2014002477

FILED FOR RECORD
05/29/2014 3:32PM
RHONDA WATKINS Clerk

By _____ D.C.

CORRECTED DEED NOTICE AND RESTRICTIONS

This Corrected Deed Notice and Restrictions is made as of the 1st day of MAY, 2014, by the Estate of Mary Faye (Burke) Grisham with C.C. Grisham as Executor. Mr. C.C. Grisham's principal place of business is located at 1 Meriwether Pond, Harrison, AR 72601 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTYAND THE SITE. The Estate of Mary Faye (Burke) Grisham with Mr. C.C. Grisham as Executor is the owner in fee simple of certain real property (the "Property") on the tax map of Boone County, Arkansas; the Property is also known as the United States Environmental Protection Agency ("U.S.EPA") Arkwood Superfund Site ("Site) listed on the National Priorities List ("NPL") on March 31, 1989. The Site consists of approximately 18.076 acres described in more detail in Section 3 herein, and in Exhibit A (Figure I-3 "Site Location Map") and Exhibit B (Figure I-7 "General Site Features" Map), which are attached hereto and made a part hereof.

2. EFFECT OF CORRECTED DEED NOTICE AND RESTRICTIONS. This Corrected Deed Notice and Restrictions revises, amends and supersedes the Deed Notice executed and recorded (filed for record) by C.C. Grisham, Executor of the Estate of Mary Faye (Burke) Grisham, owner of the Property on August 30, 2010 in Boone County, Arkansas. (File No.10 004447) ("2010 Deed Restrictions"). The terms and conditions set forth herein as applicable to the Property and/or Site replace those set forth in the 2010 Deed Restrictions.

3. AFFECTED PROPERTY (THE SITE). Exhibit C, which is Exhibit A of the Consent Decree, U.S. v. Hallie C. Ormond, C.C. Grisham and Mary F. Burke, Civil Action No. 87-3034, July 12, 1988, the legal description of the Property delineated herein as follows: Part of the Northeast Quarter of the Southwest Quarter and part of the South Half of the Northwest Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 21 North, Range 21 West, Boone County, Arkansas, more particularly described to-wit: Commencing at a stone marking the Southeast corner of the Northeast Quarter of the Southwest Quarter of Said Section 27, thence North 86° 02' 53" West 946.17 feet, thence North 01° 28' 49" East 970.62 feet to the place of beginning said point being located on northerly right-of-way of county road, thence with said northerly right-of-way North 31° 53' 10" West 492.77 feet, thence North 33°15' 00" West 345.29 feet, thence North 29° 35' 17" West 345.49 feet, thence North 34° 06'52" West 118.66 feet, thence North 39° 10' 31" West 92.00 feet, thence North 43° 16' 58" West 107.38 feet, thence leaving said northerly right-of-way North 42° 42' 38" East 2.83 feet to the southerly right-of-way of Missouri Pacific Railroad, thence with said southerly right-of-way South 47° 17' 22" East 49.77 feet, thence South 48° 16' 00" East 318.53, thence South 48° 19' 25" East 602.13 feet, thence South 49° 01' 52" East 95.36 feet, thence South 50° 04' 43" East 99.37 feet, thence South 51° 43' 07" East 98.58 feet, thence South 53° 45' 52" East 100.98 feet, thence South 55° 55' 22" East 103.00 feet, thence South 57° 46' 36" East 12.20 feet, thence South 32° 13' 24" West 135.00 feet, thence South 57° 46' 36" East 245.44 feet , thence North 32° 13' 24" East 106.15 feet to the North line of a deed dated February 22, 1961, and recorded in Deed Book 85, Pages 164-165 in the Circuit Clerk and ex-officio Recorder Office in and for Boone County, Arkansas, thence along said North line South 56° 29' 35" East 1004.34 feet, thence leaving said North line South 23° 30' 25" West 154.07 feet to the approximate toe of slope of hill side, thence with said approximate toe of slope South 48° 18' 45" West 47.44 feet ,thence South 80° 10' 42" West 100.89 feet, thence North 76° 14' 40" West 132.91 feet, thence North 68° 01' 53" West 282.88 feet, thence North 52° 56' 23" West 164.49 feet thence North 63° 51' 10" West

9422300

200.07 feet, thence South 29° 26' 53" West 116.89 feet, thence South 03° 41' 49" West 144.76 feet, to the northerly right-of-way of County Road, thence leaving said approximate toe of slope and following said northerly right-of-way of County Road North 46° 17' 18" West 70.92 feet, thence North 41° 56' 22" West 86.18 feet, thence North 36° 55' 21" West 86.29 feet, thence North 33° 04' 49" West 111.09 feet, thence North 31° 53' 10" West 289.85 feet to the place of beginning and containing 18.076 acres more or less and subject to existing easements and right-of ways.

