

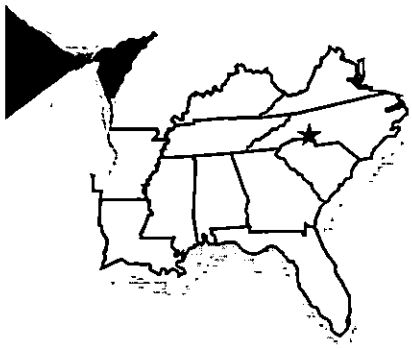
10207 N TRYON ST

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Groundwater and Wastewater Services File Imaging Project
May 2007
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CURRIN-PATTERSON PROPERTIES LLC

REAL ESTATE INVESTMENT DEVELOPERS

June 16, 1998

George S. Currin
704-365-1247

Larry H. Patterson
704-365-1256

Kevin M. Brewton
704-362-6706

Mr. William R. Marlin
Soil Scientist
Health Department
700 N. Tryon Street, Suite 211
Charlotte, N. C. 28202

Dear Bill:

As I mentioned on the phone attached is a copy of the soil report for our site on North Tryon. Conversations with the geologist in the process of us getting this report indicated his strong feeling that this site would be suitable for a septic tank. His opinion was based on his finding that the soil underneath the fill is a silty sand.

I am hoping that your review of this report will lead us in a direction to get a septic tank approved. I appreciate very much your interest and work on this location.

After you have had a chance to review this report, please call and we can discuss the appropriate next action.

Sincerely,

Larry

Larry H. Patterson

LHP/pb

Enclosure

Real Estate Investments in:

NORTH CAROLINA

SOUTH CAROLINA

VIRGINIA

TENNESSEE

GEORGIA

ALABAMA

MISSISSIPPI

LOUISIANA

FLORIDA

2915 Providence Road, Suite 100, Charlotte, NC 28211
Office (704) 362-6706 Fax (704) 365-1107
Internet: CPPLLC@CLT-ONLINE.COM

PSI Information To Build On
Engineering • Consulting • Testing

GEOTECHNICAL ENGINEERING SERVICES REPORT

Proposed Sherwin-Williams Store
10207 North Tryon Street/Hwy. 29 North
Charlotte, North Carolina

PSI Project 460-85048

PREPARED FOR

Currin-Patterson Properties
2915 Providence Road, Suite 100
Charlotte, North Carolina 28211

PSI Environmental Geotechnical Construction
Consulting • Engineering • Testing

June 12, 1998

Mr. Larry Patterson
Currin-Patterson Properties
2915 Providence Road, Suite 100
Charlotte, North Carolina 28211

Reference: Geotechnical Engineering Services Report
Proposed Sherwin-Williams Store
10207 N. Tryon Street/Hwy. 29 North
Charlotte, North Carolina
PSI File: 460-85048

Dear Mr. Patterson:

As requested, PSI has conducted geotechnical engineering services for the proposed Sherwin-Williams Store at 10207 North Tryon Street in Charlotte, North Carolina. The accompanying report presents the results of our investigation and our recommendations concerning geotechnical-related design for the project.

Often, because of design and construction details which occur on a project, questions arise concerning soil conditions, and we would be pleased to continue our role as geotechnical engineers during the project implementation.

We also have great interest in providing materials testing and inspection services during the construction of this project. If you will advise us of the appropriate time to discuss these engineering services, we will be pleased to meet with you at your convenience.

Very truly yours,
PSI

Donald W. Brown, Jr.
Project Manager

Enrique A. Blat, P.E.
Department Manager

NORTH CAROLINA PROFESSIONAL SEAL 17577 ENGINEER ENRIQUE ALBERTO BLAT

DWB:EAB/ked

Information To Build On

GEOTECHNICAL ENGINEERING SERVICES REPORT

Proposed Sherwin-Williams Store
10207 North Tryon Street
Charlotte, North Carolina

PSI File: 460-85048

PREPARED FOR

Currin-Patterson Properties
2915 Providence Road, Suite 100
Charlotte, North Carolina 28211

June 12, 1998

BY

PROFESSIONAL SERVICE INDUSTRIES, INC.

Donald W. Brown, Jr.
Project Manager

Enrique A. Blat, P.E.
Department Manager

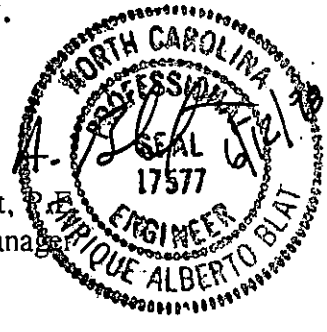


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SYNOPSIS

Professional Service Industries, Inc., (PSI) has completed the geotechnical engineering services at the site of the proposed Sherwin-Williams Store in Charlotte, North Carolina. Our findings, conclusions, and recommendations with regard to site development are summarized in this section.

1. Subsurface conditions at the site generally consist of a layer of superficial organic soil, underlain by fill and residual soils composed of Silty SAND (SM), Sandy SILT (ML) and Silty CLAY(CL).

2. Our borings extended to a depth of 15 feet below the exposed ground surface. Auger refusal was not encountered in any of the 3 borings performed at the site.

3. Groundwater was encountered in all of the 3 borings performed at the site at depths ranging from 5 feet 6 inches to 6 feet 8 inches.

4. Site preparation should include the removal of all vegetation in the proposed building and paved areas, the undercutting of the existing fill soils, the proofrolling of the exposed subgrade, and the undercutting of any unstable subgrade soils.

5. The results of the field testing program and geotechnical analysis indicate that conventional spread column footings appear to be the most suitable type of foundation for the support of the proposed building.

The owner/designer/contractor should not rely solely upon the synopsis, and must read and evaluate the entire contents of this report prior to utilizing our engineering recommendations in the preparation of design and construction documents. PSI cannot be responsible for the interpretation or implementation of this report by others. PSI should be retained to perform sufficient services to determine compliance with the recommendations in this report. Detailed analyses of subsurface conditions and pertinent design recommendations are included in the following sections of this report. A Boring Location Diagram and the Soil Boring Logs are presented in the Appendix.

I. PROJECT INFORMATION

A. Project Authorization

This report presents the results of the geotechnical evaluation for the proposed Sherwin-Williams Store in Charlotte, North Carolina. Our services were authorized by Mr. Larry A. Patterson of Currin-Patterson Properties by means of PSI Proposal No. 460-8079 dated and signed May 15, 1998.

B. Project Description

Based on the provided site plan and information provided to us by Mr. Larry Patterson of Currin-Patterson Properties, we understand that the proposed building will consist of an approximately 5,000 square foot, single-story metal structure and will have column footings with a concrete slab-on-grade. We were not provided with structural loads, but we have estimated that column loads will not exceed 30 kips.

Based on a finished floor elevation of 597.7 feet mean sea level (MSL), maximum cuts and fills within the building area will be less than one foot.

The information presented in this section was utilized in our geotechnical analysis. Therefore, if any of the noted information is incorrect or has changed, please inform PSI so that we may amend the recommendations presented in this report, if appropriate or necessary.

C. Purpose and Scope of Services

The purpose of this geotechnical evaluation was to determine pertinent subsurface conditions at this site in order to provide conclusions and recommendations regarding the design of shallow foundation system(s) and other geotechnical aspects and to provide construction guidelines with regards to our understanding of the proposed site development. For this project, the following scope of services was performed:

- Advanced 3 soil test borings within the proposed building.
- Prepared a Soil Boring Log for each test location describing the types of soil encountered and other pertinent information.
- Performed laboratory tests on selected soil samples in order to determine in-situ moisture contents, moisture-plasticity relationships (Atterberg Limits), and sieve analysis including washed #200.
- Conducted a geotechnical engineering evaluation of the available data to provide recommendations regarding foundation type(s), maximum allowable

foundation bearing pressure; as well as construction considerations, such as foundation installation, subgrade preparation, excavation, and groundwater control.

- o Prepared an engineering report presenting all data, soil boring logs, observations and recommendations.

The scope of services did not include an environmental assessment for determining the presence or absence of wetlands or hazardous or toxic materials in the soil, bedrock, surface water, groundwater, or air, on or below or around this site. Any statements in this report or on the boring logs regarding odors, colors, unusual or suspicious items or conditions are strictly for the information of the client. Prior to development of this site, an environmental assessment is advisable.

II. SITE AND SUBSURFACE CONDITIONS

A. Site Location and Description

The subject site considered in this geotechnical evaluation is located north of and adjacent to North Tryon Street/Highway 29 North, approximately 1000 feet northeast of its intersection with Mallard Creek Church Road, in Charlotte, North Carolina.

At the time of our visit, the site was cleared. A large embankment, which appears to be cut, runs north and south adjacent to the property to the east. This embankment is covered with kudzu which has grown out onto the proposed site. In the northernmost corner, the embankment crosses the property, northwest of the proposed parking lot. The property adjacent to and northeast of the proposed Sherwin-Williams Store is occupied by a Wilco Gas Station. The overall site has a downward slope from north to south, with a relief (difference in elevation between the highest and lowest points) of approximately 16 feet (including the 10-foot embankment in the north corner). A drop inlet is located approximately 5 feet off of the property approximately 115 feet northeast of the southern corner. The site plans provided to PSI indicate underground water and gas lines 10 to 15 feet off of the property running parallel to Highway 29.

At the time of our drilling operations, the ground surface was firm and our equipment experienced no difficulty moving on the site.

B. Site Geology

The project site is located within eastern Mecklenburg County, North Carolina which lies within the Charlotte Belt of the Piedmont Physiographic Province of the eastern United States. This province is characterized by broad gently rolling ridges formed on the stronger bedrock of the area. Between these ridges, lowlands and drainage areas are formed on the lesser resistance bedrock.

Eastern Mecklenburg County is underlain primarily by metamorphic rocks, chiefly meta quartz diorite and metavolcanics of late Proterozoic to Early Cambrian age. There are large, nearly homogeneous masses of igneous rock, mainly Silurian to Devonian age gabbro and syenite, in the form of intrusion (veins, lenses and sheets) within the metamorphic rock.

The soils weathered from the parent bedrock generally consist of an upper layer of fine-grained SILT or CLAY underlain by medium Sandy SILT or Silty SAND. The sand content generally increases with depth. A region of partially weathered rock is generally encountered above bedrock.

C. Field Services

The site subsurface conditions were evaluated with 3 soil test borings located within the proposed building. Our borings extended to a depth of 15 feet below the exposed ground surface. The number and location of the borings were determined by representatives of Currin-Patterson Properties and were located in the field by representatives of PSI by using the provided site plan and measuring from existing site features. A boring location diagram (Drawing No. 1), which indicates the approximate boring locations, is presented in the Appendix of this report.

Soil test borings were advanced at this site utilizing a truck-mounted CME-55 drilling rig using hollow stem continuous flight augers. All boring and sampling operations were conducted in general compliance with ASTM D 1586. At regular intervals, soil samples were obtained with a standard 2-inch O.D. split-barrel sampler. The sampler was rested on the bottom of the borehole and driven to a penetration of 18 inches (or a maximum of 50 blows in 6 inches) with blows of a 140-pound hammer falling 30 inches. The first 6 inches of sampler penetration is considered seating, and the sum of the second and third 6-inch increments of penetration (or fraction thereof) is termed the Standard Penetration Resistance (N-values).

D. Laboratory Testing Program

The samples obtained during the drilling operation were sealed in labeled containers, and transported to our office. Representative samples were selected and tested in the laboratory to determine material properties for our evaluation. The samples were observed and visually classified by a Geotechnical Engineer in accordance with ASTM D 2488. The Soil Boring Logs are followed by General Notes which explain the terms used in classification. Unless notified to the contrary, all samples will be disposed of after 2 months.

