

Return Address:

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RESTRICTIVE COVENANT

Grantor(s):

1. Pleas J. Green and Paula J. Green

Legal Description:

Lots 17-32, inclusive, Block 7, TOWN OF NORTH YAKIMA, now Yakima, Washington, per Plat recorded in Volume E of Plats, page 1, records of Yakima County, Washington. (See attached site map, Exhibit A.)

Assessor's Property Tax Parcel Number(s):

Parcel No. 191319 22406

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RESTRICTIVE COVENANT

The property subject to this Restrictive Covenant ("site" herein) was the subject of an Independent Remedial Action Program ("IRAP") undertaken by Maxim Technologies, Inc. on property known as the Goodyear Tire Center, 1 East Lincoln Avenue, Yakima, Washington, legally described as follows:

Lots 17-32, inclusive, Block 7, TOWN OF NORTH YAKIMA, now Yakima, Washington, per Plat recorded in Volume E of Plats, page 1, records of Yakima County, Washington. (See attached site map, Exhibit A.)

The remedial action taken to clean up the site is described in the IRAP Report dated August 1996, and the IRAP Quarterly Groundwater Monitoring Report dated October 1997, submitted to the Washington State Department of Ecology ("DOE") at its Yakima, Washington Central Regional Office. The clean up action did not remediate approximately 1,300 square feet of petroleum contamination located up to a depth of two feet below the concrete slab floor of the existing building on the site. See attached Exhibit B. As that petroleum contamination does not result in any groundwater contamination, however, and as the other potential sources of groundwater contamination have been successfully removed from the site, it has been recommended that the under slab contamination be left in place until the existing building and slab are demolished, with remediation to be required at that point in time. The DOE is requesting this Restrictive Covenant to that effect, pursuant to WAC 173-340-440. Accordingly:

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The undersigned owners of the site hereby make the following declaration which shall constitute a covenant to run with the land, as provided by law, and which shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or any interest in the site, to-wit:

1. At such time as the improvements and slab on the site are demolished or removed, remediation, pursuant to then applicable standards, of any remaining petroleum contamination located under the slab shall be required.

2. Corrective measures to prevent accidental spills in the newly installed dry well on the site and under the floors of the improvements on the site have been implemented. Absorbents presently installed and in the dry well should be regularly maintained and replaced to minimize the potential for new releases of contaminants to groundwater.

3. Any transferee of an interest in the site shall give DOE written notice of its acquisition of an interest within 30 days of the date of conveyance.

4. The owner or any successor owner of the site shall allow authorized representatives of DOE, or any successor agency, the right to enter the site at reasonable times for the purposes of evaluating compliance with the IRAP Reports and this Restrictive Covenant, including the right to take samples, inspect any remedial action taken at the site, and to inspect records that are related thereto, as long as it does not damage the property or interfere with the reasonable continuation of business operations on the premises in doing so.

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5. The owner and successor owners of the site reserve the right under WAC 173-340-440 to record an instrument which provides that this Restrictive Covenant shall no longer be of any further force or effect. This Restrictive Covenant, however, shall be removed only if DOE, after public notice and opportunity for comment, concurs.

DATED this 12 day of July, 2001.

Pleas J. Green

Pleas J. Green

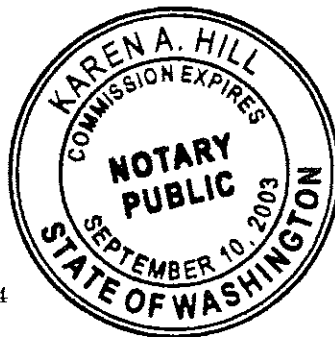
Paula J. Green

Paula J. Green

STATE OF WASHINGTON)
County of YAKIMA) ss:

On this day personally appeared before me PLEAS J. GREEN and PAULA J. GREEN, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 12 day of July, 2001.



