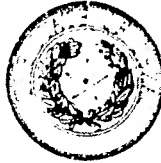


0 0 0 0 0 1 1 2 2 3

VICTOR G. CARRILLO, CHAIRMAN  
MICHAEL L. WILLIAMS, COMMISSIONER  
ELIZABETH A. JONES, COMMISSIONER



RICHARD A. VARELA  
DIRECTOR, OIL AND GAS DIVISION  
JOHN JAMES TINTERA P.G.  
ASSISTANT DIRECTOR, SITE REMEDIATION

# RAILROAD COMMISSION OF TEXAS


## OIL AND GAS DIVISION

### VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, JOHN JAMES TINTERA, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO.06-20000A AS OF 24 August 2005 FOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT "A". BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

EXECUTED this 24th day of August 2005

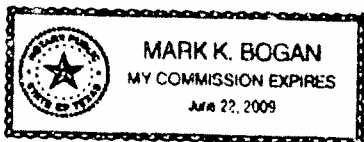
  
John James Tintera P.G., Assistant Director  
Site Remediation Section

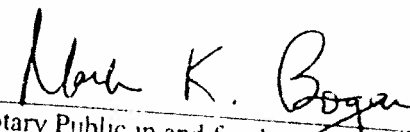
STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, personally appeared John James Tintera, Assistant Director, Site Remediation Section, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26<sup>th</sup> day of August 2005.



  
Notary Public in and for the State of Texas

0 0 0 0 0 1 1 0 0 9

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION 19.78 Acres**  
**KILGORE, GREGG COUNTY TEXAS**  
**VCP No. 06-20000A**

0 0 0 0 0 1 2 1 0

Land Description – 19.78 Acres  
Lot 1 of Wal-Mart Subdivision  
Mary Van Winkle Survey, A- 208  
City of Kilgore  
Gregg County, Texas

All that certain tract or parcel of land located in the Mary Van Winkle Survey, Abstract No. 208, City of Kilgore, Gregg County, Texas, being part of a called 25.53 acre tract described in a deed from Triple E. Properties et al to Wal-Mart Stores East, Inc., dated July 27, 2001, recorded as document number GCC 200121672 in the Deed Records of Gregg County, Texas, also being Lot 1 of Wal-Mart Subdivision as shown on the plat of same recorded in Cabinet A, Page 230, Slide D, in the plat records of Gregg County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a "SUMMIT SURVEYING" cap set (hereafter denoted by IR Set) for the northeast corner of said 25.53 acre tract and the northeast corner of Lot 1 on the west right of way line of Southport Road;

THENCE in a southerly direction with said west line of Southport Road as follows:

- in a southerly direction along a curve to the right (having a Delta of 05 deg. 17 min. 52 sec., a Radius of 2108.69 feet, and a Chord which bears South 03 deg. 00 min. 01 sec. East a distance of 194.91 feet) an arc distance of 194.98 feet to a 1/2 inch IR Set for the end of said curve;
- South 00 deg. 20 min. 57 sec. East a distance of 211.74 feet to a 1/2 inch IR Set for the beginning of a curve to the left; and,
- in a southerly direction along said curve to the left (having a Delta of 13 deg. 47 min. 27 sec., a Radius of 240.00 feet, and a Chord which bears South 07 deg. 14 min. 49 sec. East a distance of 57.63 feet) an arc distance of 57.77 feet to a 5/8 inch IR Set for the easternmost southeast corner of Lot 1 and northeast corner of Lot 2;

THENCE West a distance of 182.41 feet with the north line of Lot 2 to a 5/8 inch IR Set for the northwest corner of Lot 2;

THENCE South a distance of 225.31 feet with the west line of Lot 2 to a 5/8 inch IR Set for corner on the north right of way line of Stone Street for the southwest corner of Lot 2 and the southernmost southeast corner of Lot 1;

THENCE in a westerly direction with the said north right of way line of Stone Street and south line of Lot 1 as follows:

- South 69 deg. 35 min. 58 sec. West a distance of 28.14 feet to a 5/8 inch IR Set for corner;
- South 45 deg. 45 min. 27 sec. West a distance of 42.19 feet to a 5/8 inch IR Set for the beginning of a curve to the right;
- in a westerly direction with said curve to the right (having a Delta of 35 deg. 03 min. 00 sec., a Radius of 299.50 feet, and a Chord which bears South 63 deg. 16 min. 57 sec. West a distance of 180.37 feet) an arc distance of 183.22 feet to a 5/8 inch IR Set for the end of said curve;