In addition to the visual classification of the soil samples, moisture content determination (ASTM D 2216), sieve analysis including washed #200 (ASTM D 422) and moisture-plasticity relationship (Atterberg Limits) (ASTM D 4318) tests were conducted on selected samples.

E. Subsurface Conditions

Details of soil conditions encountered by our field exploration program are shown on the individual Soil Boring Logs (B-1 through B-3) included in the Appendix. The elevations shown on the boring logs were interpolated from the provided site plan and should be considered approximate. The following subsurface description is of a generalized nature, provided to highlight the major soil strata encountered. The boring logs should be reviewed for specific information as to individual boring locations. The stratification of the soils, as shown on the Soil Boring Logs, represents the soil conditions in the actual boring locations, and other variations may occur and should be expected between borings. Lines of demarcation represent the approximate boundary between subsurface materials, and the transition may be gradual. It should be noted that, whereas the test borings are drilled and sampled by experienced drillers, it is sometimes difficult to record

changes in stratification within narrow limits, especially at great depths. In the absence of foreign substances, it is also difficult to distinguish between discolored soils and clear soil fill. A brief description of the soils encountered at this site is presented in this section.

A superficial organic soil layer approximately 1 inch thick was initially encountered in borings B-1 and B-3. Although the superficial organic soil layer was only 1 inch thick, deeper pockets could be encountered in unexplored areas of the site.

Fill soils were encountered below the superficial organic soil in boring B-1 and from the ground surface in boring B-2. These fill soils extended to depths of approximately 7 feet below the ground surface and contained excessive amounts of rootlets and other organic materials. Based on the Standard Penetration Resistances (N-values), the fill was not well compacted.

Residual soils were encountered underlying the superficial organic soil in boring B-3 and underlying the fill in borings B-1 and B-2. The residual soils generally consisted of loose to firm Silty SAND (SM) with N-values ranging from 6 to 29 blows per foot. Our borings were terminated the residual soils at a depth of 15 feet without encountering auger refusal.

F. Groundwater Information

Groundwater levels were recorded at the time of completion of drilling and 24 hours after completion of drilling at each boring performed at the site. Groundwater was encountered in all of the 3 borings performed at the site, as indicated in the following table.

GROUNDWATER		
Boring No.	**0-Hour**	**24-Hour**
B-1	10 ft. 6 in.	5 ft. 6 in.
B-2	9 ft. 6 in.	5 ft. 10 in.
B-3	11 ft. 8 in.	6 ft. 8 in.

The groundwater levels presented in this report are the levels that were measured at the time of our field activities. Fluctuation should be anticipated. We recommend that the Contractor determine the actual groundwater levels at the time of construction to determine groundwater impact on the construction procedures.

III. EVALUATION AND RECOMMENDATIONS

The evaluation and recommendations presented in this report are based on the data obtained from the field exploration and laboratory testing programs, information regarding the proposed construction, and our knowledge of geomechanics.

A. Site Preparation and Fill Placement/Compaction

Initially, all vegetation, organic laden soil, and any other deleterious materials must be removed from the proposed building area.

As previously mentioned in this report, borings B-1 and B-2 encountered fill soils to a depth of approximately 7 feet. The fill contained varying amounts of organic material and did not appear to have been well compacted. As a result, we recommend that the fill soils be removed and replaced with suitable compacted fill placed as recommended in this section. Alternatively, the existing fill soils can remain in place provided that they proofroll successfully. Foundations will have to be undercut through the fill and bear on the residual soils at a depth of approximately 7 feet beneath the existing subgrade. The resulting overexcavation should be backfilled with flowable fill or concrete. If #57 stone is used to backfill, then the footing will have to be widened to four feet and the footing formed to the original size. We would like to point out that, if the fill is not removed, some settlements of the slab may occur due to decomposition of the organic material within the existing fill.

After achieving finished subgrade in cut areas and prior to placing fill in any areas below finished subgrade, it is recommended that the exposed subgrade be evaluated to confirm that all unsuitable materials have been removed. During this evaluation, those areas which are at finished subgrade or areas to receive fill should be proofrolled with a loaded tandem-axle dump truck or similar pneumatic-tired equipment with a minimum weight of 15 tons and a maximum weight of 25 tons. Proofrolling will help reveal the presence of any unstable materials which were not identified during our drilling program.

It is recommended that a Geotechnical Engineer from Professional Service Industries, Inc. (PSI) observe all proofrolling activities. Any areas designated as being underlain by unsuitable materials should be corrected as suggested by the Geotechnical Engineer. In general, correction of unstable areas will require undercutting to firm soils as directed by the Geotechnical Engineer. The overexcavated volume should be replaced by controlled fill placed in loose lifts of 8 inches or less in thickness. The controlled fill should be compacted to at least 95 percent of the material's maximum dry density as determined by the Standard Proctor Compaction Test (ASTM D 698). The moisture content of the controlled fill should be maintained within 3 percent of the material's optimum moisture content as determined by the Standard Proctor Compaction Test.

After completion of the site preparation, the placement of any fill required to achieve finished subgrade level can proceed. Any material utilized as fill should not contain rocks greater

than 3 inches in diameter, and it should not contain more than 1 percent (by weight) of organic matter or other detrimental material. The Plasticity Index, PI (ASTM D 4318), for the material should not exceed 25, and the Liquid Limit for the material should not exceed 50 (Unified Soil Classifications of GW, GM, GC, SW, SM, SC, ML and some CL).

Typically, the residual Silty SAND (SM) encountered in boring B-3 is considered suitable for use as structural fill. However, some drying of these soils may be necessary prior to placement. The existing fill soils encountered at the site are not suitable for use as structural fill due to their organic content.

All controlled fill should be placed and compacted as previously described in this report. It is recommended that the placement and compaction of the fill be monitored by a Soil technician, working under the direction of the Geotechnical Engineer, to confirm that the specified degree of compaction is being obtained. The frequency of testing should be related to the work conditions during earthmoving and the type and location of the fill or backfill.

Proper site drainage should be maintained during earthwork operations to minimize wet weather delays and reduce accumulation of moisture. If the surface soils become softened during wet weather or frozen, these soils should be removed before additional fill is placed. It should be noted that the micaceous residual soils at this site will become softer upon the addition of water. Therefore, for a quality finished product and timely completion of the construction phase of this project, these soils should be protected from excessive moisture. The ground surface in the vicinity of the construction site should be graded so that surface water flows away from the site. It is recommended that the surface of all fill areas be sealed with a smooth-wheel roller at the completion of each day's earthwork activities. Further protection of the site should include the construction of temporary ditches, berms or other surface water diversion devices in order to divert surface water from and not across the site.

B. Foundation Recommendations

Based on the subsurface conditions encountered by the field exploration program and the estimated loads of the proposed structure, it appears that conventional spread footings, bearing on approved subgrades, will be a suitable foundation system at this site. It is recommended that a maximum allowable net soil bearing pressure of 2500 psf be used for the design of foundations bearing on the stiff residual soils, or on newly compacted fill soils placed as recommended in this report. The allowable bearing pressure should include dead load plus sustained live load. As previously mentioned, some overexcavation will be required to reach suitable bearing soils.

To minimize the detrimental effects of seasonal moisture variations in the soils, for frost protection and for bearing considerations, it is recommended that all foundations be embedded at least 18 inches below the lowest adjacent grade. A minimum footing width of 48 inches for spread column footings, designed for the maximum allowable soil bearing pressure, is recommended.

We recommend the building walls be provided with suitable movement joints to accommodate the effects of differential settlement, particularly since variations in the quality of the existing fill may occur.

We recommend that all subgrade surfaces (foundations, slabs and pavement areas) be examined by a Geotechnical Engineer from PSI using hand auger/cone penetrometer testing equipment, or other suitable methods, prior to fill, stone or concrete placement. Any unsuitable soil detected during this evaluation should be undercut as directed by the Geotechnical Engineer. Footing excavations should be protected from surface water run-off and freezing. If water is allowed to accumulate within a footing excavation and soften the bearing soils, or if the bearing soils are allowed to freeze, the deficient soils should be removed from the excavation prior to concrete placement.

C. Settlements

Laboratory testing was not performed to determine the consolidation characteristics of the soils at this site. Variations in the consistency of the soil and the surcharge resulting from the interval of engineered fill will together contribute to some minor differential settlement of foundations. Based on the maximum anticipated column loads of 30 kips and an allowable net bearing pressure of 2500 psf, post-construction settlements are expected to range from ¼ to ½ inch.

D. Floor Slab Recommendations

The grade slabs for the proposed building will be placed on both the controlled fill placed during the site preparation phase of the project and residual soil. To reduce stress concentration on the grade slabs, it is recommended that a crushed stone or sand cushion, having a minimum thickness of 4 inches, be placed between all grade slabs and the underlying subgrade.

All floor slabs should have an adequate number of joints to minimize cracking of the slab.

E. Construction Considerations

Based on the data available from our borings, excavation through the upper 15 feet of the site may extend through very stiff soils which can generally be removed by conventional earthmoving equipment such as pans, scrapers, and backhoes. Some localized pre-loosening of the higher consistency soils may be necessary.

In Federal Register Volume 54, No. 209 (October, 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, Part 1926, Subpart P." This document was issued to better insure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that all excavations, whether they be utility trenches, basement excavations, or footing

excavations, be construction in accordance with the reviewed OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.

The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's responsible person, as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. PSI is not assuming responsibility for construction site safety or the contractor's activities; such responsibility is not being implied and should not be inferred.

F. Groundwater

Substantial amounts of groundwater are likely to be encountered in excavations to remove the existing fill. Provision should be made in the design and construction phases to accommodate the possibility of inflows. We believe that the quantity of such water can be effectively removed during construction by conventional pumping techniques, and the installation of french drains. It is also important to remember that if construction grading begins during the wet season (November through April), the difficulties handling water will be much greater than if it begins during the dry season.

