

**Silverthorn LLC**

555 Prior Station Road  
Cedartown, GA 31025

Inquiry Number: 1234567.1  
June 9, 2010

# The EDR Environmental LienSearch™ Report



440 Wheelers Farms Road  
Milford, CT 06461  
800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

## The EDR Environmental LienSearch™ Report

The EDR Environmental LienSearch Report provides results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers, following established procedures, uses client supplied address information to:

- search for parcel information and/or legal description;
- search for ownership information;
- research official land title documents recorded at jurisdictional agencies such as recorders' offices, registries of deeds, county clerks' offices, etc.;
- access a copy of the deed;
- search for environmental encumbering instrument(s) associated with the deed;
- provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument(s) (title, parties involved, and description); and
- provide a copy of the deed or cite documents reviewed.

***Thank you for your business.***

Please contact EDR at 1-800-352-0050  
with any questions or comments.

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# EDR Environmental LienSearch™ Report

## TARGET PROPERTY INFORMATION

### ADDRESS

SILVERTHORN LLC  
555 Prior Station Road  
Cedartown, GA 31025

### RESEARCH SOURCE

Source 1: Polk County Clerk  
Polk, GA

### PROPERTY INFORMATION

#### **Deed 1:**

Type of Deed: Deed  
Title is vested in: Silverthorn LLC  
Deed Dated: 05/01/2000  
Deed Recorded: 05/02/2000  
Book: 653  
Page: 232  
Volume:  
Instrument:  
Docket:  
Land Record Comments:  
Miscellaneous Comments:

**Legal Description:** see exhibit

**Legal Current Owner:** Silverthorn LLC

**Property Identifiers:** 018-033

**Comments:**

### ENVIRONMENTAL LIEN

Environmental Lien: Found  Not Found   
If found:

1<sup>st</sup> Party: GA Environmental Protection Division

2<sup>nd</sup> Party: Silverthorn LLC

Dated: 02/05/2010

Recorded: 04/15/2010

Book: 1360

Page: 141

**EDR Environmental LienSearch™ Report**

**DEED EXHIBIT**

Polk County, Georgia  
Real Estate Transfer Tax  
Paid \$ 44.90  
Date 5-03-03  
Andrea W. Salloway  
Clerk Superior Court

—SPACE ABOVE RESERVED FOR RECORDING INFORMATION—

AFTER RECORDING RETURN TO:

Constance M West  
511 Main St  
Cedar-town, GA 30125

Warranty Deed Form 1008 Clyde Castleberry Co., Covington, GA 30014

State of Georgia, POLK County

THIS INDENTURE, Made this 1st day of May in the year of our Lord Two Thousand

PEM MILLS, INC.

of the County of Cherokee and State of Alabama of the first part, and

SILVERTHORN LLC

of the County of POLK and State of Georgia of the second part:

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of One Hundred Dollars and other valuable considerations ~~--- Dollars~~ in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said part y of the second part its successors, and assigns, all the following described property, to wit:

That certain tract or parcel of land, containing 2.06 acres, and being a part of land lots 590 and 563 in the 2nd District and 4th Section of Polk County, Georgia, as shown on a plat and survey thereof made by Elbert H. Angel, Registered Land Surveyor, dated March 15, 2000, of file and record in the office of the Clerk of the Superior Court of said County on page 169 of Plat Book V. According to said plat, said tract is particularly described on "Exhibit A", hereto attached and made a part hereof.

Georgia, Polk County  
Filed in Office this 2 day of May  
2003, at 1:00 Recorded in Deed  
Book 653 Page 232 This 4  
day of May, 2003.  
Andrea W. Salloway, Clerk

TO HAVE AND TO HOLD, The said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of SILVERTHORN, LLC the said part y of the second part, its successors and assigns forever in Fee Simple.

And the said part y of the first part, for its successors and assigns ~~and assigns~~ will warrant and forever defend the right and title to the above described property unto the said part y of the second part its successors and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said part y of the first part has caused this instrument to be signed in its name and by its duly authorized officer and its corporate seal to be thereto attached.

Signed, sealed and delivered in presence of:

Lynn Mitchell  
Constance M West

PEM MILLS, INC. (SEAL)  
W. Salloway (Seal)  
As President

NOTARY PUBLIC, POLK COUNTY, GEORGIA  
MY COMMISSION EXPIRES: 8/25/2003  
XXXXXX (NOTARIAL SEAL)

(CORPORATE SEAL)  
(Seal)  
(Seal)

## EXHIBIT "A"

That certain tract or parcel of land, containing 2.06 acres, and being a part of land lots 590 and 563 in the 2nd District and 4th Section of Polk County, Georgia, as shown on a plat and survey thereof made by Elbert H. Angel, Registered Land Surveyor, dated March 15, 2000, of file and record in the office of the Clerk of the Superior Court of said County on page 169 of Plat Book V. According to said plat, said tract is particularly described on as follows:

Beginning at a point now designated by a one-half inch rebar in the east line of the right-of-way of Mountain Home Road, as shown on said plat, and running thence north 06 degrees 22 minutes 28 seconds west along the east line of said Mountain Home Road a total distance of 227.51 feet to a point now designated by a one-half inch rebar; running thence north 90 degrees 00 minutes 00 seconds east a distance of 300 feet to a point now designated by a one-half inch rebar; running thence south 06 degrees 54 minutes 09 seconds east a distance of 302.52 feet to a point now designated by a one-half inch rebar; and running thence north 90 degrees west a distance of 300 feet to the point of beginning. Said property is the same that was conveyed by AMSOUTH BANK OF ALABAMA, Successor Trustee for William M. Leary, to PEM Mills, Inc., dated November 26, 1996, and recorded in the Deed Records of said Polk County on page 260 of Deed Record 549.