4. AGENCY. The U.S. EPA is the agency responsible for overseeing the investigation and remediation of the Site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") program.

5. SOIL REMEDIATION. Under the direction of the U.S.EPA, soil remediation activities, including soil excavation, off-site removal of soils with contaminant concentrations above U.S. EPA-approved cleanup levels and capping of the Site were completed on December 1, 1995 with a final inspection performed by the U.S. EPA and Arkansas Department of Pollution Control and Ecology ("ADPCE"), now known as the Arkansas Department of Environmental Quality ("ADEQ") on December 13, 1995. As defined by the 1990 Record of Decision ("ROD") for the Site, soil cleanup levels were established at industrial levels, specifically, 300 mg/kg pentachlorophenol ("PCP"), 20 ug/kg dioxin ("2,3,7,8-TCDD") and 6.0 mg/kg carcinogenic polynuclear aromatic hydrocarbons ("Benzo(a)pyrene").

6. RESIDUAL SOIL CONTAMINATION. Pursuant to the ROD, soil contamination remains at the Site in concentrations that do not allow for unlimited use and unrestricted exposures at the Site. Notice and warning of the residual contamination on the Site is necessary to prevent any inappropriate land uses (i.e., non-industrial).

7. GROUND WATER CONTAMINATION. Under the direction of the U.S.EPA, treatment of PCP in water emanating from downgradient of the Site was implemented in 1997. Ground water extraction and use of the ground water underlying the Site is prohibited, except as authorized by the U.S. EPA and/or ADEQ for approved investigation, monitoring or remediation activities, or should a variance be granted for ground water use in a deep well on the Site. A variance for ground water use in a deep water well shall be granted only if the integrity of the well is intact and no migration of contaminants between the contaminated shallow zone and deep water can be demonstrated.

8. ENGINEERING CONTROLS. The engineering controls at the Site are limited to:

   i) a secure fence around areas of the Site as depicted in Exhibit D (Figure 4);
   ii) a topsoil and grass cover cap as depicted in Exhibit E (Figure 5); and
   iii) a storm water control system.

9. CONTINUING INSPECTION, MAINTENANCE AND OPERATION: Use of the Site by any and all persons is subject to the inspection, maintenance and operation of the engineering controls in Section 8 above and ensuring that the remedial action of which each engineering control is a part remains protective of human health, safety and the environment.

10. FUTURE LAND USE. This Corrected Deed Notice and Restrictions is being recorded to the title to the Site, in part, to ensure that any future use of the Site is limited to industrial use. Residential or commercial uses shall be prohibited.

11. LAND USE RESTRICTIONS. Use of the Site by any and all persons is subject to the following land use restrictions:

i. No digging in the capped area unless prior written approval is obtained from the U.S.EPA, in consultation with ADEQ, based on the submittal of a proposed excavation plan.
ii. No activities that cause soil erosion and/or disrupt the integrity of the capped area. Surface construction over the top soil and grass, including covering it with concrete, asphalt or other surface materials, may be acceptable to EPA and/or ADEQ as long as the integrity of the soils remedy is not impacted. Any surface construction activities over the top soil and grass will be conducted in close cooperation with McKesson Corporation.
iii. No extraction or use, for any purpose, of the ground water underlying the Site, except as authorized by the U.S. EPA and/or ADEQ for investigation, monitoring or remediation, or should a variance be granted for ground water use in a deep well on the Site. A variance for ground water use in a deep water well shall be granted only if the integrity of the well is intact and no migration of contaminants between the contaminated shallow zone and deep water can be demonstrated.
iv. No activities that will affect the integrity of any current or future remedial or monitoring system such as ground water monitoring wells and/or impermeable reactive barriers.
v. No development of the Site for residential or commercial use or any other non-industrial use.

The land use restrictions apply to the entirety of the affected Property described herein above.

12. ACCESS. The U.S. EPA, ADEQ and their agents and representatives shall have full access to the Site at all times to inspect and evaluate the continued protectiveness of the remedial action or for other purposes authorized under Federal and Arkansas law, including this Corrected Deed Notice and Restrictions.