IV. REPORT LIMITATIONS

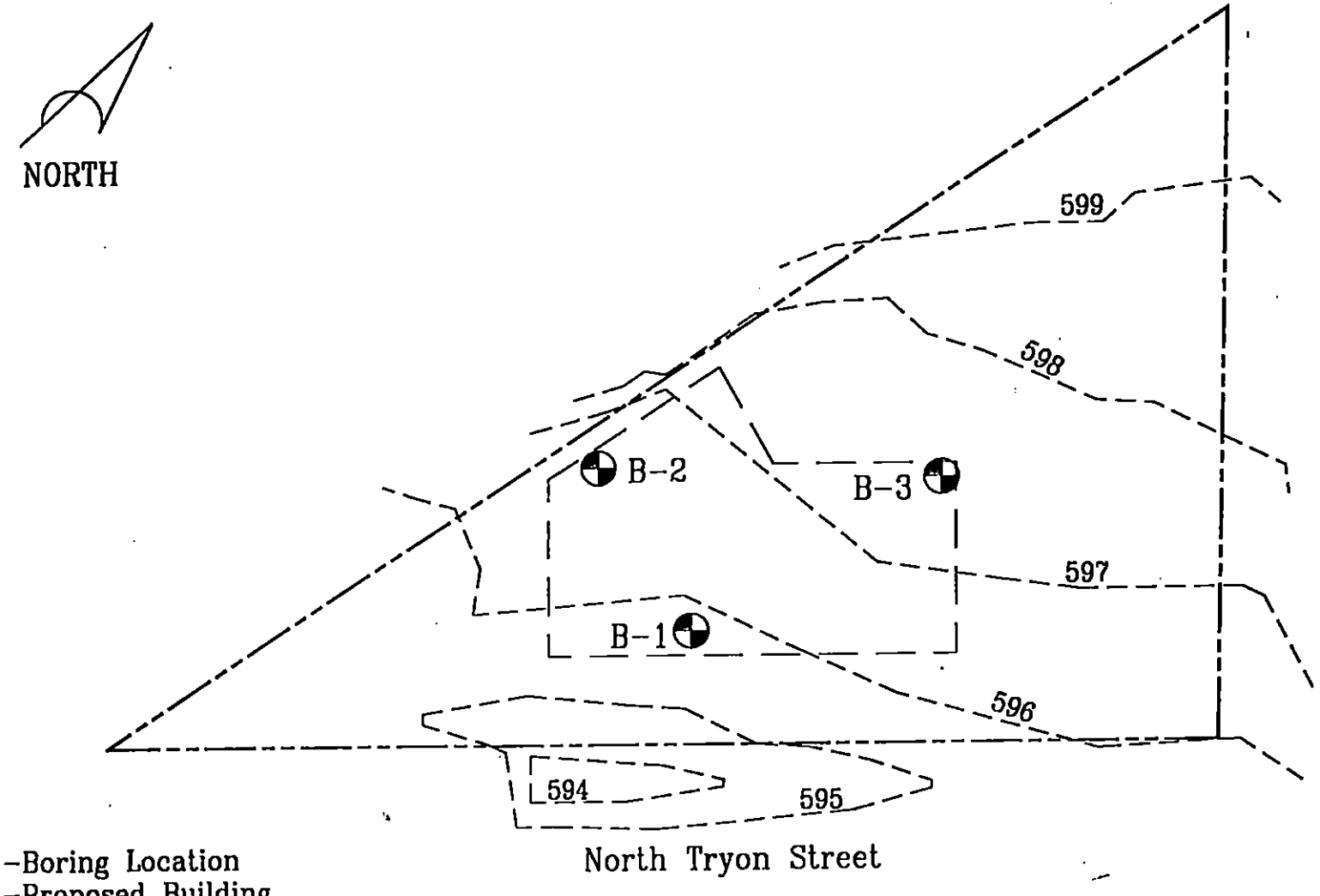
-The recommendations submitted are based on the available soil information obtained by PSI and design details furnished by Currin-Patterson Properties for the proposed project. If there are any revisions to the plans for this project or if deviations from the subsurface conditions noted in this report are encountered during construction, PSI should be notified immediately to determine if changes in the foundation, or other, recommendations are required. If PSI is not retained to perform these functions, PSI can not be responsible for the impact of those conditions on the performance of the project.

The geotechnical engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

After the plans and specifications are more complete, the geotechnical engineer should be provided the opportunity to review the final design plans and specifications to assure our engineering recommendations have been properly incorporated into the design documents. At that time, it may be necessary to submit supplementary recommendations. This report has been prepared for the exclusive use of Currin-Patterson Properties for the specific application to the proposed Sherwin-Williams Store at 10207 North Tryon Street in Charlotte, North Carolina.

APPENDIX

BORING LOCATION DIAGRAM



LEGEND

- ◒ –Boring Location
- — — –Proposed Building
- —— –Property Line
- – – – –Contour Line

NOTE: ALL LOCATIONS ARE APPROXIMATE.

psi Environmental Geotechnical Construction
Consulting - Engineering - Testing

Geotechnical Services
5035-A West W.T. Harris Blvd.
Charlotte, NC 28269
Tel (704) 598-2234
Fax (704) 598-2236

PROJECT NAME: Proposed Sherwin-Williams Store 10207 N. Tryon St., Charlotte, NC	DRAWN BY: KED	DATE: 6/98	DRAWING NO.: 1
TITLE: Boring Location Diagram	APPROVED BY: EAB	PROJECT NO.: 460-85048	
	SCALE: NTS		

BORING LOGS

BORING LOG

Report No.: 460-85048 DATE: May 27, 1998

Client: Currin-Patterson Properties LLC

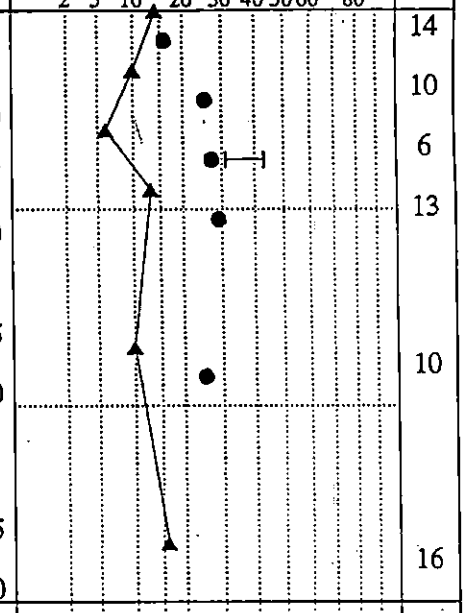
Project: Proposed Sherwin-Williams Store, 10207 N. Tryon St., Charlotte, North Carolina

Boring No.: B- 1 (1 of 1) | Total Depth 15.0' | Elev: 596± | Location: See Drawing No. 1

Type of Boring: HSA | Started: 5/27/98 | Completed: 5/27/98 | Driller: Ameri

Approx. Elevation	Depth	DESCRIPTION OF MATERIALS (Classification)	* Sample Blows	Sample Depth (Feet)	N
595.9	0.1	Superficial Organic Soil (OL) - moist	6-7-7	0.0	14
594.5	1.5	FILL - Firm, Tan and Brown, micaceous, Silty SAND (SM) w/rootlets - moist	5-5-5	1.5	10
593.0	3.0	FILL - Stiff, Brown and Orange, Sandy Silty CLAY (CL) w/rootlets - moist	1-2-4	3.0	6
		FILL - Firm to Stiff, Brown and Tan, micaceous, Sandy SILT (ML) w/rootlets - moist	4-5-8	4.5	13
589.0	7.0			6.0	
		RESIDUAL - Loose to Firm, Brown Tan White and Grey, micaceous, Silty SAND (SM) - saturated	3-4-6	8.5	10
				10.0	
				13.5	
			3-7-9		16
581.0	15.0			15.0	
		Boring terminated @ 15 feet 0 inches			
		Groundwater: 0 hr. - 10 ft. 7 in 24 hr. - 5 ft. 6 in.			

N VALUE (bpf) ▲ PL %MC LL
2 5 10 20 30 40 50 60 80



BL3_85048_6/11/98

*Number of blows required for a 140 lb hammer dropping 30" to drive 2" O.D., 1.375" I.D. sampler a total of 18 inches in three 6" increments. The sum of the last two increments of penetration is termed the standard penetration resistance, N.

BORING LOG

Report No.: 460-85048 DATE: May 27, 1998

Client: Currin-Patterson Properties LLC

Project: Proposed Sherwin-Williams Store, 10207 N. Tryon St., Charlotte, North Carolina

Boring No.: B- 2 (1 of 1) | Total Depth 15.0' | Elev: 597± | Location: See Drawing No. 1

Type of Boring: HSA | Started: 5/27/98 | Completed: 5/27/98 | Driller: Ameri

Approx. Elevation	Depth	DESCRIPTION OF MATERIALS (Classification)	* Sample Blows	Sample Depth (Feet)	N
595.0	1.5	FILL - Loose, Tan and Brown, micaceous, Silty SAND (SM) w/rootlets - moist	3-4-5	0.0 - 1.5	9
		FILL - Stiff to Firm, Dark Brown, micaceous, Clayey Sandy SILT (ML) w/rootlets - moist	5-5-6	1.5 - 3.0	11
			2-2-3	3.0 - 4.5	5
			4-4-4	4.5 - 6.0	8
589.5	7.0	RESIDUAL - Loose to Firm, Tan and Grey, micaceous, Silty SAND (SM) - saturated		6.0 - 8.5	
			2-2-4	8.5 - 10.0	6
				10.0 - 13.5	
			3-4-7	13.5 - 15.0	11
581.5	15.0	Boring terminated @ 15 feet 0 inches			

Groundwater:
0 hr. - 9 ft. 4 in.
24 hr. - 5 ft. 10 in.

N VALUE (bpf) PL %MC LL
2 5 10 20 30 40 50 60 80

BL3 85048 6/11/98

*Number of blows required for a 140 lb hammer dropping 30" to drive 2" O.D., 1.375" I.D. sampler a total of 18 inches in three 6" increments. The sum of the last two increments of penetration is termed the standard penetration resistance, N.

BORING LOG

Report No.: 460-85048 DATE: May 27, 1998

Client: Currin-Patterson Properties LLC

Project: Proposed Sherwin-Williams Store, 10207 N. Tryon St., Charlotte, North Carolina

Boring No.: B- 3 (1 of 1) | Total Depth 15.0' | Elev: 598± | Location: See Drawing No. 1

Type of Boring: HSA | Started: 5/27/98 | Completed: 5/27/98 | Driller: Ameri

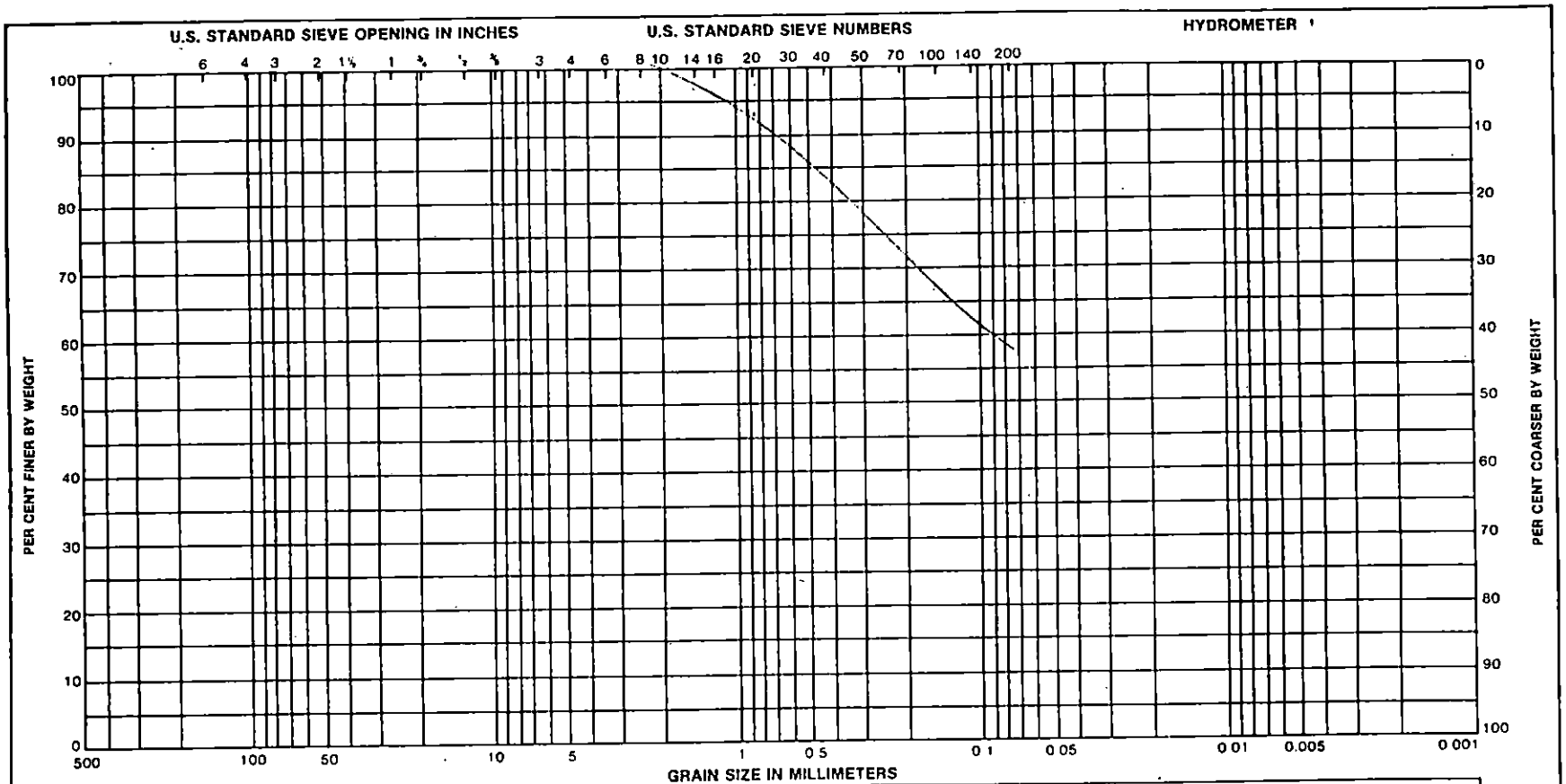
Approx. Elevation	Depth	DESCRIPTION OF MATERIALS (Classification)	* Sample Blows	Sample Depth (Feet)	N
597.4	0.1	Superficial Organic Soil (OL) - moist	7-8-9	0.0	17
		RESIDUAL - Firm, White Tan and Brown, micaceous, Silty SAND (SM) - saturated		1.5	
			8-8-9	3.0	17
			5-6-7	4.5	13
			7-9-12	6.0	21
				8.5	
			5-7-8	10.0	15
				13.5	
582.5	15.0		10-13-16	15.0	29
		Boring terminated @ 15 feet 0 inches			
		Groundwater: 0 hr. - 11 ft. 8 in. 24 hr. - 6 ft. 8 in.			