- South 80 deg. 48 min. 27 sec. West a distance of 53.92 feet to a 5/8 inch IR Set for corner;
- South 84 deg. 59 min. 58 sec. West a distance of 93.08 feet to a 5/8 inch IR Set for corner;
- South 89 deg. 12 min. 47 sec. West a distance of 112.78 feet to a 5/8 inch IR Set for corner; and,
- South 88 deg. 43 min. 42 sec. West a distance of 369.53 feet to a 5/8 inch IR Set for the southwest corner of Lot 1 on the east right of way line of Campbell Street;

THENCE in a northerly direction with the said east right of way line and west line of Lot 1 as follows:

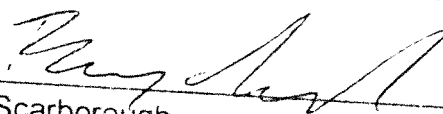
- North 01 deg. 05 min. 37 sec. West a distance of 43.53 feet to a 5/8 inch IR Set for the beginning of a curve to the left;
- in a northwesterly direction along said curve to the left (having a Delta of 25 deg. 00 min. 00 sec., a Radius of 195.50 feet, and a Chord which bears North 13 deg. 35 min. 37 sec. West a distance of 84.63 feet) an arc distance of 85.30 feet to a 5/8 inch IR Set for the end of said curve;
- North 26 deg. 05 min. 37 sec. West a distance of 126.61 feet to a 5/8 inch IR Set for the beginning of a curve to the right;
- in a northwesterly direction along said curve to the right (having a Delta of 26 deg. 05 min. 40 sec., a Radius of 85.50 feet, and a Chord which bears North 13 deg. 02 min. 47 sec. West a distance of 38.60 feet) an arc distance of 38.94 feet to a 5/8 inch IR Set for the end of said curve;
- NORTH a distance of 155.86 feet to a 5/8 inch IR Set for corner; and,
- WEST a distance of 45.45 feet to a 5/8 inch IR Set for corner on the northernmost west line of Lot 1;

THENCE NORTH a distance of 427.72 feet with said west line to a 1/2" IR Set for the northwest corner of said Lot 1;

THENCE EAST a distance of 839.32 feet with the north line of same to a 5/8" IR Set for corner;

THENCE SOUTH a distance of 25.00 feet with said north line to a 5/8" IR Set for corner; and,

THENCE EAST a distance of 300.78 feet with said north line to the POINT OF BEGINNING, containing 19.78 acres of land.

 11/04/2003  
 Barry Scarborough  
 Registered Professional Land Surveyor No. 4411



(The bearings for this land description are based on the north and west lines of said 25.53 acre tract)

Land Description – 1.035 acres  
Lot 2, Wal-Mart Subdivision  
Mary Van Winkle Survey, A-208  
City of Kilgore  
Gregg County, Texas

All that certain tract or parcel of land located in the Mary Van Winkle Survey, Abstract No. 208, City of Kilgore, Gregg County, Texas, and being part of a called 25.53 acre tract described in a deed from Triple E. Properties et al to Wal-Mart Stores East, Inc., dated July 27, 2001, recorded as GCC 200121672 in the Gregg County land records, and part of a called 1.012 acre tract described in a deed from Preston Smith to Wal-Mart Stores East, Inc., dated August 15, 2001, recorded as GCC 200121673 in said land records, and part of a called 150 acre tract described in a deed from Andrew Rowland and wife to J. S. Elder and Frank Elder, dated April 6, 1929, recorded in Volume 57 on Page 631 in said land records, also being Lot 2 of Wal-Mart Subdivision as shown on the plat of same recorded in Cabinet A, Page 230, Slide D, in the plat records of Gregg County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod with a "SUMMIT SURVEYING" cap set (hereafter denoted by IR Set) for the southwest corner of said Lot 2;

THENCE North a distance of 225.31 feet to an IR Set for the northwest corner of Lot 2;

THENCE East a distance of 182.41 feet to an IR Set for the northeast corner of Lot 2 on the west right of way line of Southport Road, being in a curve;