13. NOTICES. The Owner and subsequent owners shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply fully with the requirements in this Corrected Deed Notice and Restrictions. Nothing contained in this paragraph shall be construed as limiting any obligation of any person to provide any notifications required by any law, regulation, or order of any governmental authority. The Owner and any subsequent owners shall provide written notice to the U.S. EPA and ADEQ at least 30 calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property. The Owner is not required to provide notice when the conveyance of the Owner's interest, in whole or in part, is made by bequest to a beneficiary. The beneficiary shall provide written notice of such conveyance or bequest at least 45 calendar days after the effective date of the conveyance or bequest.

The Owner and any subsequent owners shall submit written notice under Section 13 above to:

Superfund Division, Remedial Branch
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

AND

Arkansas Department of Environmental Quality
Chief, Hazardous Waste Division
5301 Northshore Drive
North Little Rock, AR 72118

14. ENFORCEMENT OF VIOLATIONS. This Corrected Deed Notice and Restrictions is intended, in part, to provide notice that future use of the Site is restricted to industrial use, to provide a warning of the risks associated with the on-site contamination, to protect the integrity of the Site engineering controls, to prevent exposure to residual soil contamination, and to prohibit use of the groundwater except as authorized by the U.S.EPA and/or ADEQ. The restrictions provided herein are enforceable by U.S. EPA and/or ADEQ against any person who violates this Corrected Deed Notice and Restrictions. To enforce violations of this Corrected Deed Notice and Restrictions, the U.S.EPA and/or ADEQ may initiate one or more enforcement actions and require additional remediation, and assess damages.

15. MODIFICATION AND TERMINATION.

    i. Any person may request in writing, at any time, that the U.S.EPA, with notice to ADEQ, modify or terminate this Corrected Deed Notice and Restrictions where performance of subsequent remedial actions, a change of conditions at the Site, or adoption of revised remediation standards suggest that modification of the Corrected Deed Notice and Restrictions would be appropriate.

    ii. This Corrected Deed Notice and Restrictions may be revised or terminated only upon filing of an instrument, approved by the U.S. EPA (Exhibit F, Approval Letter), in the office of the Boone County Circuit Clerk, 100 N. Main Street, Ste. 200, Harrison, Boone County, Arkansas, 72601 expressly modifying or terminating this Corrected Deed Notice and Restrictions. Should U.S.EPA determine that this Corrected Deed Notice and Restrictions requires modification or termination for the reasons listed in 15i above, U.S.EPA intends to consult and obtain comments from the stakeholders, including the Owner, ADEQ and McKesson Corporation, to modify or terminate the Corrected Deed Notice and Restrictions. When the modified or terminated instrument, containing comments from the stakeholders, is finalized and approved for recording by U.S.EPA, the U.S. EPA will request the Owner to sign and record the modified or terminated instrument.

17. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Corrected Deed Notice and Restrictions as of the date first written above.

Estate of Mary Faye (Burke) Grisham with C.C. Grisham as Executor

CC Grisham

C.C. Grisham, Executor

CC Grisham

Signature

STATE OF ARKANSAS

SS.:

COUNTY OF BOONE

I certify that on 1st day of May, 2014, C.C. Grisham personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) This person is the Executor of the Estate of Mary Faye (Burke) Grisham, the Owner named in this document; and

(b) This person signed this proof to attest to the truth of these facts.

CC Grisham

Signature

CC Grisham

C.C. Grisham, Executor for the Estate of Mary Faye (Burke) Grisham

Signed and sworn before me on 1st day of May, 2014

, Notary Public

Daniel J. Fraser, II, Notary

[Print name and title]

DANIEL FRASER II
NOTARY PUBLIC-STATE OF ARKANSAS
BOONE COUNTY
My Commission Expires 01-13-2024
Commission # 12397055