N VALUE (bpf) PL %MC LL
2 5 10 20 30 40 50 60 80

BL3 85048 6/11/98

*Number of blows required for a 140 lb hammer dropping 30" to drive 2" O.D., 1.375" I.D. sampler a total of 18 inches in three 6" increments. The sum of the last two increments of penetration is termed the standard penetration resistance, N.

ANALYTICAL RESULTS



Boring No.	Sample No.	Elev. or Depth	Classification	Nat w %	LL	PL	PI	Project
B-1	3	3.0-4.5'	Brown and Tan, micaceous, Sandy SILT (ML)	27.1	43	31	12	Proposed Sherwin-Williams Store 10207 N. Tryon St., Charlotte, NC

REPORT OF SOIL ANALYSIS

File No. 460-85058

GENERAL NOTES

GENERAL NOTES

SAMPLE IDENTIFICATION

The Unified Soil Classificaton System is used to identify the soil unless otherwise noted.

SOIL PROPERTY SYMBOLS

N: Standard "N" penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2 inch O.D. split-spoon.

Qu: Unconfined compressive strength, TSF.

Qp: Penetrometer value, unconfined compressive strength, TSF.

Mc: Water content, %.

LL: Liquid limit, %.

PI: Plasticity index, %.

δd: Natural dry density, PCF.

▼: Apparent groundwater level at time noted after completion of boring.

DRILLING AND SAMPLING SYMBOLS

SS: Split-Spoon - 1 3/8" I.D., 2" O.D., except where noted.
ST: Shelby Tube - 3" O.D., except where noted.
AU: Auger Sample.
DB: Diamond Bit.
CB: Carbide Bit.
WS: Washed Sample.

RELATIVE DENSITY AND CONSISTENCY CLASSIFICATION

TERM (NON-COHESIVE SOILS)	STANDARD PENETRATION RESISTANCE
Very Loose	0-4
Loose	4-10
Medium	10-30
Dense	30-50
Very Dense	Over 50

TERM (COHESIVE SOILS)	Qu - (TSF)
Very Soft	0 - 0.25
Soft	0.25 - 0.50
Firm (Medium)	0.50 - 1.00
Stiff	1.00 - 2.00
Very Stiff	2.00 - 4.00
Hard	4.00+

PARTICLE SIZE

Boulders	8 in.+	Coarse Sand	5mm-0.6mm	Silt	0.074mm-0.005mm
Cobbles	8 in.-3 in.	Medium Sand	0.6mm-0.2mm	Clay	-0.005mm
Gravel	3 in.-5mm	Fine Sand	0.2mm-0.074mm		

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER SECTION

400

Sheet 1
PROPERTY ID #: 029-031-21
Lot # :
File # : 24598

SOIL/SITE EVALUATION
for ON-SITE WASTEWATER SYSTEM

#3
2nd pit

OWNER: Arthur T. Williams III
APPLICANT: Jerry Patterson
ADDRESS: 2516 Reynolda Dr. Winston-Salem, N.C.
DATE EVALUATED: 4-17-96
PROPOSED FACILITY: Store
PROPOSED DESIGN FLOW (.1949): 75 g/d
PROPERTY SIZE: .54
LOCATION OF SITE: 10207 N. Tryon St.
PROPERTY RECORDED:
WATER SUPPLY: ☐ Private ☑ Public ☐ Well ☐ Spring ☐ Other
EVALUATION METHOD: ☐ Auger Boring ☑ Pit ☐ Cut
TYPE OF WASTEWATER: ☑ Sewage ☐ Industrial Process ☐ Mixed

Saprolite Inv.

PROFILE #	2-12% Slopes .1940 LANDSCAPE POSITION/ SLOPE %	HORIZON DEPTH (IN.)	SOIL MORPHOLOGY (.1941) .1941 STRUCTURE/ TEXTURE	.1941 CONSISTENCE/ MINERALOGY	OTHER PROFILE FACTORS .1942 SOIL WETNESS/ COLOR	.1943 SOIL DEPTH	.1956 SAPRO CLASS	.1944 RESTR HORIZ	PROFILE CLASS & LTAR
1	LS	0-43"	M/SC/ Fill	Fr-Fi/Mixed/SLP	5Y 5/1	original soil depth @ 43"	N/A	None	US
		43-60"	gr/SC/	Fr-Fi/SEXP/SLP	@ 27"				
2	LS	6-31"	M/SC-SC/ Fill	Fi/Mixed/SLP	10YR 7/1	56"	~~N/A~~ US	None	US
		31-58"	M/SC	Fi/SEXP/SLP	@ 33"				
3	LS	0-42"	M/SC-SC/ Fill	Fi/Mixed/SLP	7.5Y 5/1 TO soil wetness	60"	~~N/A~~ US	None	US
		42-57"	SBK/CL	Fr-Fi/SEXP/SLP					
		57-60"	PM/SC	Fi/SEXP/SLP					
4	LS	0-8"	M/SC-SC/ Fill	Fi/Mixed/SLP	7.5Y 5/1 TO soil wetness	60"	US	None	US
		8-60"	M/SC/	Fr-Fi/SEXP/SLP					

DESCRIPTION	INITIAL SYSTEM	REPAIR SYSTEM
Available Space (.1945)	US	US
System Type(s)		
Site LTAR		

OTHER FACTORS (.1946):
SITE CLASSIFICATION (.1948): Unsuitable
EVALUATED BY: W. A. Mauldin LSS 4-2096
OTHER(S) PRESENT: L. Pe Hansen

COMMENTS: 1982 Repair

LEGEND

use the following standard abbreviations

LANDSCAPE POSITION	GROUP	SOIL TEXTURE	CONVENTIONAL 1955 LTAR	LPP 1957 LTAR	MINERALOGY/ CONSISTENCE	STRUCTURE
C (Concave Slope)	I	S (Sand)	1.2 - 0.8	0.6 - 0.4	NEXP (Non-expansive)	G (Single Grain)
V (Convex Slope)		LS (Loamy Sand)			SEXP (Slightly Expansive)	M (Massive)
(Drainage Way)					EXP (Expansive)	CR (Crumb)
S (Debris Slump)	II	SL (Sandy Loam)	0.8 - 0.6	0.4 - 0.3		GR (Granular)
P (Flood Plain)		L (Loam)				SBK (Subangular Block
S (Foot Slope)						ABK (Angular Blocky)
I (Head Slope)	III	SI (Silt)	0.6 - 0.3	0.3 - 0.15		PL (Platy)
(Linear Slope)		SICL (Silty Clay Loam)				PR (Prismatic)
: (Nose Slope)		CL (Clay Loam)			MOIST	WET
(Ridge)		SCL (Sandy Clay Loam)				
(Shoulder Slope)		SUC (Silt Loam Clay)			VFR (Very Friable)	NS (Non-sticky)
(Terrace)					FR (Friable)	SS (Slightly Sticky)
	IV	SC (Sandy Clay)	0.4 - 0.1	0.2 - 0.05	FI (Firm)	S (Sticky)
		SIC (Silty Clay)			VFI (Very Firm v. Very Sticky)	VS (Very Sticky)
					EFI (Extremely Firm)	NP (Non-plastic)
		O (Organic)	None			SP (Slightly Plastic)
						P (Plastic)
						VP (Very Plastic)

OTES

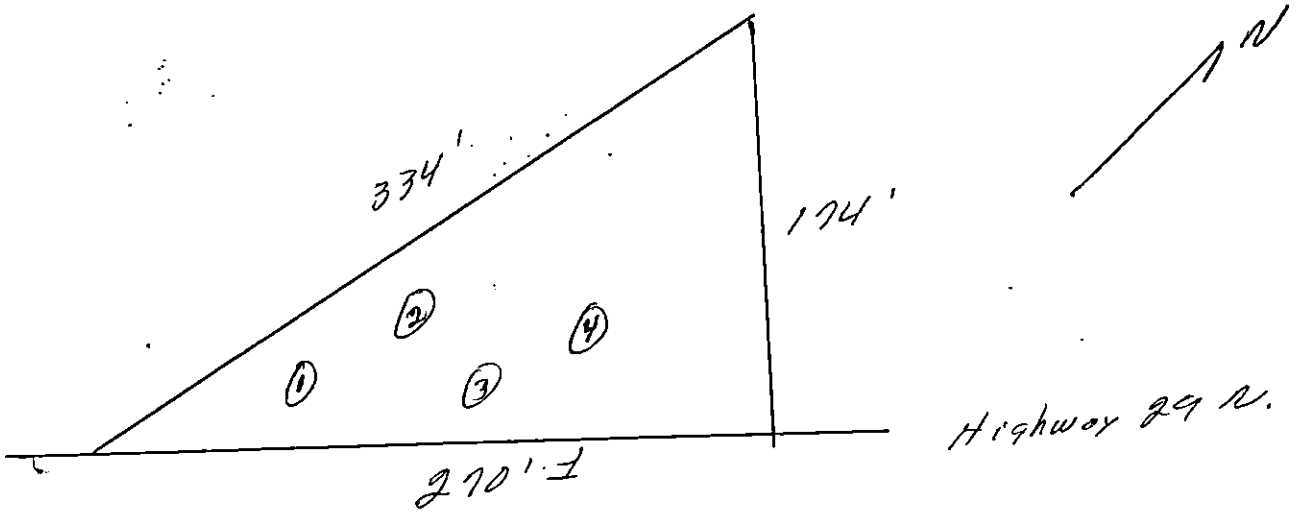
ORIZON DEPTH	In inches below natural soil surface
EPTH OF FILL	In inches from land surface
ESTRICTIVE HORIZON	Thickness and depth from land surface
IPROLITE	S(suitable) or U(unsuitable)
OIL WETNESS	Inches from land surface to free water or inches from land surface to soil colors with chroma 2 or less - record Munsell color chip designat
LASSIFICATION	S (Suitable), PS (Provisionally Suitable), or U (Unsuitable)

valuation of saprolite shall be by pits.

ong-term Acceptance Rate (LTAR): gal/day/ft²

Show profile locations and other site features (dimensions, reference or benchmark, and North).