Karen A. Hill
NOTARY PUBLIC in and for the
State of Washington,
Residing at Yakima
My commission expires: 9-10-03

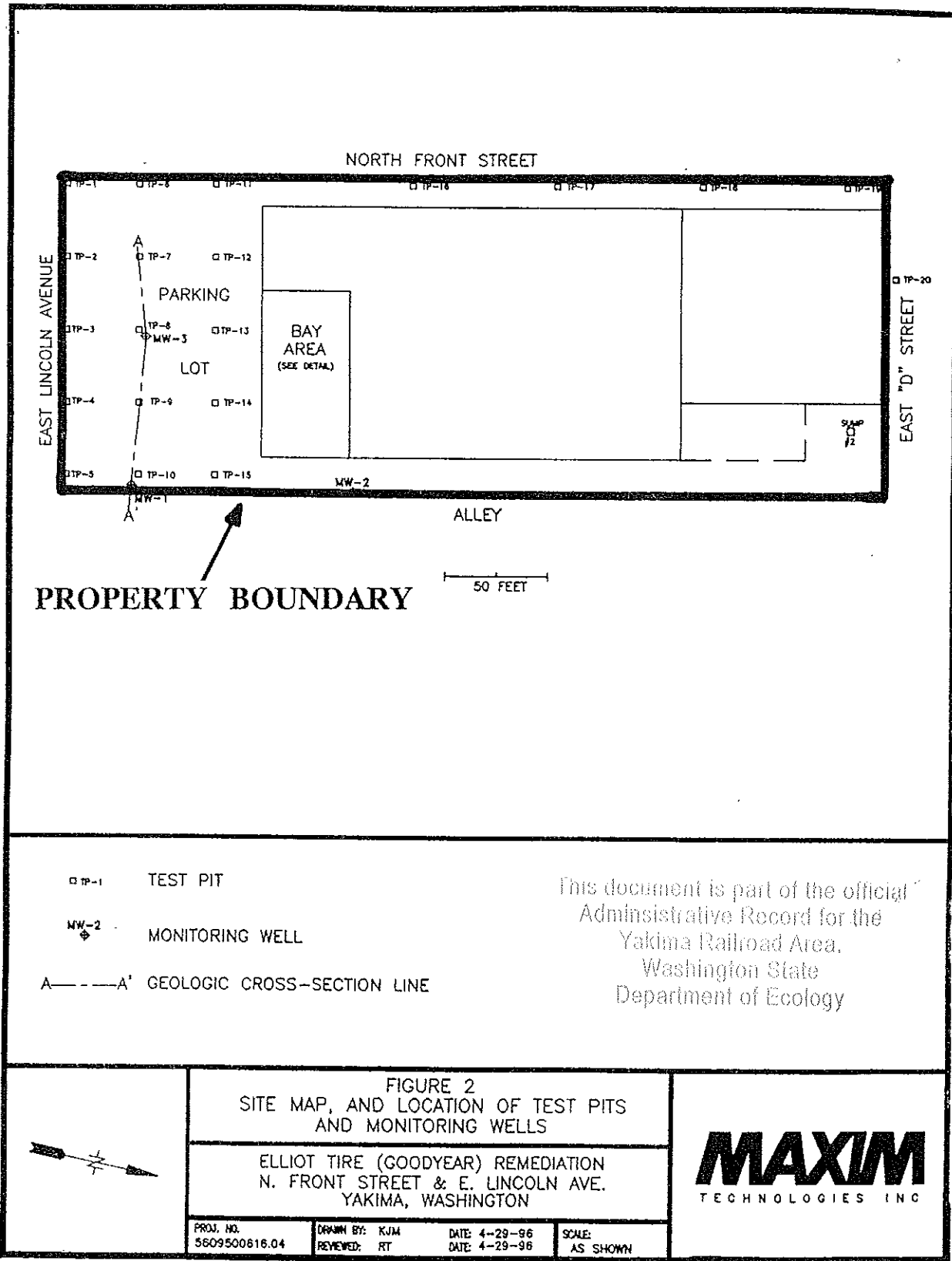
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PROPERTY BOUNDARY