Exhibit A

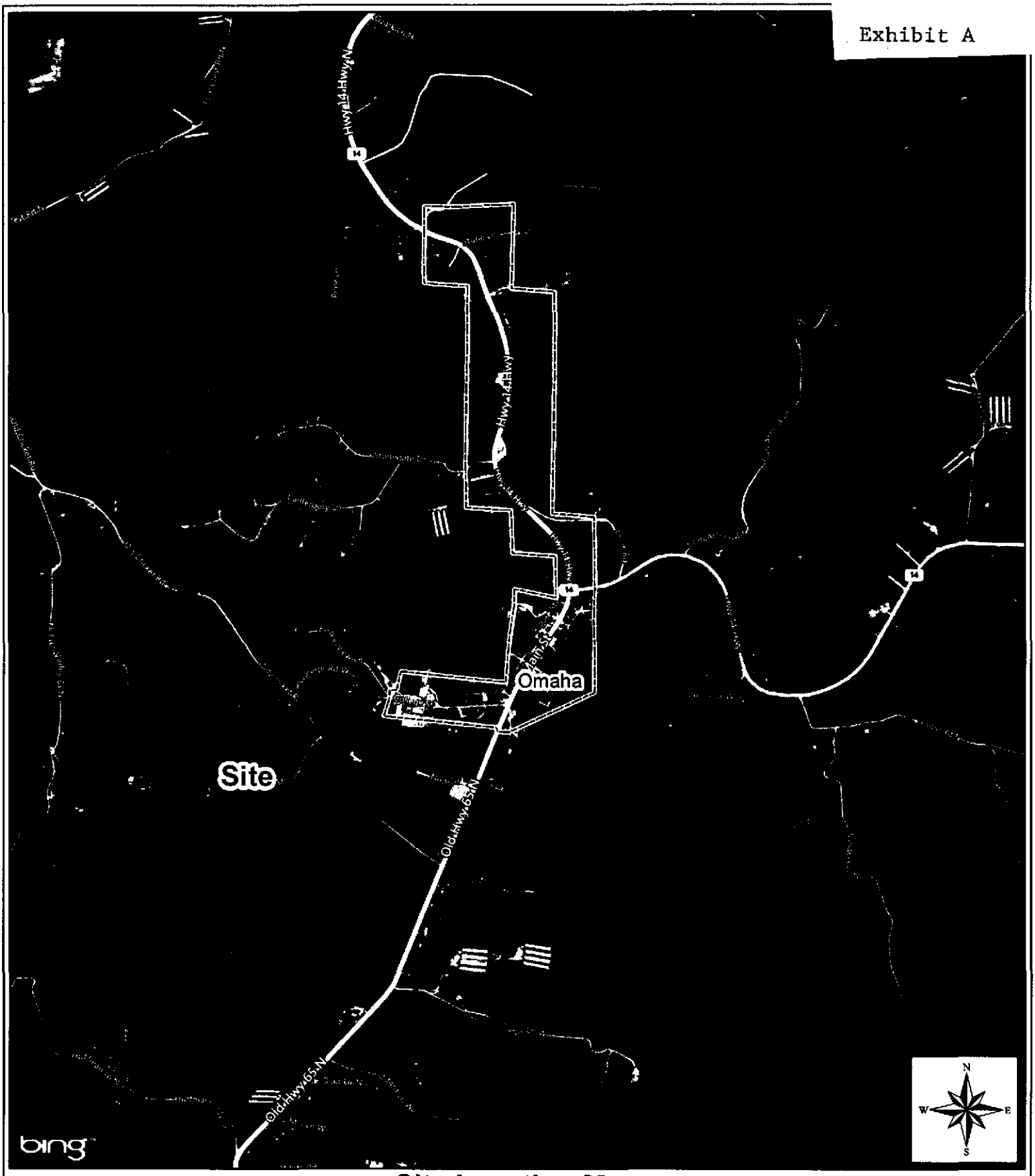


Figure I-3

Site Location Map
Arkwood, Inc. Site
Omaha, Arkansas

Site Location

Data Sources: Site Boundary from Consent Decree, *U.S. v. Hallie C. Ormond, C.C. Grisham and Mary F. Burke*, Civil Action No. 87-3034, July 12, 1988) for Corrected Deed Notice and Restrictions for C.C. Grisham Executor of the Estate of Mary Faye (Burke) Grisham, owner of the Property on May 5, 2014 in Boone County, Arkansas. Basemap from Bing Hybrid.