24593



Revised

PROPOSED PLOT PLAN

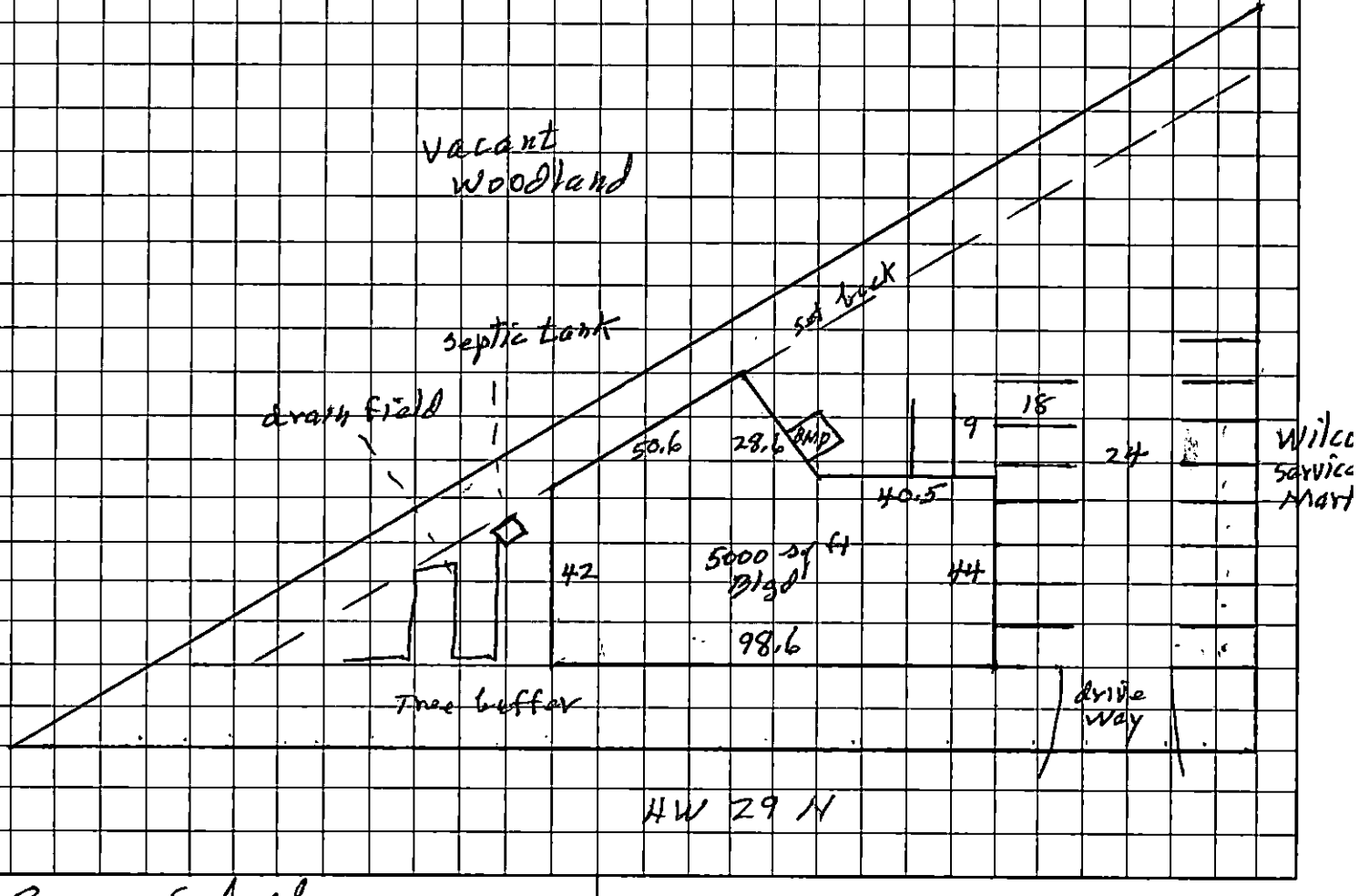
2nd site evaluation 75.00 Check #637 4/4/98 gc

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
PHONE (704) 336-5102

FILE: 2459B

TC: 029-031-21

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



Sarry D. Patterson
OWNER/AGENT SIGNATURE

DATE 4-9-98

APPROVAL DATE _____

White - Health Department's Copy Canary - E.H.S. Copy Pink - Owner's Copy

FEE: 100.00 Chk # 6346

DATE: 4/3/98 SC

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR IMPROVEMENT PERMIT FOR COMMERCIAL/INDUSTRIAL SITE

[ ] CRT

TYPE APPLICATION: X NEW SYSTEM ___ EXPANSION OF EXISTING SYSTEM ___ REPAIR OF EXISTING SYSTEM

NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER SECTION

FILE #: 2455B

PROJECT TRACKING #:

PROPERTY INFORMATION (FROM ENGINEERING FORM) FOR JOB LOCATION:

TAX/PARCEL NUMBER: 029-031-21

STREET ADDRESS: 10207 N Tryon Street

LOT NUMBER:

TOWNSHIP (CHECK ONE):

___ 0 MECKLENBURG
X 1 CHARLOTTE
___ 2 DAVIDSON
___ 3 CORNELIUS
___ 4 PINEVILLE
___ 5 MATTHEWS
___ 6 HUNTERSVILLE
___ 7 MINT HILL

X COMMERICAL ___ INDUSTRIAL

DESCRIBE TYPE OF BUSINESS:
Sherwin-Williams Paint Store

Square footage of facility: 5000 square foot

NUMBER OF EMPLOYEES: 3 PER SHIFT: 3

HOW WILL WATER BE USED IN THE FACILITY:

X TOLIETS/URINALS
X HANDSINK
___ SHOWERS
___ FLOOR DRAINS

OTHER, PLEASE DESCRIBE:

TYPE OF WASTEWATER:
X SEWAGE ___ INDUSTRIAL PROCESS WASTE WATER

An IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change.

IF EXPANSION OF EXISTING SYSTEM, DESCRIBE THE PROPOSED ADDITION:

WATER SUPPLY (CHECK ONE): ___ COMMUNITY (C) X MUNICIPAL (M) ___ PRIVATE WELL (P) ___ SHARED WELL (S) ___ OTHER 'SPRINGS' (O)

IF ANY OF THE FOLLOWING ARE LOCATED ON THE PROPERTY, PLEASE SHOW LOCATION ON PLAT:

BURIED CABLES, LANDFILLS, STUMPHOLES ___ YES X NO
EXISTING WASTE WATER SYSTEMS ___ YES X NO
EASEMENTS OR RIGHT-OF-WAYS X YES ___ NO
WELL SPRINGS OR WATERLINES ___ YES X NO
DESIGNATED WETLANDS ___ YES X NO

BUILDING PLANS TO INCLUDE ALL PLUMBING, FLOOR DRAINS AND ALL SOURCES OF WASTEWATER DISCHARGE AND GRADING PLANS MAY BE REQUIRED DURING THE EVALUATION STAGE. No floor drains only toilet and mop sink

PROPERTY OWNER:	LEGAL AGENT FOR PROPERTY OWNER, IF APPLICABLE:
NAME: Williams (LAST) Arthur (FIRST) T III (MI)	NAME: Patterson (LAST) Larry (FIRST) H (MI)
ADDRESS: 2518 Reynolds Drive	DAYTIME PHONE: 704 365 -- 1256
CITY: Winston Salem STATE: N C ZIP: 27104	
DAYTIME PHONE: (910 767 -- 6280	

WHAT DATE WAS THE PROPERTY ORIGINALLY DEEDED AND RECORDED? under sale contract dated 11-5-97

THE UNDERSIGNED, OWNER, OR LEGAL AGENT FOR THE OWNER, OF THE PROPERTY DESCRIBED ABOVE AS THE "JOB LOCATION" HAS READ THE FOREGOING APPLICATION, ACKNOWLEDGES THAT THE CONTENTS OF SAME ARE TRUE, AND AUTHORIZES AGENTS OF THE MECKLENBURG COUNTY HEALTH DEPARTMENT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF PROCESSING THIS REQUEST.

SIGNED: Larry H Patterson DATE: 4-3-98

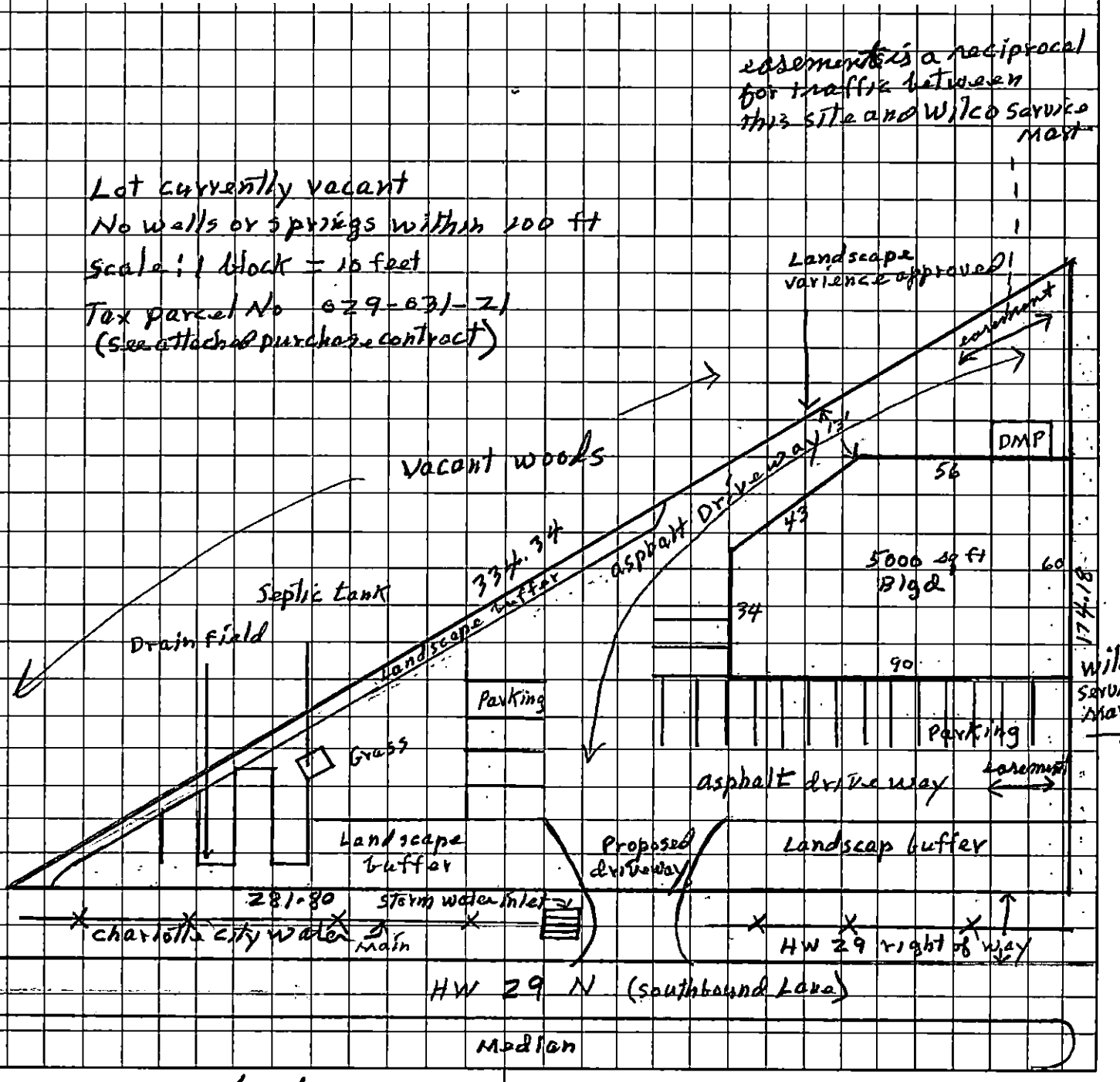
PROPOSED PLOT PLAN

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
PHONE (704) 336-5102

FILE: 2459B

TC: 029-03I-21

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



Barry H Patterson
OWNER/AGENT SIGNATURE

DATE 4-3-88

APPROVAL DATE _____

White - Health Department's Copy Canary - E.H.S. Copy Pink - Owner's Copy

File # 2459B

THIS CONTRACT AGREEMENT made and entered into this the 5th day of November, 1997, by and between, **ARTHUR T. WILLIAMS III.** , herein referred to as "Seller", and **CURRIN PATTERSON INVESTMENTS LLC,** a North Carolina Limited Liability Company, herein referred to as "Buyer", whose mailing address is 2915 Providence Road, Suite 100, Charlotte, N. C. 28211, and Investors Title and Insurance, party of the third part, herein referred to as "Escrow Agent", whose mailing address is _____.