- TP-1 TEST PIT
- MW-2 MONITORING WELL
- A———A' GEOLOGIC CROSS-SECTION LINE

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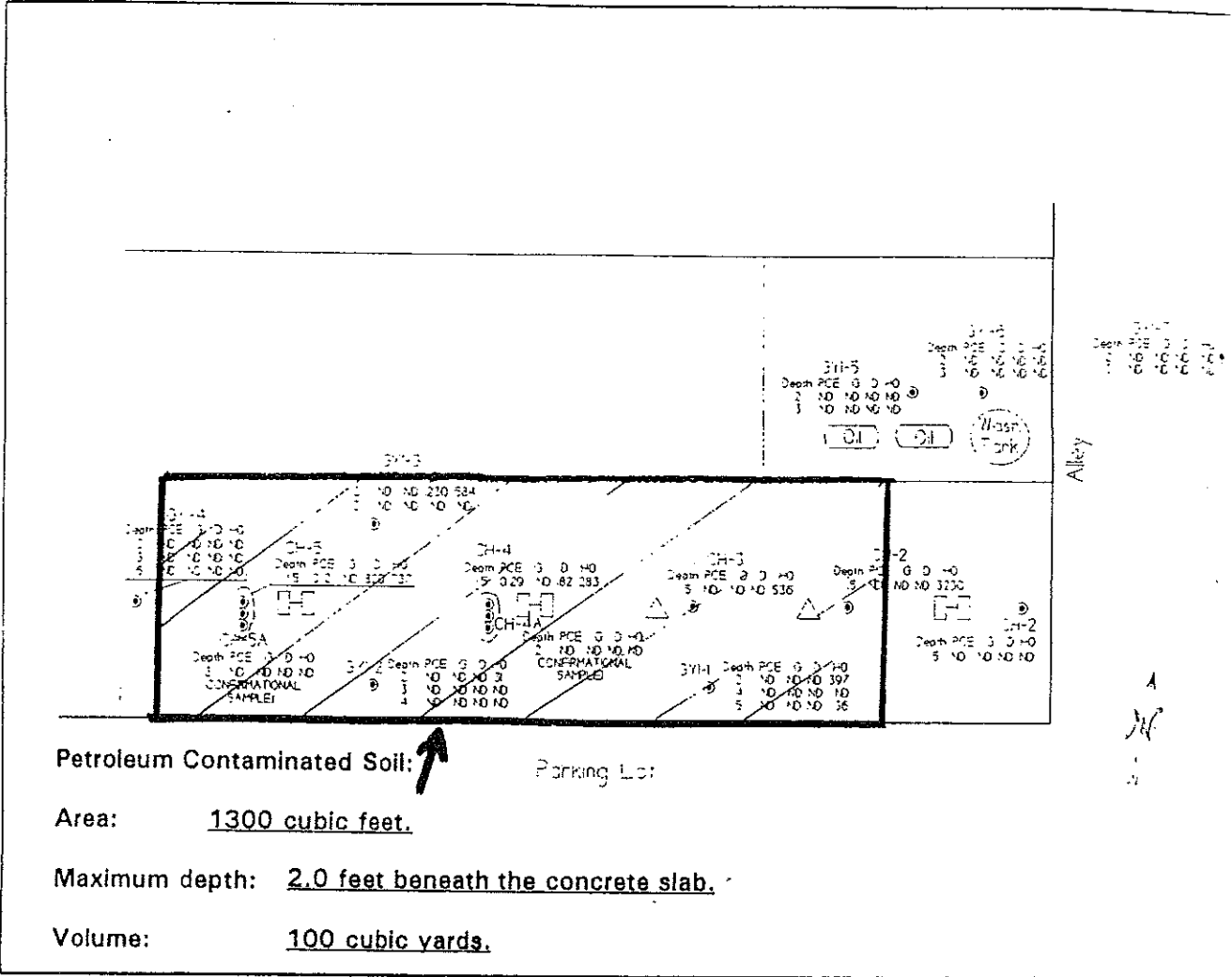
FIGURE 2
 SITE MAP, AND LOCATION OF TEST PITS
 AND MONITORING WELLS

ELLIOT TIRE (GOODYEAR) REMEDIATION
 N. FRONT STREET & E. LINCOLN AVE.
 YAKIMA, WASHINGTON



PROJ. NO. 5609500816.04	DRAWN BY: KJM REVIEWED: RT	DATE: 4-29-96 DATE: 4-29-96	SCALE: AS SHOWN
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20 Feet

Depth = Sample Depth (feet)
 PCE = Tetraochloroethene mg/kg
 G = Gasoline (mg/kg)
 D = Diesel (mg/kg)
 H = Heavy (mg/kg)

- ⊙ Core Hole
- ⊞ Jack
- △ Hoist
- ⊂ Outline of Excavation

Bay Area Data
 Elliot Tire (Goodyear) Remediation
 N. Front St. & E. Lincoln Ave
 Yakima, WA

EXHIBIT B



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