EPA Region 6
GIS Support
Dallas, TX
20140505JD01

LOCKHEED MARTIN

Exhibit B

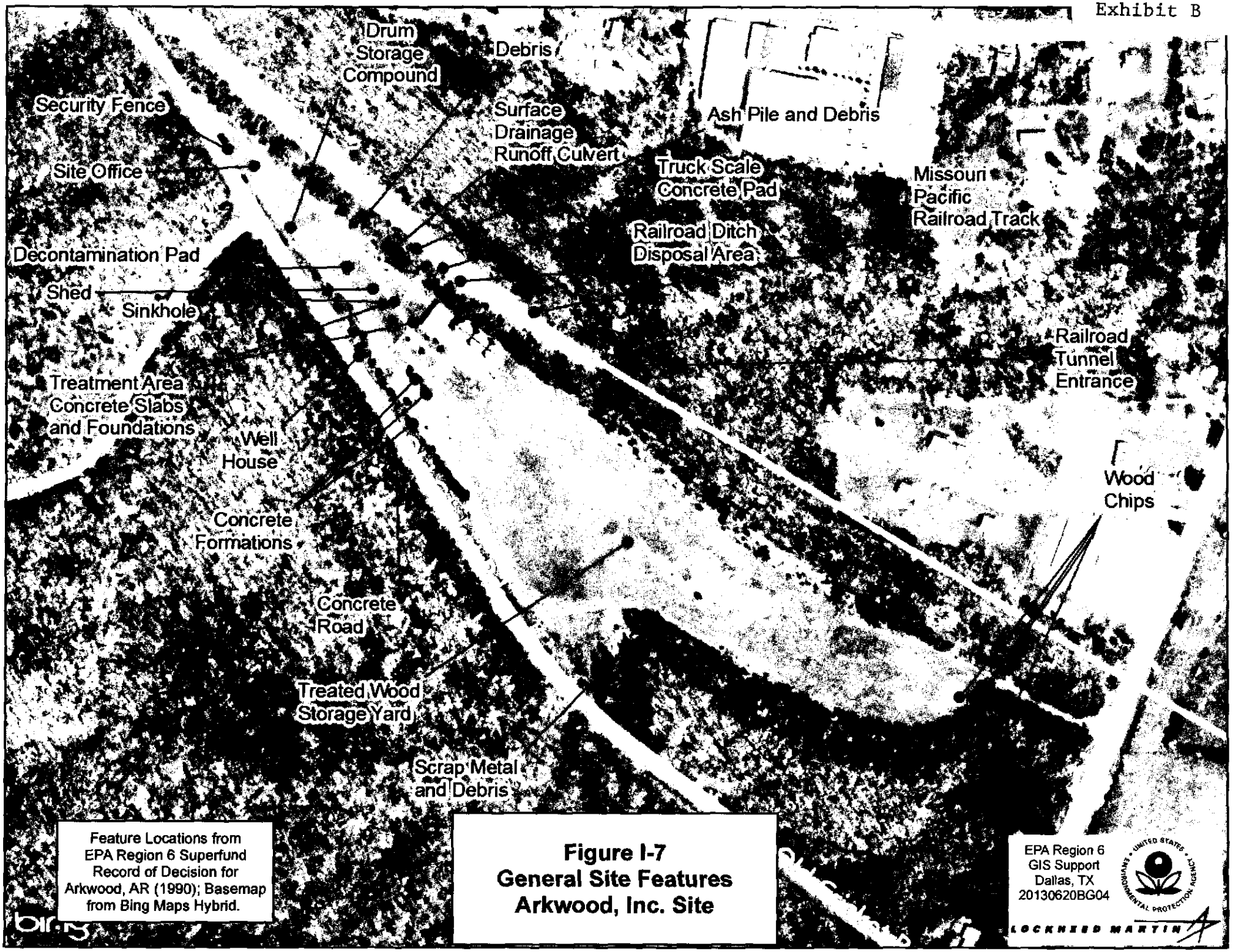


Figure I-7
General Site Features
Arkwood, Inc. Site

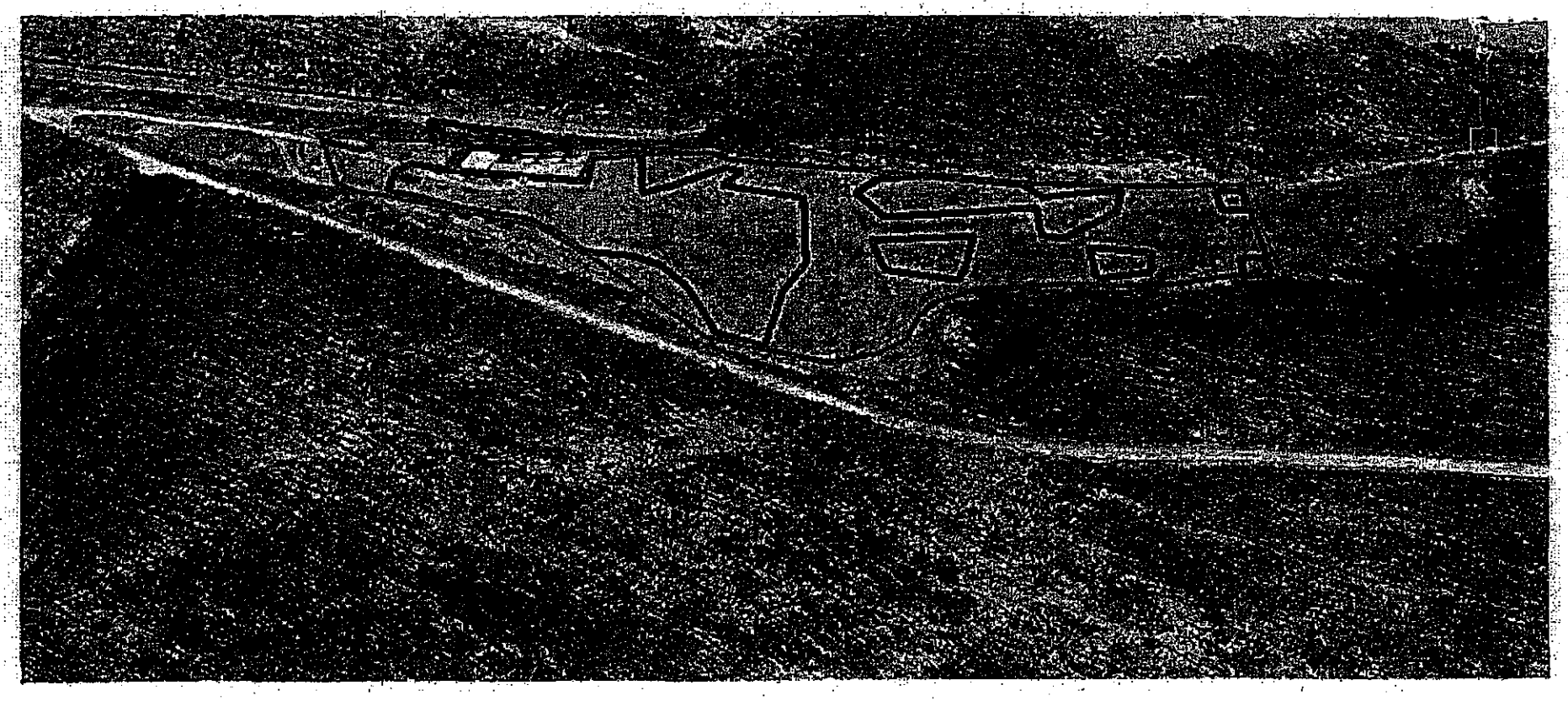
EXHIBIT "A"

Part of the Northeast Quarter of the Southwest Quarter and part of the South Half of the Northwest Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 21 North, Range 21 West, Boone County, Arkansas, more particularly described to-wit: Commencing at a stone marking the Southeast corner of the Northeast Quarter of the Southwest Quarter of Said Section 27, thence North 86° 02' 53" West 946.17 feet, thence North 01° 28' 49" East 970.62 feet to the place of beginning said point being located on northerly right-of-way of county road, thence with said northerly right-of-way North 31° 53' 10" West 492.77 feet, thence North 33° 15' 00" West 345.29 feet, thence North 29° 35' 17" West 345.49 feet, thence North 34° 06' 52" West 118.66 feet, thence North 39° 10' 31" West 92.00 feet, thence North 43° 16' 58" West 107.38 feet, thence leaving said northerly right-of-way North 42° 42' 38" East 2.83 feet to the southerly right-of-way of Missouri Pacific Railroad, thence with said southerly right-of-way South 47° 17' 22" East 49.77 feet, thence South 48° 16' 00" East 318.53 feet, thence South 48° 19' 25" East 602.13 feet, thence South 49° 01' 52" East 95.36 feet, thence South 50° 04' 43" East 99.37 feet, thence South 51° 43' 07" East 98.58 