WITNESSETH:

In Consideration of the covenants and agreements contained herein the parties hereto agree as follows:

SECTION I

SALE OF PROPERTY:

The "Buyer" agrees to buy and the "Seller" agrees to sell a certain tract of unimproved real estate, situate, lying and being in the City of Charlotte, North Carolina and, Mecklenburg County, which property is highlighted and shown on a sketch attached hereto consisting of 26,000 square feet (Plus or Minus) beside the Wilco Station located on Highway 29 as shown on "Exhibit A". The parties agree that a new survey shall be completed at the "Buyer's" expense and conveyance shall be by the new survey with the boundaries substantially as shown on the sketch attached.

SECTION 2

SALE PRICE:

The sale price for the property to be conveyed together with appurtenances thereunto belonging shall be TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS ($250,000.00), payable

as follows:

a. TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($2,500.00), payable to the "Escrow Agent" 10 days after execution by Buyer and Seller of this Agreement, subject to the provisions outlined in Paragraph 6 and

b. The balance of TWO HUNDRED FORTY SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($247,500.00) payable at closing

SECTION 3

CLOSING DATE:

The closing of the sale and purchase of the property shall be held in the offices of _____, Attorney on a closing date, which shall be no later than March 1, 1998. It is provided however, that the "Buyer" may at its option extend the closing date for an additional period of Thirty (30) days at the "Buyer's" request provided the "Buyer" place in the hands of the "Escrow Agent" the additional sum of ONE THOUSAND AND NO/100 DOLLARS ($1,000.00) on or before the expiration of the original date of closing, which amount is to be applied to the Sale Price.

SECTION 4

DOCUMENTS AT CLOSING:

At closing the "Seller" shall deliver to the "Buyer" a General Warranty Deed, conveying fee simple, insurable title, and subject only to easements, covenants and agreements of record. "Seller" shall pay a pro-rated share of the 1998 real estate taxes.

In addition, the "Seller" shall provide to the "Buyer" at closing an affidavit sufficient to remove any objection as to mechanical material liens from a title policy and a non-foreign person affidavit.

SECTION 5

INSPECTIONS AND TERMINATION'S:

From the day of this Agreement and until this Agreement is terminated or closing shall occur, "Buyer" and its authorized contractor, agents, representatives, and employees shall be entitled to go upon the property to make such inspections, examinations, surveys and other studies as may be required by the "buyer", including without limitation: an environmental audit of the Property; a soil analysis; topographical survey or other studies which may be appropriate to determine that the soil on the property will support the projected improvements; survey of the land; a determination that the property and its use and intended use by the "Buyer" will comply with all applicable law, orders and regulations. The "Buyer" shall indemnify and hold the "Seller" harmless from any liability, claims, damages, or expenses (including reasonable attorney's fees) caused by the aforesaid permitted entry; provided, however, it is acknowledged that the "buyer and its contractors, agents, representatives, or employees as a result of its or their

environmental audit activities, may be required to report facts and circumstances to governmental agencies having jurisdiction in respect of such matters, and it is agreed that the aforesaid indemnity shall not extend or cover liabilities of the "Seller", arising out of any such reporting. Buyer agrees to provide all such work produced to Seller at no cost to Seller to include soil tests, topographical survey, environmental audit and all other studies that Buyer performs as soon as such work is complete.

SECTION 6

CONDITIONS TO BUYER'S OBLIGATION:

The obligations of "Buyer" under this Agreement are and shall be subject to the fulfillment of each of the following conditions precedent, the failure of any of which shall entitle "Buyer" either to waive such condition or terminate the Agreement by notice in writing to the "Seller" and "Escrow Agent" made prior to the closing date or date of extension. If Buyer elects to terminate the agreement then any funds placed in escrow by Buyer shall be returned. The conditions are as follows:

(a) "Due Diligence"

Until March 1, 1998, the Buyer shall be entitled to execute a lease with Sherwin Williams and do other due diligence in connection with this project during which time Buyer will be without obligation to Seller. During this period Buyer will have the right to terminate this agreement by giving notice in writing to Seller. Seller will remain bound until March 1, 1998 by the provisions outlined in this agreement

(b) Building and Other Permits:

The ability of the "buyer" to obtain all necessary building permits.

(c) Government Approvals:

1. The necessary governmental approvals, licenses, and permits required for the construction and operation of not greater than 5,000 square feet of retail and warehouse space on the property and a determination that no portion of the property is located either in a wetlands, area, a flood fringe area, or an unbuildable floodway area and the soils thereon are suitable for the anticipated improvements.

2. City approval of a variance request related to parking, shrubbery, buffers and driveway location scheduled for a hearing January 27, 1998.

3. N. C. State approval for a driveway cut to Highway 29 as shown in Exhibit A.

(d) Restrictive Covenants:

Waiver of any restrictive covenants, which prevent or limit the use of the property as anticipated by the "Buyer" for a paint store.

(e) Pylon Signs:

Approval for the construction of one (1) pylon sign on the property.

(f) Hazardous Substances:

A determination that there shall not exist on the property any hazardous waste, hazardous substances, hazardous material, toxic substances, toxic pollutants as those terms are used in the Resource Conservation and Recovery Act and other provisions of state and federal law so defining the same; that the property is not subject to federal, state or local regulations or liability because of the presence of stored, leaked, spilled or disposed contaminates; that no portion of the property is filled with soil containing said contaminates and that no condition exist, which may be characterized by any state, federal or local agency as an actual or potential danger to public health with the environment.

(g) Utilities:

A determination that water, sanitary sewer, storm sewer, electricity, telephone and other utilities are available to the property in adequate capacity to serve the proposed improvements.

(h) Title Commitment:

An owner's and mortgagee title insurance binder on the property (to be paid for by Purchaser.) insuring fee simple title subject only to exceptions for easements, restrictions, and agreements.

(i) This contract becomes null and void unless accepted by Seller prior to November 20, 1997.

SECTION 7

EMINENT DOMAIN:

If prior to the closing all or any part of the property is taken by eminent domain or if condemnation proceedings in respect to any part of the property are commenced, the "Buyer" shall have the option by written notice to the "Seller", to terminate this Agreement. If the "Buyer" does not select or terminate this Agreement, it shall remain in full force and effect and the "Seller" shall assign, transfer and set over to the "Buyer" at closing all of "Seller's" right, title and interest in and to any awards that may be made for such taking.

SECTION 8

REPRESENTATIONS BY SELLERS:

"Seller" hereby acknowledge that they are vested with fee simple title to said property; that the property is free from all liens and encumbrances, except current real estate taxes; and subject to an Agreement for Entry with the State of North Carolina dated December 2, 1996; that there are no leases or management agreements affecting the same; that the "Seller" has entered into no contracts or agreements with realtors, brokers, or commission agents, regarding the sale of said property other than those disclosed to "Buyer"; and that there are no pending suits or matters of litigation regarding said

property, with the exception of the dispute with the Department of Transportation of the State of North Carolina with regard to environmental contamination of said property, as has been fully disclosed by the "Seller" to the "Buyer", all to the best of the "Seller's" knowledge. Seller further warrants that at closing the property will be zoned properly for the business of operating a paint store.

SECTION 9

DEFAULT AND LIQUIDATED DAMAGES:

In the event "Buyer" defaults under the terms hereof, the "Seller" shall have the right to receive all funds paid to "Escrow Agent" and interest, if any, thereon as liquidated damages, it being agreed that the "Seller's" damages in the event of a default by the "Buyer" would be difficult to ascertain and said sums represent an approximation of said damages. In the event the "Seller" defaults or fails to perform any of the conditions or obligations contained herein or should any representation or warranty prove to be untrue as of the date of closing, the "Buyer" shall be entitled to exercise any and all rights and remedies available to it at law or in equity, including without limitation, an action at law for damages and/or an action in equity for specific performance or the "buyer" may terminate this Agreement and be entitled to a refund of all funds held by the "Escrow Agent". Notwithstanding the foregoing, the "Buyer's" suit for damages shall lie only after the "Seller" is allowed to in good faith seek to cure the default in question and after the date for closing or any extended date thereof, shall have passed for a period of at least thirty (30) days.

SECTION 10

POSSESSION:

"Seller: agree to deliver exclusive possession of the property at closing.

SECTION 11

SURVIVAL:

The terms, covenants, and conditions along with the warranties of this Agreement shall survive and continue in full force and effect after the closing date.

SECTION 12

ESCROW OF DEPOSIT:

The "Escrow Agent" is hereby appointed to hold and disburse the funds paid to him by the "Buyer" in accordance with the following terms and conditions:

a. In the event of default by the "Buyer", "Escrow Agent" shall deliver all funds so held together with interest, if any, to the "Seller" as liquidated damages as representing the sole remedy for default by the "Buyer".

b. In the event of default by the "Seller", "Escrow Agent" shall deliver all funds, together with interest, if any, to the "Buyer".

c. In the event the purchase and sale contemplated is closed, "Escrow Agent" shall deliver all funds to the "Seller" and the same shall be treated as a credit against the purchase price.

d. In the event of withdrawal from the contract by the "Buyer" based on the inability to satisfy any of the contingencies set forth in Section 6 herein, with notice of withdrawal being given prior to "Buyer's" default, all funds shall be refunded to the "Buyer".

e. The parties hereby agree that the "escrow Agent" shall not be liable for any reason except for gross negligence or intentional misconduct.

f. In the event the "Escrow Agent" is required to institute or participate in litigation as a result of this escrow, the parties hereto shall be jointly and severally obligated to reimburse the "Escrow Agent" for any cost and expenses (including reasonable attorney fees) actually incurred by him.

