture, dated July 26, 1984, and recorded at Volume 1070, Page 322, Deed Records of Henderson County, Texas.

This Notice of Environmental Conditions is required for the following reasons:

The Property currently meets standards for commercial/industrial use under 30 Texas Administrative Code Chapter 350. No further remediation of the Property is required by the TCEQ as long as the Property is not to be used for residential purposes. If any person desires in the future to use the Property for residential purposes, the TCEQ must be notified at least 60 days in advance of such use and additional response actions may be necessary before the Property may be used for residential purposes. Persons contemplating a change in land use for the Property are encouraged to review the definitions for commercial/industrial and residential land use contained 30 Texas Administrative Code Chapter 350, as the definition of residential land use is broad.

In addition, portions of the Property contain an industrial solid waste landfill. Further limitations on use should be observed and certain ongoing maintenance and monitoring activities should be implemented for these areas. The portions of the Property containing the industrial solid waste landfill are described as follows:

Landfill Area 1 consisting of 16.40 acres and Landfill Area 2 consisting of 3.777 acres, as described and shown on the plat of survey (Exhibit A) attached hereto and incorporated herein by reference. Both areas contain an industrial solid waste landfill with the potential to generate methane landfill gas and a system for safely venting the landfill gas to the atmosphere.

This Notice of Environmental Conditions is required for Landfill Area 1 and Landfill Area 2 for the following reasons:

Landfill Area 1 and Landfill Area 2 are subject to TCEQ rules for the prevention of exposure to solid wastes and exposure to landfill gas in excess of the protective concentration level. The attached Exhibit A provides the location of the physical control and extent of Landfill Area 1, which consists of an earthencover landfill containing solid wastes, a perimeter fence, and a landfill gas



venting system. Landfill Area 1 should not be entered by any person for any purpose unless specifically authorized by the TCEQ in order to protect the integrity of the landfill system. The attached Exhibit A also provides the location of the physical control and extent of Landfill Area 2, which consists of a paved-cover landfill containing solid wastes and a landfill gas venting system. The paved Landfill Area 2 may be used for vehicle parking and other commercial/industrial activities that do not cause any penetration of, or damage to, the paved cover. Enclosed structures of any kind should not be placed within Landfill Area 1 or Landfill Area 2 due to the potential to accumulate unsafe concentrations of landfill gas. Exhibit B, attached hereto and incorporated herein by reference, describes the maintenance and monitoring program that will be implemented by the TCEQ for the physical controls within Landfill Area 1 and Landfill Area 2.

As of the date of this Notice of Environmental Conditions, the record owner of fee title to the Property is the Greenwall Liquidating Trust, Phillip Shepherd, Trustee, with an address of 4616 Abbott Avenue, Dallas, Texas 75205.

For additional information, contact:

TCEQ

Central Records

12100 Park 35 Circle, Building E

Mail:

TCEQ - MC 199

P O Box 13087

Austin, Texas 78711-3087

TCEQ Program and Identifier No.: State Superfund Program, RN101639524

This Notice of Environmental Conditions may be rendered of no further force or effect only by a superceding deed notice executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Notice of Environmental Conditions is filed.

Executed this 29th day of August, 2007

Texas Commission on Environmental Quality

Name: Alan R. Batcheller

Title: Remediation Division Director

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STATE OF TEXAS TRAVIS COUNTY

BEFORE ME, on this the 29 day of Hug 2007, personally appeared Alan R. Batcheller, Remediation Division Director, of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 29 day of