feet, thence South 53° 45' 52" East 100.98 feet, thence South 55° 55' 22" East 103.00 feet, thence South 57° 46' 36" East 12.20 feet, thence South 32° 13' 24" West 135.00 feet, thence South 57° 46' 36" East 245.44 feet, thence North 32° 13' 24" East 106.15 feet to the North line of a deed dated February 22, 1961, and recorded in Deed Book 85, Pages 164-165 in the Circuit Clerk and Ex-officio Recorder Office in and for Boone County, Arkansas, thence along said North line South 56° 29' 35" East 1004.34 feet, thence leaving said North line South 23° 30' 25" West 154.07 feet to the approximate toe of slope of hill side, thence with said approximate toe of slope South 48° 18' 45" West 47.44 feet, thence South 80° 10' 42" West 100.89 feet, thence North 76° 14' 40" West 132.91 feet, thence North 68° 01' 53" West 282.88 feet, thence North 52° 56' 23" West 164.49 feet, thence North 63° 51' 10" West 200.07 feet, thence South 29° 26' 53" West 116.89 feet, thence South 03° 41' 49" West 144.76 feet to the northerly right-of-way of County Road, thence leaving said approximate toe of slope and following said northerly right-of-way of County Road North 46° 17' 18" West 70.92 feet, thence North 41° 56' 22" West 86.18 feet, thence North 36° 55' 21" West 86.29 feet, thence North 33° 04' 49" West 111.09 feet, thence North 31° 53' 10" West 289.85 feet to the place of beginning and containing 18.076 acres more or less and subject to existing easements and right-of-ways.