WITNESS the following signatures and seals:

BUYER:

CURRIN-PATTERSON INVESTMENTS LLC

By: _____ (SEAL)

WITNESS:

_____

SELLER:

By: _____ (SEAL)

By: _____ (SEAL)

WITNESS:

_____

ESCROW AGENT:

By: _____ (SEAL)

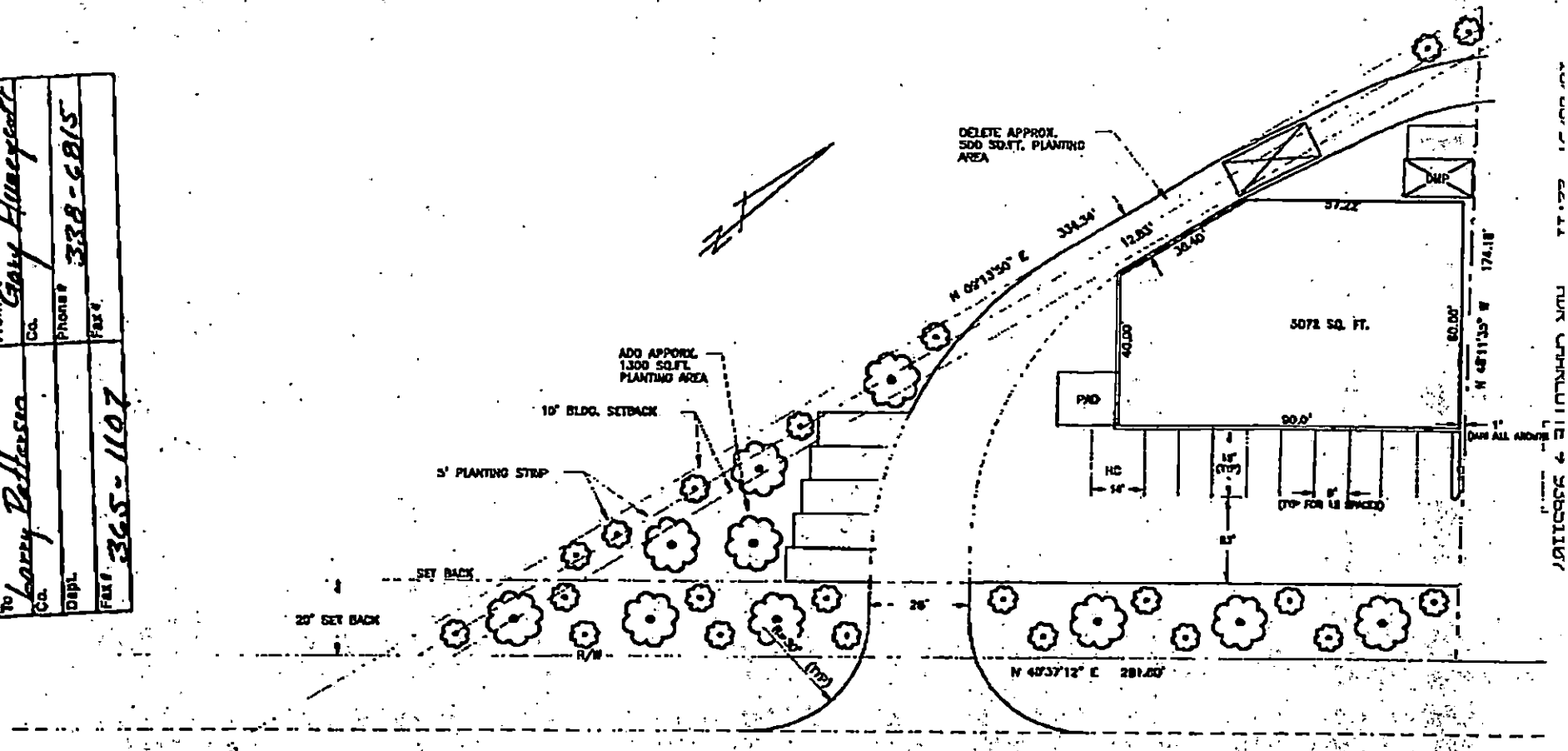
WITNESS:

_____

Exhibit A

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Larry Bellamy	From Gary Hunnicutt		
Co.	Co.		
Dept.	Phone # 338-6815		
Fax # 365-1107	Fax #		

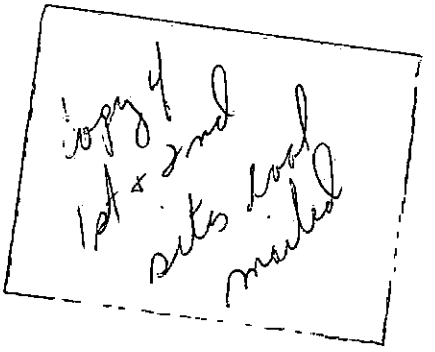


PROPOSED SITE PLAN

SCALE: 1" = 40'

NO.303 P001/001

Mecklenburg County
Health Department



April 27, 1998

Mr. Arthur T. Williams, III
2518 Reynolds Drive
Winston Salem, NC 27104

Re: 10207 N. Tryon Street
File: 2459B
Parcel: 029-031-21

Dear Mr. Williams:

Receipt of your Application for Improvement Permit for the above referenced property is acknowledged. A soil evaluation and a site visit have been conducted. The results of the evaluation indicated that the site is **UNSUITABLE** under Rules .1941 **SOIL CHARACTERISTICS (MORPHOLOGY)**, .1942 **SOIL WETNESS CONDITIONS**, .1943 **SOIL DEPTH** and .1945 **AVAILABLE SPACE**. For these reasons your Application for Improvement Permit is denied. A possible way to develop the site exists under Rule .1948(d) which reads as follows:

> A site classified as **UNSUITABLE** may be used for a ground absorption sewage treatment and disposal system specifically identified in Rules .1955, .1956, or .1957 of this Section or a system approved under Rule .1969 if written documentation, including engineering, hydrogeologic, geologic or soil studies, indicates to the local health department that the proposed system can be expected to function satisfactorily. Such sites shall be reclassified as **PROVISIONALLY SUITABLE** if the local health department determines that the substantiating data indicate that:
> (1) a ground absorption system can be installed so that the effluent will be non-pathogenic, non-infectious, non-toxic, and non-hazardous;
> (2) the effluent will not contaminate ground or surface water; and
> (3) the effluent will not be exposed on the ground surface or be discharged to surface waters where it could come in contact with people, animals, or vectors.

The State shall review the substantiating data if requested by the local health department.

Please be advised that you have the right to an informal review by this department. You also have the right to appeal under G.S. 130A-24, and to have the appeal held in Mecklenburg County.

If you have any questions regarding this matter, please call me at 336-5575.

Sincerely,

Kelly Randall, R.S., Soil Scientist
Individual Water and Wastewater Systems

Mecklenburg County
Health Department

Arthur T Williams III
2518 Reynolds Drive
Winston Salem NC 27104

Re: 10207 N. Tryon Street
File: 2459-B
Parcel: 029-031-21

Receipt of your Application for Improvement Permit for the above referenced property is acknowledged. A soil evaluation and a site visit have been conducted. The results of the evaluation indicated that the site is UNSUITABLE under Rules over. For these reasons your Application for Improvement Permit is denied. A possible way to develop the site exists under Rule .1948(d) which reads as follows:

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If you have any questions regarding this matter, please call me at 336-5575.

Sincerely,

Kelly Randall, R.S., Soil Scientist
Individual Water and Wastewater Systems

- 1941

- 1942

- 1943

- 1945

FEE: 100.00 Ck # 6346

DATE: 4/3/98 SC

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR IMPROVEMENT PERMIT FOR COMMERCIAL/INDUSTRIAL SITE

[redacted] | 1 CRT

TYPE APPLICATION: X NEW SYSTEM ___ EXPANSION OF EXISTING SYSTEM ___ REPAIR OF EXISTING SYSTEM

NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER SECTION

FILE #: 24558

PROJECT TRACKING #:

PROPERTY INFORMATION (FROM ENGINEERING FORM) FOR JOB LOCATION:

TAX/PARCEL NUMBER: 029-031-21

STREET ADDRESS: 10207 N Tryon Street

LOT NUMBER:

TOWNSHIP (CHECK ONE):

___ 0 MECKLENBURG	___ 4 PINEVILLE
X 1 CHARLOTTE	___ 5 MATTHEWS
___ 2 DAVIDSON	___ 6 HUNTERSVILLE
___ 3 CORNELIUS	___ 7 MINT HILL

X ___ COMMERICAL ___ INDUSTRIAL

DESCRIBE TYPE OF BUSINESS:
Sherwin-Williams Paint Store

Square footage of facility: 5000 square foot

NUMBER OF EMPLOYEES: 3 PER SHIFT: 3

HOW WILL WATER BE USED IN THE FACILITY:

X TOILETS/URINALS
X HANDSINK
___ SHOWERS
___ FLOOR DRAINS

OTHER, PLEASE DESCRIBE:

An IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change.

TYPE OF WASTEWATER:
X SEWAGE ___ INDUSTRIAL PROCESS WASTE WATER

IF EXPANSION OF EXISTING SYSTEM, DESCRIBE THE PROPOSED ADDITION:

WATER SUPPLY (CHECK ONE): ___ COMMUNITY (C) X MUNICIPAL (M) ___ PRIVATE WELL (P) ___ SHARED WELL (S) ___ OTHER 'SPRINGS' (O)

IF ANY OF THE FOLLOWING ARE LOCATED ON THE PROPERTY, PLEASE SHOW LOCATION ON PLAT:

BURIED CABLES, LANDFILLS, STUMPHOLES	___ YES X NO	WELL SPRINGS OR WATERLINES	___ YES X NO
EXISTING WASTE WATER SYSTEMS	___ YES X NO	DESIGNATED WETLANDS	___ YES X NO
EASEMENTS OR RIGHT-OF-WAYS	X YES ___ NO		

BUILDING PLANS TO INCLUDE ALL PLUMBING, FLOOR DRAINS AND ALL SOURCES OF WASTEWATER DISCHARGE AND GRADING PLANS MAY BE REQUIRED DURING THE EVALUATION STAGE. No floor drains only toilet and mop sink

PROPERTY OWNER:

NAME: Williams (LAST) Arthur (FIRST) T III (MI)

ADDRESS: 2518 Reynolds Drive

CITY: Winston Salem STATE: N C ZIP: 27104

DAYTIME PHONE: (910 767 -- 6280

LEGAL AGENT FOR PROPERTY OWNER, IF APPLICABLE:

NAME: Patterson (LAST) Larry (FIRST) H (MI)

DAYTIME PHONE: 704 365 -- 1256

WHAT DATE WAS THE PROPERTY ORIGINALLY DEEDED AND RECORDED? under sale contract dated 11-5-97

THE UNDERSIGNED, OWNER, OR LEGAL AGENT FOR THE OWNER, OF THE PROPERTY DESCRIBED ABOVE AS THE "JOB LOCATION" HAS READ THE FOREGOING APPLICATION, ACKNOWLEDGES THAT THE CONTENTS OF SAME ARE TRUE, AND AUTHORIZES AGENTS OF THE MECKLENBURG COUNTY HEALTH DEPARTMENT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF PROCESSING THIS REQUEST.

SIGNED: Larry H Patterson DATE: 4-3-98

FEE: 120.00 Ck # 6346

DATE: 4/3/98 SC

INDIVIDUAL WATER AND WASTEWATER SYSTEMS PROGRAM
APPLICATION FOR IMPROVEMENT PERMIT FOR COMMERCIAL/INDUSTRIAL SITE

[redacted]

[ ] CRT

TYPE APPLICATION: [X] NEW SYSTEM [ ] EXPANSION OF EXISTING SYSTEM [ ] REPAIR OF EXISTING SYSTEM

NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER SECTION

COPY

FILE #: 24558

PROJECT TRACKING #:

PROPERTY INFORMATION (FROM ENGINEERING FORM) FOR JOB LOCATION:

TAX/PARCEL NUMBER: 029-031-21

STREET ADDRESS: 10207 N Tryon Street

LOT NUMBER:

[X] COMMERICAL [ ] INDUSTRIAL

DESCRIBE TYPE OF BUSINESS:
Sherwin-Williams Paint Store

Square footage of facility: 5000 square foot

NUMBER OF EMPLOYEES: 3

PER SHIFT: 3

TOWNSHIP (CHECK ONE):

[ ] 0 MECKLENBURG
[X] 1 CHARLOTTE
[ ] 2 DAVIDSON
[ ] 3 CORNELIUS
[ ] 4 PINEVILLE
[ ] 5 MATTHEWS
[ ] 6 HUNTERSVILLE
[ ] 7 MINT HILL

HOW WILL WATER BE USED IN THE FACILITY:

[X] TOILETS/URINALS
[X] HANDSINK
[ ] SHOWERS
[ ] FLOOR DRAINS

OTHER, PLEASE DESCRIBE:

An IMPROVEMENT PERMIT is subject to revocation if site plans or the intended use change.