THENCE in a southeasterly direction along said west right of way line with a portion of a non-tangent curve to the left (said portion having a Central Angle of 36 deg. 10 min. 10 sec., a Radius of 240.00 feet and a Chord which bears South 32 deg. 13 min. 27 sec. East – 149.00 feet) an arc distance of 151.51 feet to an IR Set at the intersection with the north right of way line of Stone Street for the southeast corner of Lot 2;

THENCE in a southwesterly direction with the said north right of way line of Stone Street and the south line of Lot 2 as follows:

- South 33 deg. 42 min. 33 sec. West a distance of 19.59 feet to an IR Set for the beginning of a curve to the right;
- Along said curve to the right (having a Central Angle of 56 deg. 17 min. 44 sec., a Radius of 140.50 feet and a Chord which bears South 61 deg. 51 min. 25 sec. West – 132.56 feet) an arc distance of 138.05 feet to an IR Set at the end of said curve;
- West a distance of 79.16 feet to an IR Set for corner; and,
- South 69 deg. 35 min. 58 sec. West a distance of 58.63 feet to the PLACE OF BEGINNING containing 1.035 acres (45,083 square feet) of land.



11/04/2003

Barry Scarborough  
Registered Professional Land Surveyor No. 4411

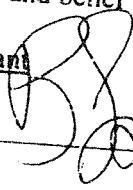
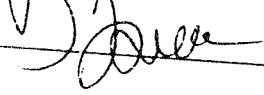


**EXHIBIT "B"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTION**

i, Barry Shannahan, representing Wal-Mart Stores Texas L.P. and Wal-Mart Stores East, Inc. (Applicants) have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to the proposed 19.78 acre Wal-Mart Store #572-2 (Site), VCP No. 06-20000A. The Site, located in Kilgore, Gregg County, Texas was owned by Wal-Mart Stores East, Inc. at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the Site have achieved response action levels acceptable for unrestricted residential use with no reliance on institutional or physical controls as determined by the standards of the RRC.

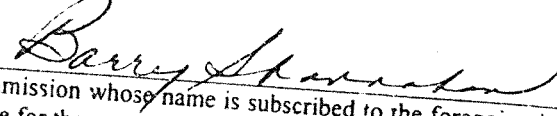
The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found at the central office of the RRC under VCP No. 06-20000A.

The preceding is true and correct to the best of my knowledge and belief

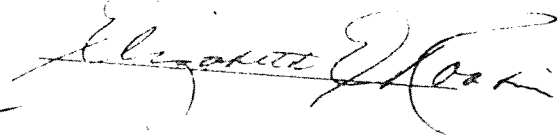
Applicant   
By: 

Print Name:

STATE OF ARKANSAS  
COUNTY OF LENTON

BEFORE ME, personally appeared  known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of Aug 2005

Notary Public in and for the State of Arkansas 

VICTOR G. CARRILLO, CHAIRMAN  
MICHAEL L. WILLIAMS, COMMISSIONER  
ELIZABETH A. JONES, COMMISSIONER

RICHARD A. VARELA  
DIRECTOR, OIL AND GAS DIVISION  
JOHN JAMES TINTERA P.G.  
ASSISTANT DIRECTOR, SITE REMEDIATION

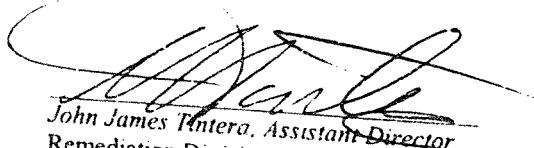
### OIL AND GAS DIVISION

### VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION RELYING ON LONG-TERM CONTROLS

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, JOHN JAMES TINTERA, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO. 06-20000B AS OF 26 August 2005 FOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION AND INSTITUTIONAL OR ENGINEERING CONTROLS, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. AN APPLICANT WHO WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113 ON THE DATE OF ISSUANCE OF THIS CERTIFICATE IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

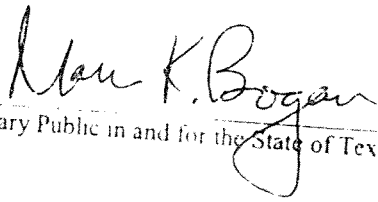
EXECUTED this 26 day of August, 2005.