Filed for Record [illegible] Day of [illegible]
19 [illegible] at 3:35 o'clock [illegible] M.
Helen Spicer, Clerk
By: Elaine Adams, D.C.

Figure 4: Fence line at Arkwood Site

Figure 5. Capped and Excavated Areas of the Arkwood, Inc. Site



Capped Area (Encircling Line)

Excavated Areas (Non-contiguous Areas)

Exhibit F

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

May 6, 2014

VIA FAX

Mr. C.C. "Bud" Grisham
1 Meriwether Pond
Harrison, AR 72602

RE: Corrected Deed Notice and Restrictions – Second Final
Arkwood Inc. Site, Boone County, Arkansas

Mr. Grisham:

Pursuant to the phone conversations on April 29, 2014, May 5 and 6, 2014, I am enclosing the Corrected Deed Notice and Restrictions for the Arkwood Inc. site, Boone County, Arkansas for your signature and recording in Boone County, Arkansas. This Corrected Deed Notice and Restrictions is approved by U.S.EPA and revises, amends and supersedes the Deed Notice that you executed and recorded (filed for record) on August 30, 2010 (File 10 004447) as Executor of the Estate of Mary Faye (Burke) Grisham, owner of the Arkwood Inc. site.

This Corrected Deed Notice and Restrictions incorporates comments from you, your son, Charles "Curt" Grisham, Jr., U.S.EPA (Region and HQ), and the Arkansas Department of Environmental Quality (ADEQ), and McKesson Corporation. As we discussed, this letter will represent the approval of the U.S.EPA (to be Exhibit F). Upon the recording of the Corrected Deed Notice and Restrictions, the August 30, 2010 Deed Notice is terminated. The terms and conditions in the Corrected Deed Notice and Restrictions replace those set forth in the August 30, 2010 Deed Notice.

As the Executor of the Estate of Mary Faye (Burke) Grisham, owner of the Arkwood Inc. site, please sign in the presence of a notary public and record the enclosed Corrected Deed Notice and Restrictions for the Arkwood Inc. site. After recording the Corrected Deed Notice and Restrictions, please mail a copy of the recorded Corrected Deed Notice to me at the address below for U.S.EPA's records.

EXHIBIT F-2

If you have any questions, please do not hesitate to contact me at 214-665-3193. Thank you for your attention to this matter.

Sincerely,

Gloria Moran

Gloria Moran
Assistant Regional Counsel
Superfund Branch
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202
(214) 665-3193
(214) 665-6460 (fax)

Enclosure

cc: Mr. John Edgcomb, w/ enclosures

SEAL OF CIRCUIT COURT BOONE COUNTY, AR

STATE OF ARKANSAS } SS
COUNTY OF BOONE }
I hereby certify that this instrument
was filed for record in my office the
05/29/2014 3:32PM and duly recorded.
Record as Instrument # 2014002477
Witness my hand and the court seal this
05/29/2014 3:32PM
RHONDA WATKINS
Circuit Clerk and Recorder

By _____ D.C.