TYPE OF WASTEWATER:
[X] SEWAGE
[ ] INDUSTRIAL PROCESS WASTE WATER

IF EXPANSION OF EXISTING SYSTEM, DESCRIBE THE PROPOSED ADDITION:

WATER SUPPLY (CHECK ONE): [ ] COMMUNITY (C) [X] MUNICIPAL (M) [ ] PRIVATE WELL (P) [ ] SHARED WELL (S) [ ] OTHER 'SPRINGS' (O)

IF ANY OF THE FOLLOWING ARE LOCATED ON THE PROPERTY, PLEASE SHOW LOCATION ON PLAT:

BURIED CABLES, LANDFILLS, STUMPHOLES	[ ] YES [X] NO	WELL SPRINGS OR WATERLINES	[ ] YES [X] NO
EXISTING WASTE WATER SYSTEMS	[ ] YES [X] NO	DESIGNATED WETLANDS	[ ] YES [X] NO
EASEMENTS OR RIGHT-OF-WAYS	[X] YES [ ] NO		

BUILDING PLANS TO INCLUDE ALL PLUMBING, FLOOR DRAINS AND ALL SOURCES OF WASTEWATER DISCHARGE AND GRADING PLANS MAY BE REQUIRED DURING THE EVALUATION STAGE. No floor drains only toilet and mop sink

PROPERTY OWNER:	LEGAL AGENT FOR PROPERTY OWNER, IF APPLICABLE:
NAME: Williams (LAST) Arthur (FIRST) T III (MI)	NAME: Patterson (LAST) Larry (FIRST) H (MI)
ADDRESS: 2518 Reynolds Drive	DAYTIME PHONE: 704 365 -- 1256
CITY: Winston Salem STATE: N C ZIP: 27104	
DAYTIME PHONE: (910 767 -- 6280	

WHAT DATE WAS THE PROPERTY ORIGINALLY DEEDED AND RECORDED? under sale contract dated 11-5-97

THE UNDERSIGNED, OWNER, OR LEGAL AGENT FOR THE OWNER, OF THE PROPERTY DESCRIBED ABOVE AS THE "JOB LOCATION" HAS READ THE FOREGOING APPLICATION, ACKNOWLEDGES THAT THE CONTENTS OF SAME ARE TRUE, AND AUTHORIZES AGENTS OF THE MECKLENBURG COUNTY HEALTH DEPARTMENT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF PROCESSING THIS REQUEST.

SIGNED: Larry H Patterson DATE: 4-3-98

MECKLENBURG COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
[illegible] SUITE 244, 700 N. TRYON ST., CHARLOTTE, N.C. 28202, (704) 336-5103

PROPOSED PLOT PLAN

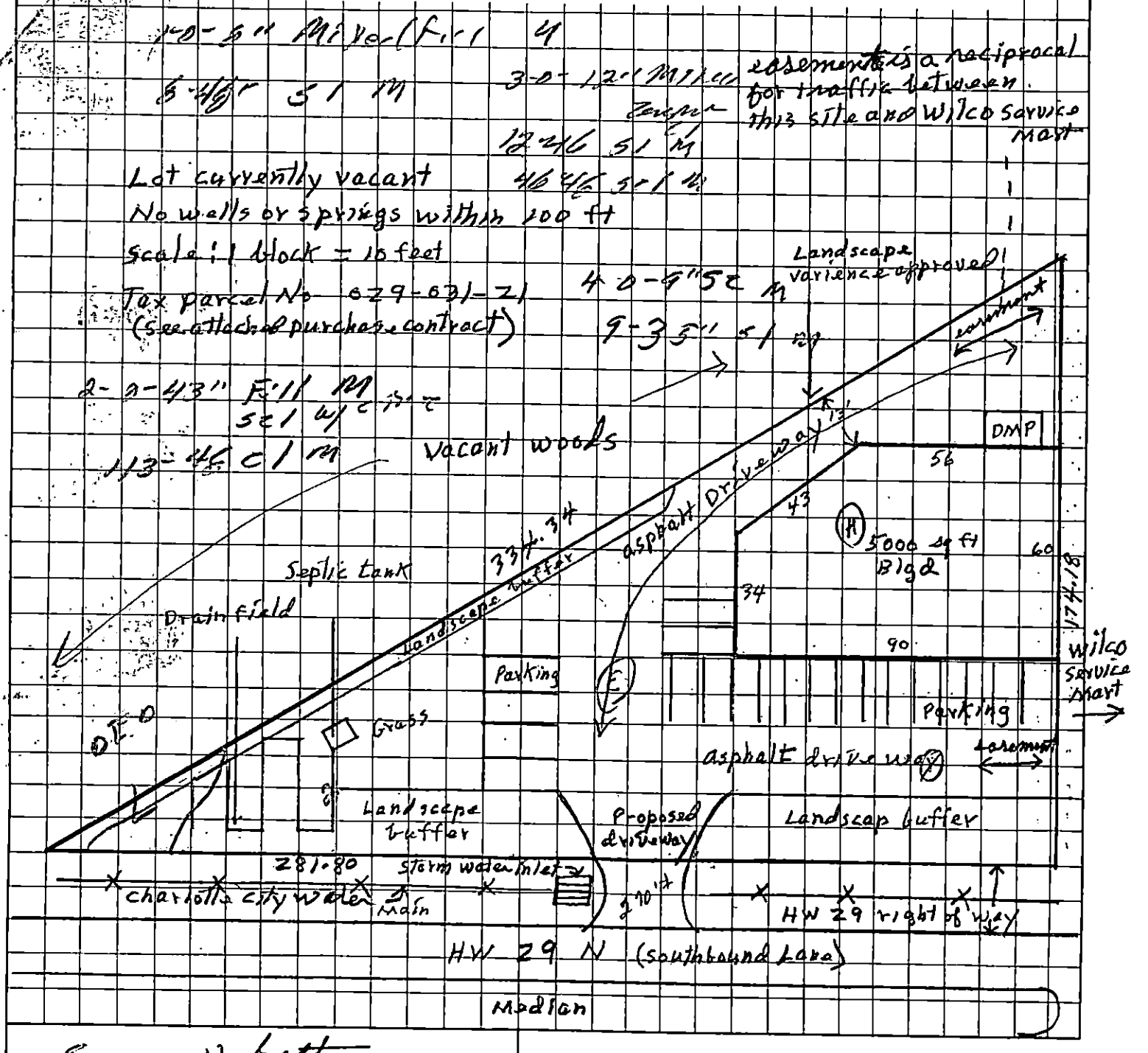
COPY

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
700 NORTH TRYON STREET
CHARLOTTE, NC 28202
PHONE (704) 336-5102

FILE: 2459B

TC: 029-03-21

Draw in and name all roads adjoining the property. Draw in and accurately dimension the lot concerned. Accurately indicate property boundaries proposed and/or existing structures and driveways, underground utilities, and wells and springs within 100 feet of the proposed building or drainfield.



Barry H Patterson
OWNER/AGENT SIGNATURE

DATE 4-3-98

APPROVAL DATE _____

White - Health Department's Copy

Canary - E.H.S. Copy

Pink - Owner's Copy

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH
ON-SITE WASTEWATER SECTION

Sheet 12E
PROPERTY ID #:
COUNTY:

SOIL/SITE EVALUATION
for ON-SITE WASTEWATER SYSTEM

#2 · 2459B
PO 029-03121

OWNER: Arthur T. Williams III
APPLICANT: Jerry Pullen
ADDRESS: 2518 Reynolds Dr. Winston-Salem
APPLICATION DATE:
DATE EVALUATED:
PROPOSED FACILITY: Store
PROPOSED DESIGN FLOW (.1949): 750 gpd
PROPERTY SIZE: .54A
LOCATION OF SITE: 10201 N. Tryon St.
PROPERTY RECORDED:
WATER SUPPLY: ☐ Private ☑ Public ☐ Well ☐ Spring ☐ Other
EVALUATION METHOD: ☑ Auger Boring ☐ Pit ☐ Cut
TYPE OF WASTEWATER: ☑ Sewage ☐ Industrial Process ☐ Mixed

PROFILE #	Slopes 0-4% .1940 LANDSCAPE POSITION/ SLOPE %	HORIZON DEPTH (IN.)	SOIL MORPHOLOGY (.1941) STRUCTURE/ TEXTURE	SOIL MORPHOLOGY (.1941) CONSISTENCE/ MINERALOGY	OTHER PROFILE FACTORS .1942 SOIL WETNESS/ COLOR	.1943 SOIL DEPTH	.1956 SAPRO CLASS	.1944 RESTR HORIZ	PROFILE CLASS & LTAR
1	LS	0-9"	M/Mixed/Fill	Fi/NIA	7 46" TO soil wetness	46"	NIA	None	US
		9-46"	M/SL	Fr/SEXP/NS/NP					
2	LS	0-43"	M/Mixed/Fill SC/C	Fi/some EXP/S/P	7 46" TO soil wetness	46"	NIA	None	US
		43-46"	M/CL	Fr/SEXP/SS/SP					
3	LS	0-12"	M/Mixed/Fill	Fi/some EXP/S/P	7 46" TO soil wetness	46"	NIA	None	US
		12-46"	M/SL	Fr/SEXP/NS/NP					
		46-48"	M/SC/	Fr/SEXP/SS/SP					
4	LS	0-9"	M/SC	Fi/SEXP/S/P	735" TO soil wetness	35"	NIA	None	US
		9-35"	M/SL	Fi/SEXP/NS/WL					

DESCRIPTION	INITIAL SYSTEM	REPAIR SYSTEM
Available Space (.1945)	US	US
System Type(s)		
Site LTAR		

OTHER FACTORS (.1946):
SITE CLASSIFICATION (.1948): Unsuitable
EVALUATED BY: W.A. Marlin, LSS - 4-14-98
OTHER(S) PRESENT:

COMMENTS: 1977 Report

LEGEND

use the following standard abbreviations

LANDSCAPE POSITION	GROUP	SOIL TEXTURE	CONVENTIONAL 1955 LTAR	LPP 1957 LTAR	MINERALOGY/ CONSISTENCE	STRUCTURE
C (Concave Slope)	I	S (Sand)	1.2 - 0.8	0.6 - 0.4	NEXP (Non-expansive)	G (Single Grain)
V (Convex Slope)		LS (Loamy Sand)			SEXP (Slightly Expansive)	M (Massive)
(Drainage Way)					EXP (Expansive)	CR (Crumb)
S (Debris Slump)	II	SL (Sandy Loam)	0.8 - 0.6	0.4 - 0.3		GR (Granular)
P (Flood Plain)		L (Loam)				SBK (Subangular Blocky)
S (Foot Slope)						ABK (Angular Blocky)
(Head Slope)	III	SI (Silt)	0.6 - 0.3	0.3 - 0.15		PL (Platy)
(Linear Slope)		SICL (Silty Clay Loam)				PR (Prismatic)
(Nose Slope)		CL (Clay Loam)			MOIST	WET
(Ridge)		SCL (Sandy Clay Loam)				
(Shoulder Slope)		SLC (Silt Loam Clay)			VFR (Very Friable)	NS (Non-sticky)
(Terrace)					FR (Friable)	SS (Slightly Sticky)
	IV	SC (Sandy Clay)	0.4 - 0.1	0.2 - 0.05	FI (Firm)	S (Sticky)
		SIC (Silty Clay)			VFI (Very Firm v. Very Sticky)	VS (Very Sticky)
					EFI (Extremely Firm)	NP (Non-plastic)
		O (Organic)	None			SP (Slightly Plastic)
						P (Plastic)
						VP (Very Plastic)

OTES

ORIZON DEPTH	In inches below natural soil surface
EPTH OF FILL	In inches from land surface
ESTRICTIVE HORIZON	Thickness and depth from land surface
APROLITE	S(suitable) or U(unsuitable)
OIL WETNESS	Inches from land surface to free water or inches from land surface to soil colors with chroma 2 or less - record Munsell color chip designatic
LASSIFICATION	S (Suitable), PS (Provisionally Suitable), or U (Unsuitable)

valuation of saprolite shall be by pits.

ong-term Acceptance Rate (LTAR): gal/day/ft²

Show profile locations and other site features (dimensions, reference or benchmark, and North).

2459B