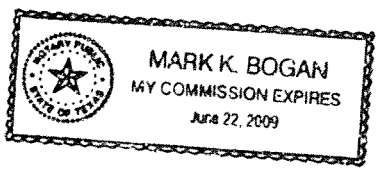
  
John James Tintera, Assistant Director  
Remediation Division

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, personally appeared John Tintera, Assistant Director, Remediation Division, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26 day of August, 2005.

  
Notary Public in and for the State of Texas



0 0 0 0 0 1 1 2 3 5

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION 1.035 Acres**  
**KILGORE, TEXAS**  
**VCP No. 06-20000B**



Land Description - 1.035 acres  
Lot 2, Wal-Mart Subdivision  
Mary Van Winkle Survey, A-208  
City of Kilgore  
Gregg County, Texas

All that certain tract or parcel of land located in the Mary Van Winkle Survey, Abstract No. 208, City of Kilgore, Gregg County, Texas, and being Lot 2 of the Wal-Mart Subdivision as shown on the Final Plat of same recorded in Cabinet A on page 230 in the plat records of Gregg County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with a "SUMMIT SURVEYING" cap set (hereafter denoted by IR Set) on the north right of way line of Stone Street for the southwest corner hereof;

THENCE North a distance of 225.31 feet with the west line of Lot 2 to a 1/2 IR Set for the northwest corner of same;

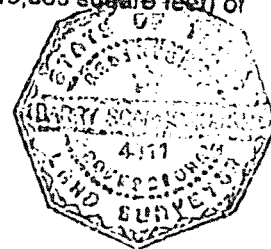
THENCE East a distance of 182.41 feet with the north lien of said Lot 2 to a 5/8 IR Set for the northeast corner of same on the west right of way line of Southport Road, being in a curve;

THENCE in a southeasterly direction along said west right of way line with a portion of a non-tangent curve to the left (said portion having a Central Angle of 36 deg. 10 min. 10 sec., a Radius of 240.00 feet and a Chord which bears South 32 deg. 13 min. 27 sec. East - 149.00 feet) an arc distance of 151.51 feet to an 1/2 IR Set at the intersection with the north right of way line of Stone Street;

THENCE in a southwesterly direction with the said north right of way line of Stone Street as follows:

- South 33 deg. 42 min. 33 sec. West a distance of 19.59 feet to an 5/8 IR Set for the beginning of a curve to the right;
- Along said curve to the right (having a Central Angle of 56 deg. 17 min. 44 sec., a Radius of 140.50 feet and a Chord which bears South 61 deg. 51 min. 25 sec. West - 132.56 feet) an arc distance of 138.05 feet to a 5/8 IR Set at the end of said curve;
- West a distance of 79.16 feet with said north right of way line to a 5/8 IR Set for corner; and,
- South 69 deg. 35 min. 58 sec. West a distance of 58.63 feet with said north right of way line to the PLACE OF BEGINNING containing 1.035 acres (approx. 45,083 square feet) of land.

*Barry Scarborough* 03/01/2004  
Barry Scarborough  
Registered Professional Land Surveyor No. 4411



0 0 2 0 0 4 1 1 0 0 7

**EXHIBIT "B"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTION**  
**AND INSTITUTIONAL CONTROLS**

I, Barry Shannahan, representing Wal-Mart Stores Texas, L.P. and Wal-Mart Stores East Inc. (Applicants) have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at a 1.035 acre tract of land described in Exhibit "A" (Site) of this certificate pertaining to VCP No. 06-20000B located in Kilgore, Gregg County, Texas. Wal-Mart Stores Texas, LP owns the 1.035 acre parcel. The Applicants have submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the site have achieved response action levels as determined by the standards of the RRC and remain protective as long as the following institutional controls are maintained:

1. The use of the affected property shall not be allowed for residential purposes.
2. The use of groundwater beneath the Affected Property shall not be allowed except for monitoring purposes.
3. These restrictions were filed in the Gregg County Clerk's office on 1 November 2004. Document 200425816 (Attachment 1)

The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found in the final report at the central office of the RRC under VCP No. 06-20000B.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By: 

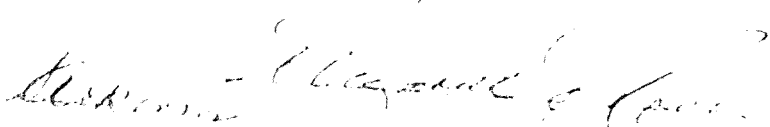
Print Name:

STATE OF ARKANSAS  
COUNTY OF BENTON

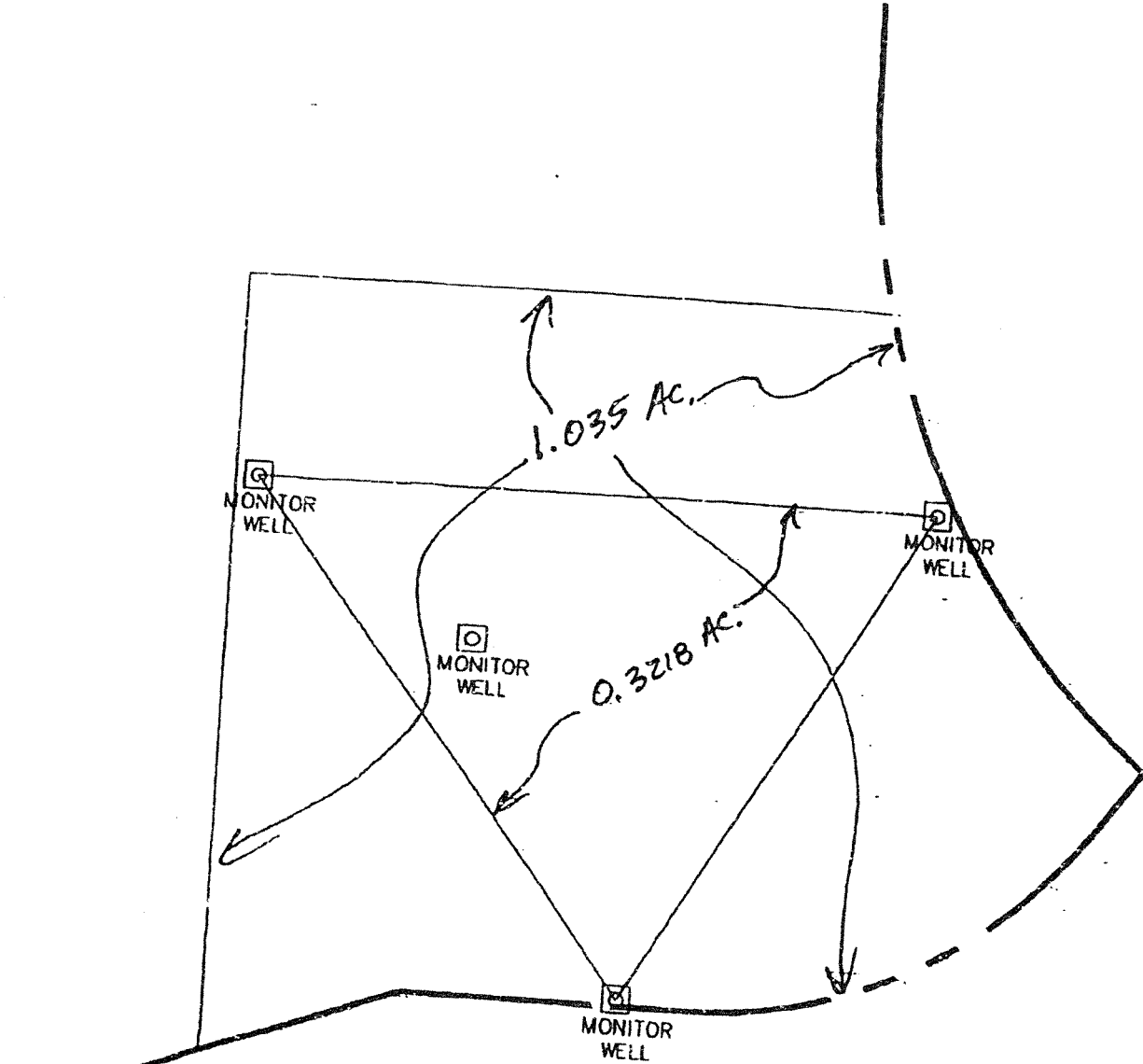
BEFORE ME, personally appeared Barry Shannahan known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of Aug, 2005

Notary Public in and for the State of Arkansas



**EXHIBIT B**



FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Gradyce Carver*

2004 NOV 12 09:39 AM 200425816  
KM \$28.00

GLADYCE CARVER, COUNTY CLERK  
GREGG COUNTY, TEXAS

✓ Adams Consulting  
Engineering Inc.  
6320 Copeland Road  
A. D. ...