Said property is conveyed subject to the rights of said bank as successor trustee to convey said property and further to all heretofore conveyances and reservations of minerals of every kind and character, including but not limited to, oil, gas, sand and gravel in, on and under said described tract of land.

Reference to said plat is hereby made, incorporated herein and hereby relied on for an accurate, complete and detailed description of said tract of land.

It is expressly provided by grantor in this deed of conveyance that said tract of land is being conveyed subject to any hazardous substances which heretofore may have been dumped on said land.

There is attached hereto and made a part hereof a certified copy of a resolution of said corporate grantor, marked "Exhibit B", authorizing the sale of said property and the execution by its officers of a warranty deed conveying said property to the grantee herein.

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**ENVIRONMENTAL LIEN EXHIBITS**

CLERK'S NOTE: RECORDED AS -IS, MISSING WITNESS SIGNATURE.

Sheila Wells

NOTICE TO CLERK: Please file as follows: BOOK 1360 PAGE 111

After Filing Return To:  
Amy Mussler  
Georgia EPD  
2 Martin Luther King Jr. Dr., SE  
Suite 1462  
Atlanta, Georgia 30334

- (1) "Grantor Index" under the name:
  - (a) Cedartown Battery Site (HSI # 10106)
  - (b) Silverthorn LLC
- (2) "Grantee Index" under name:
  - State of Georgia, acting by & through the  
Environmental Protection Division



REC: 57637  
DATE: 4-15-06  
CHECK: 8523  
TT: 8553

STATE OF GEORGIA  
POLK COUNTY

**Claim of Lien under Georgia Hazardous Site Response Act, O.C.G.A. 12-8-96(e)**

The Director of the Environmental Protection Division (EPD), of the State of Georgia Department of Natural Resources, authorized and contracted for corrective action to be performed on Cedartown Battery Site, HSI # 10106, which includes that property described in Attachment "A" which is hereby incorporated by reference and made a part hereof. The corrective action began in July of 2006 utilizing funds from the Georgia Hazardous Waste Trust Fund pursuant to O.C.G.A. § 12-8-96(b).

Silverthorn, LLC is the record owner of the real property of parcel 018-033 as evidenced by the Warranty Deeds recorded at Deed Book 653, Page 232 and Deed Book 549, Page 260 all in the records of the Superior Court, Polk County, Georgia.

Work performed on this site includes soil and groundwater investigation.

This Claim of Lien is filed pursuant to O.C.G.A. § 12-8-96(b) of the Georgia Hazardous Site Response Act. Pursuant to O.C.G.A. § 12-8-96(e), "no transferral of title, sale, or execution of lien, whether judicial or nonjudicial, shall divest the lien provided by this Code section." Any purchaser of the property takes subject to this lien of the Environmental Protection Division, unless the law provides otherwise.

**NOTICE OF SITE BEING DESIGNATED AS NEEDING CORRECTIVE ACTION:**

Pursuant to Georgia EPD Rules for Hazardous Site Response 391-3-19-.08; "This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act."

To date, the cost of corrective action performed on this site is \$6,154.16 including interest accruing at the rate of 12 percent per annum.

Any future corrective action performed at this site will affect the value of this lien. Contact the EPD Hazardous Sites Response Program at (404) 657-8600 to confirm the current total cost expended since the date of the Claim of Lien.

Signatures on following page

Cedartown Battery (Silverthorn Community, LLC) (HSI #10106) Lien

BOOK 1360 PAGE 142

*F. Allen Barnes*

F. Allen Barnes, Director  
Environmental Protection Division

Sworn and subscribed before me, this  
5<sup>th</sup> day of Feb., 2010.

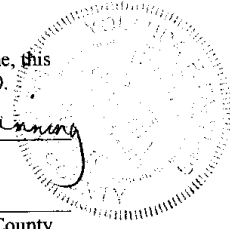
*Uplanda P. Janning*

Notary Public

My Commission expires:

By:

Clerk, Superior Court of Polk County



Georgia, Polk County  
Filed in Office this 15 day of April  
2010 at 11:00 Recorded in Deed  
Book 1360 Page 141

*Sheila Wollo, Clerk*

That certain tract or parcel of land, containing 2.06 acres, and beginning a part of land lots 590 and 563 in the 2<sup>nd</sup> district and 4<sup>th</sup> Section of Polk County, Georgia, as shown on a plot survey thereof made by Elbert H Angel Registered Land Surveyor, dated March 15, 2000, of file and record in the office of the Clerk of the Superior Court of said County on Page 169 of Plat Book V. According to said plat, said tract is partially described on as follows:

Beginning at a point now designated by a one half inch rebar in the east line of the right-of-way of Mountain Home Road, as shown on said plat, and running thence north 06 degrees 32 minutes 28 seconds west along the east line of said Mountain Home Road a total distance of 227.51 feet to a point now designated by a one half inch rebar, running thence north 90 degrees 00 minutes 00 seconds east a distance of 300 feet to a point now designated by a one half inch rebar running thence south 06 degrees 54 minutes 09 seconds east a distance of 302.52 feet to a point now designated by a one half inch rebar and running thence north 90 degrees west a distance of 300 feet to the point of beginning. Said property is the same that was conveyed by AMSOUTH BANK OF ALABAMA, successor Trustee for William M. Leary, to PEM Mills Inc. dated November 26, 1996 and recorded in the Deed Records of said Polk County on Page 260 of Deed Record 549.

This legal description is taken verbatim from that Warranty Deed dated May 1, 2000, wherein Silverthorn LLC, as Grantee, took legal title in the above described property from Grantors, PEM Mills, Inc. Said Warranty Deed is recorded in Deed Book 653, Page 232, Polk County, Georgia Deed Records.