Notary Public in and for the State of Texas, County of Travis

County of Travis

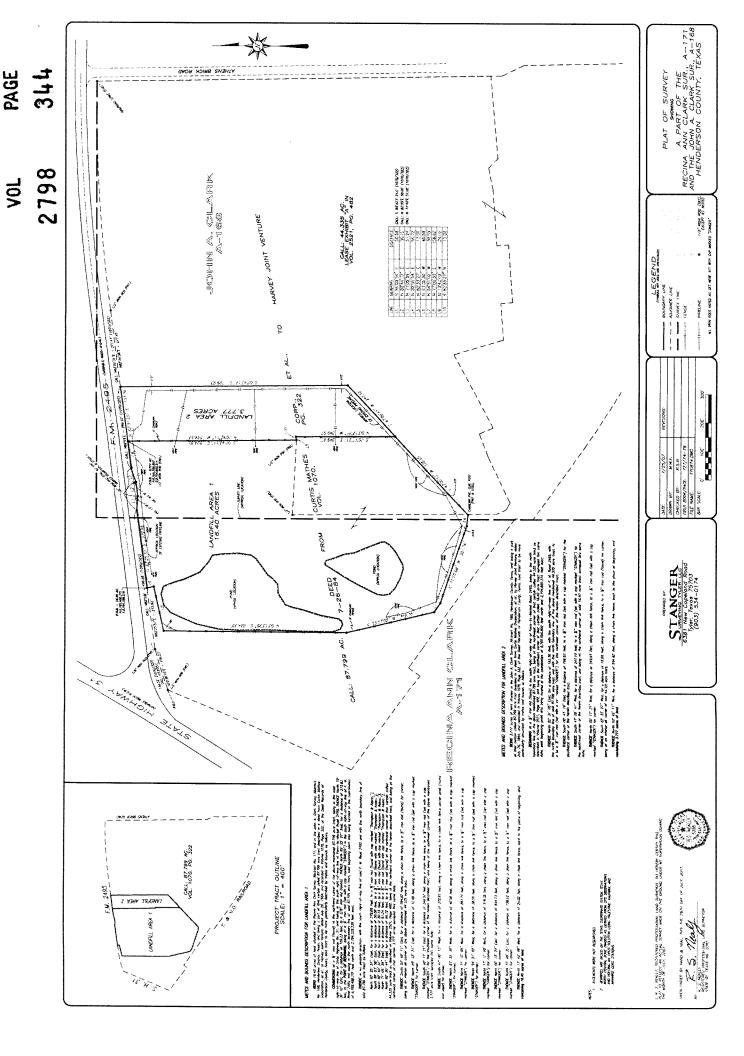
My Commission Expires:

JOSEPH SHIELDS Notary Public, State of Texas My Commission Expires August 15, 2009

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EXHIBIT A

PLAT OF SURVEY
SHOWING
A PART OF THE RECINA ANN CLARK SUR., A-171
AND THE JOHN A. CLARK SUR., A-168
HENDERSON COUNTY, TEXAS
INCLUDING THE LOCATION AND EXTENT OF
LANDFILL AREA 1 AND LANDFILL AREA 2



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EXHIBIT B

MAINTENANCE AND MONITORING PROGRAM **FOR LANDFILL AREA 1 AND LANDFILL AREA 2**

The Texas Commission on Environmental Quality (TCEQ) will implement a maintenance and monitoring program for Landfill Area 1 to include the following activities:

- Inspection and maintenance of the perimeter fence and warning signs to discourage unauthorized entry to Landfill Area 1;
- Inspection and maintenance of the earthen cover over the solid wastes in Landfill Area 1 to prevent exposure of the wastes;
- Inspection and maintenance of the landfill gas venting system to ensure continued effective venting of any landfill gas generated by the solid wastes; and
- Sampling of groundwater monitoring wells to ensure that there is no release of contaminants exceeding Protective Concentration Limits.

The TCEQ will implement a maintenance and monitoring program for Landfill Area 2 to include the following activities: THE STATE OF TEXAS COUNTY OF HENDERSON

in Court in and at for Handerson County Texas do i, Gwen Moffett Clark of the Con Inspection and the property of the solid wastes in Landfill Area 2 to prevent exposure of the wastes:

- closed structures, have been • Inspection of Land 11 vities are consistent with
- Inspection and maintenance of the landfill gas venting system to ensure continued effective venting of any landfill gas generated by the solid wastes; and
- Sampling of groundwater monitoring wells to ensure that there is no release of contaminants exceeding Protective Concentration Limits.

The TCEQ will inspect the Property to verify that activities are consistent with commercial/industrial land use.

The frequency, scope, and duration of the maintenance and monitoring activities under this program will be established and adjusted or revised by the TCEO as appropriate to ensure the continued effectiveness of the physical and institutional controls designed to protect human health and the environment.

FILED FOR RECORD

COUNTY CLERK HENDERSON COUNTY, TEXAS