TEXAS RAILROAD COMMISSION  
ENVIRONMENTAL RESPONSE ACTION RESTRICTIVE COVENANT

STATE OF TEXAS

§

COUNTY OF GREGG

§

§

This Restrictive Covenant is filed pursuant to the Texas Railroad Commission (Commission) authority to control and clean up pollution caused by activities over which the Commission exercises jurisdiction in accordance with Section 91.113 of the Texas Natural Resources Code, and affects the real property (Property) described as follows:

*Refer to Exhibit A attached hereto and incorporated herein by reference.*

Portions of the groundwater of the Property contain and are affected by certain identified chemicals of concern. The portion considered to be Affected Property can be described as follows:

*Refer to Exhibit B attached hereto and incorporated herein by reference.*

This restrictive covenant is required for the following reasons:

The Affected Property is a former oil field facility wherein chemicals of concern impacted the soil and/or groundwater and an environmental investigation and response action overseen by the Commission was required. Wal-Mart Stores East, Inc. and Wal-Mart Stores Texas, LP performed the response action to remediate the chemicals of concern, and the remediation was performed in such a manner that the following chemicals of concern at the following levels were left in soil: mercury (between <0.016 mg/kg and 0.068 mg/kg), and the following chemicals of concern at the following levels were left in groundwater: mercury (between <0.0002 mg/l and 0.0046 mg/l). The investigation and response action are described in the following documents: Subsurface Soil Sampling, Installation of Four Wells and Groundwater Sampling by Micropurge Techniques, Proposed Wal-Mart Facility, which was published in January of 2002 by Apex Geoscience, Inc.; Groundwater Sampling by Micropurge Techniques, Wal-Mart Facility, which was published in August of 2002 by Apex Geoscience, Inc.; and Environmental Assessment, Wal-Mart Kilgore, Texas Site, East Tract Monitor Wells, which was published in November of 2003 by Apex Geoscience, Inc.

The response action has been approved by the Railroad Commission based on the presumption that the Affected Property will be used exclusively for commercial/industrial purposes, will not be put to residential use, and that groundwater beneath the affected property will not be used for any purpose. The RRC has determined that the Affected Property currently meets standards for commercial/industrial use. Based on the reports identified above, the chemicals of concern pose no significant present or future risk to humans or the environment based on commercial/industrial use. No further remediation of the Affected Property is required by the RRC as long as the Affected Property is not put to residential use. For purposes of this Covenant, the term "residential use" means use for dwellings such as single family houses and multi-family apartments, children's homes, nursing homes, residential portions of government-owned lands (local, state or federal), day care facilities, educational facilities, hospitals, and parks (local, state or federal). This restrictive covenant is necessary to assure that all present and future owners the affected property are aware of its condition and do not use the property in any manner inconsistent with this

0 0 0 0 0 1 1 2 4 0

restriction. If any person desires in the future to use the Affected Property for residential purposes, the RRC must be notified at least 60 days in advance of such use and additional response action contemplating a change in land use may be necessary.

Wal-Mart Stores Texas, LP is the owner of the Property. In consideration of the Response Action [approved] by the Commission leading to final approved remediation of the affected property, the Owner has agreed to place the following restrictions on the Property in favor of the Commission and the State of Texas. Now therefore, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following restrictive covenants in favor of the Commission and the State of Texas are placed on the Property described in Exhibit "A", to-wit:

1. Use of the affected property shall not be allowed for residential purposes as defined in this Covenant.
2. Use of groundwater beneath the Affected property shall not be allowed except for monitoring purposes.
3. These restrictions shall be a covenant running with the land.

For additional information, contact:

Texas Railroad Commission  
Site Remediation  
P O Box 12967  
1701 N. Congress  
Austin, Texas 78711-2967

Railroad Commission Oilfield Cleanup No.: ~~VCP-02-60000~~ AB 2/2/04 VCP-06-20000

Wal-Mart Stores East, Inc. and Wal-Mart Stores Texas, LP have been responsible for the Response Action at the Affected property, and her/his/its address is 2001 S.E. 10<sup>th</sup> Street where more specific information may be obtained.

As of the date of this Covenant, the record owner of fee title to the Property is Wal-Mart Stores Texas, LP with an address of 2001 S.E. 10<sup>th</sup> Street, Bentonville, Arkansas, 72716-0550.

This Restrictive Covenant may be rendered of no further force or effect only by a release executed by the Railroad Commission and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

0 0 0 0 0 1 5 2 0 0

VICTOR G. CARRILLO, CHAIRMAN  
MICHAEL L. WILLIAMS, COMMISSIONER  
ELIZABETH A. JONES, COMMISSIONER



RICHARD A. VARELA  
DIRECTOR, OIL AND GAS DIVISION  
JOHN JAMES TINTERA P.G.  
ASSISTANT DIRECTOR, SITE REMEDIATION

# RAILROAD COMMISSION OF TEXAS

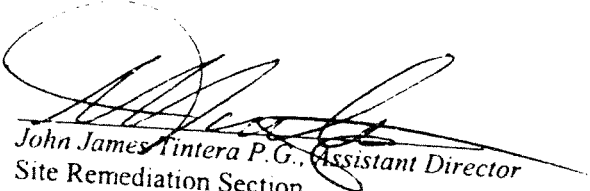
## OIL AND GAS DIVISION

### VOLUNTARY CLEANUP PROGRAM FINAL CERTIFICATE OF COMPLETION

As provided for Chapter 91, Subchapter 0, Texas Natural Resource Code.

I, JOHN JAMES TINTERA, ASSISTANT DIRECTOR OF THE SITE REMEDIATION SECTION, OIL AND GAS DIVISION, RAILROAD COMMISSION OF TEXAS, CERTIFY UNDER CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VOLUNTARY CLEANUP PROGRAM SITE VCP NO.06-20000C AS OF 24 August 2005 FOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT "A", BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND WHICH ARE FURTHER DESCRIBED IN THE APPROVED FINAL REPORT FOR THE SITE. THE APPLICANT WAS NOT A RESPONSIBLE PARTY UNDER SECTION 91.113. ON THE DATE OF ISSUANCE OF THIS CERTIFICATE THE APPLICANT IS QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY CHAPTER 91, SUBCHAPTER 0, TEXAS NATURAL RESOURCE CODE.

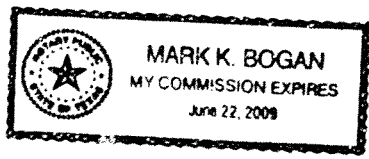
EXECUTED this 26th day of August 2005

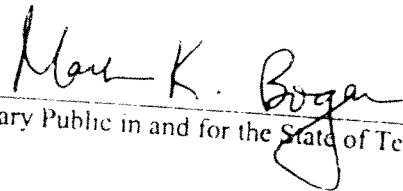
  
John James Tintera P.G., Assistant Director  
Site Remediation Section

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, personally appeared John James Tintera, Assistant Director, Site Remediation Section, of the Railroad Commission of Texas, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26<sup>th</sup> day of August 2005.



  
Notary Public in and for the State of Texas

0 0 0 0 0 1 5 2 2 1

**EXHIBIT "A"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**LEGAL DESCRIPTION 2.608 Acres**  
**KILGORE, TEXAS**  
**VCP No. 06-20000C**



Land Description – 2.608 acres  
Lot 5, Wal-Mart Subdivision  
Mary Van Winkle Survey, A-208  
City of Kilgore  
Gregg County, Texas

All that certain tract or parcel of land located in the Mary Van Winkle Survey, Abstract No. 208, City of Kilgore, Gregg County, Texas, and being all of a called 2.608 acre tract described in a deed from Wal-Mart Stores East, Inc., to Wal-Mart Stores Texas, LP, dated February 1, 2002, recorded as GCC 200300002 in the Gregg County land records, also being Lot 5 of Wal-Mart Subdivision as shown on the plat of same recorded in Cabinet A, Page 230, Slide D, in the plat records of Gregg County, Texas, and being more particularly described as follows;

**COMMENCING** at a 1/2 inch iron rod with a "SUMMIT SURVEYING" cap set (hereafter denoted by IR Set) for the westernmost northwest corner of the above referenced 25.53 acre tract on the east right of way line of State Hwy. No. 42, also being the northwest corner of Lot 6 of said Wal-Mart Subdivision; thence South 87 deg. 05 min. 32 sec. East a distance of 165.00 feet with the north line of said Lot 6 to an IR Set for the northwest corner and **PLACE OF BEGINNING** of the herein described tract;

**THENCE** South 87 deg. 05 min. 32 sec. East a distance of 384.60 feet with the north line of Lot 5 to an IR Set for the northeast corner hereof on the west right of way line of Campbell Street, being in a curve;

**THENCE** in a southeasterly direction with the said west right of way line of Campbell Street as follows:

- Along a curve to the left (having a Central Angle of 22 deg. 20 min. 42 sec., a Radius of 145.50 feet and a Chord which bears South 14 deg. 55 min. 14 sec. East – 56.39 feet) an arc distance of 56.74 feet to an IR Set at the end of said curve;
- South 26 deg. 05 min. 37 sec. East a distance of 126.61 feet to an IR Set for for the beginning of a curve to the right;
- Along said curve to the right (having a Central Angle of 25 deg. 00 min. 00 sec., a Radius of 135.50 feet and a Chord which bears South 13 deg. 35 min. 37 sec. East – 58.66 feet) an arc distance of 59.12 feet to an IR Set at the end of said curve; and,
- South 01 deg. 05 min. 37 sec. East a distance of 29.49 feet to an IR Set for the southeast corner of Lot 5 on the north right of way line of Stone Street;

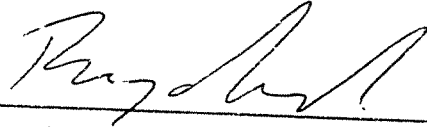
**THENCE** in a westerly direction with the north right of way line of Stone Street and the south line of Lot 5 as follows:

- North 78 deg. 15 min. 48 sec. West a distance of 129.84 feet to an IR Set for the beginning of a curve to the left;
- Along said curve to the left (having a Central Angle of 37 deg. 07 min. 11 sec., a Radius of 330.00 feet and a Chord which bears South 83 deg. 10 min. 36 sec. West – 210.07 feet) an arc distance of 213.79 feet to an IR Set at the end of said curve; and,

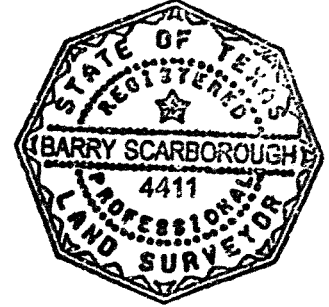
0 0 0 0 0 1 5 2 2 3

- South 64 deg. 37 min. 01 sec. West a distance of 166.50 feet to an IR Set for the southwest corner hereof;

**THENCE** North 02 deg. 54 min. 28 sec. East a distance of 344.56 feet with the west line of Lot 5 to the **PLACE OF BEGINNING**, containing 2.608 acres (113,623 square feet) of land.

 11/04/2003

Barry Scarborough  
Registered Professional Land Surveyor No. 4411



0 0 0 0 0 1 1 2 2 4

**EXHIBIT "B"**  
**RAILROAD COMMISSION OF TEXAS**  
**VOLUNTARY CLEANUP PROGRAM**  
**AFFIDAVIT OF COMPLETION OF RESPONSE ACTION**

I, Barry Shannahan, representing Wal-Mart Stores Texas L.P. and Wal-Mart Stores East, Inc. (Applicants) have completed response actions necessary, pursuant to Chapter 91, Subchapter O, Texas Natural Resource Code, at the tract of land described in Exhibit "A" to this certificate that pertains to a 2.608 acre tract identified as VCP No. 06-20000C. The Site is located in Kilgore, Gregg County, Texas and was owned by Wal-Mart Stores East, Inc. at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Railroad Commission of Texas Voluntary Cleanup Program on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all contaminants, waste and contaminated media of regulatory concern. The response actions for the Site have achieved response action levels acceptable for unrestricted residential use with no reliance on institutional or physical controls as determined by the standards of the RRC.

The response actions eliminate substantial present or future risk to public health and safety and to the environment from releases and threatened releases of contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation, or knowing failure to disclose material information. Further information concerning the response actions at this Site may be found at the central office of the RRC under VCP No. 06-20000C.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By: \_\_\_\_\_

Print Name:

STATE OF ARKANSAS  
COUNTY OF BENTON

BEFORE ME, personally appeared Barry Shannahan known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of Aug, 2005.

Notary Public in and for the State of ARKANSAS

[Signature]  
Sept 15 2005