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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

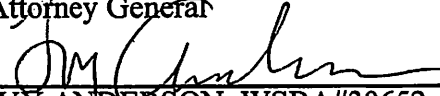
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|---|--|--|
| <p>STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Plaintiff, v. NEWCASTLE GOLF, L.L.C., a limited liability company Defendant.</p> | | <p>NO. 95-2-26414-0 SEA JOINT MOTION TO ENTER FIRST AMENDMENT TO CONSENT DECREE</p> |
|---|--|--|

 COMES NOW the Plaintiff, State of Washington, Department of Ecology, by and through its attorney, Ivy Anderson, Assistant Attorney General; and the Defendant, Newcastle Golf, L.L.C, by and through its attorney, Shannon Sperry, Lasher, Holzappel, Sperry & Ebberson; jointly move for entry of the First Amendment to Consent Decree in

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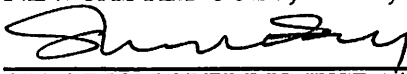
1 the above-captioned matter. The First Amendment to Consent Decree has been signed by
2 the parties to this action.

3
4 ROBERT W. FERGUSON
Attorney General

5 
6 _____
IVY ANDERSON, WSBA#30652
Assistant Attorney General
7 Attorney for State of Washington
Department of Ecology
8 (360) 586-4619

9 Date: 12/01/16

10
11 NEWCASTLE GOLF, L.L.C., a limited liability company

12 
13 _____
SHANNON SPERRY, WSBA#6295
Attorney for Newcastle Golf, L.L.C., a limited liability company

14 Date: 12/13/16

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FILED

2016 DEC 13 PM 3:35

PROBATION PERSON
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

CERTIFIED
COPY

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STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

NEWCASTLE GOLF, L.L.C., a limited
liability company

Defendant.

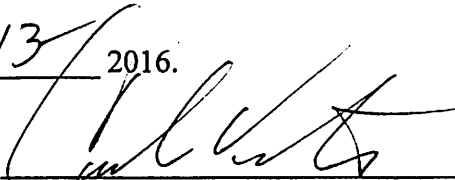
NO. 95-2-26414-0 SEA

ORDER ENTERING FIRST
AMENDMENT TO CONSENT
DECREE [PROPOSED]

Having reviewed the Joint Motion for Entry of First Amendment to Consent Decree, the First Amendment to Consent Decree signed by the parties to this matter, the file herein, and being fully advised on the matter, it is hereby

ORDERED AND ADJUDGED that the First Amendment to Consent Decree in this matter is entered and that the Court shall retain jurisdiction over the Consent Decree to enforce its terms.

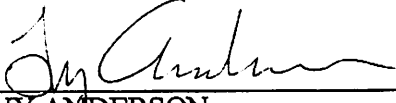
SIGNED this _____ day of 12-13 2016.



Superior Court Judge/Commissioner

1 Presented by:

2 ROBERT W. FERGUSON
3 Attorney General

4 

5 IVY ANDERSON
6 WSBA #30652
7 Assistant Attorney General
8 Attorneys for Plaintiff
9 Washington State Department of Ecology
10 (360) 586-4619

11 NEWCASTLE GOLF, L.L.C., a limited liability company

12 

13 SHANNON SPERRY
14 WSBA #6295
15 Attorney for Newcastle Golf, L.L.C, a limited liability company
16 (206) 654-2405

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3005 586-2405

I BARBARA MINER Clerk of the Superior Court of the State of Washington for King County do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior Court at my office at Seattle on this date **DEC 13 2010**



BARBARA MINER Superior Court Clerk

By **K. RICH**
Deputy Clerk

FILED

2016 DEC 13 PM 3: 35

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

**CERTIFIED
COPY**

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

NO. 95-2-26414-0 SEA

FIRST AMENDMENT TO CONSENT
DECREE

v.

NEWCASTLE GOLF, L.L.C., a limited
liability company

Defendant.

The Prospective Purchaser Consent Decree of October 10, 1995 ("Consent Decree") is hereby amended, by stipulation of all parties pursuant to Section XI (Amendment of Consent Decree; Adding New Parties to Consent Decree), to add HNA Newcastle Golf, LLC as a Defendant and a party to the Consent Decree. All other provisions of the Consent Decree, including its exhibits, remain in effect.

Attached as Exhibit A to this First Amendment, and an integral and enforceable part of the Consent Decree, is the Amendment to Prospective Purchaser Consent Decree Re: Newcastle Landfill (Agreement of Successors in Interest and Assigns).

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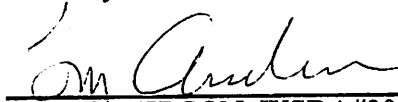
1 STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

2 

3 JAMES PENDOWSKI
4 Program Manager
5 Toxics Cleanup Program
(360) 407-7177

6 Date: 12/1/16

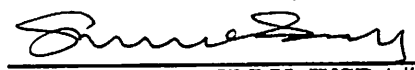
ROBERT W. FERGUSON
Attorney General



IVY ANDERSON, WSBA#30652
Assistant Attorney General
Attorney for State of Washington
Department of Ecology
(360) 586-4619

Date: 12/01/16

8 NEWCASTLE GOLF, L.L.C.

9 

10 SHANNON SPERRY, WSBA#6295
(206) 654-2405

11 Date: 12/13/16

13 ENTERED this 12-13-16 day of _____ 2016.



JUDGE/COURT COMMISSIONER
King County Superior Court

EXHIBIT A

EXHIBIT A

STATE OF WASHINGTON)
 DEPARTMENT OF ECOLOGY,)
)
 Plaintiff)
)
 v.)
)
 Newcastle Golf, L.L.C., a limited)
 liability company,)
)
 Defendant.)

NO. 95-2-26414-0 SEA

AMENDMENT TO PROSPECTIVE
 PURCHASER CONSENT DECREE
 RE: NEWCASTLE LANDFILL
 (AGREEMENT OF SUCCESSORS
 IN INTEREST AND ASSIGNS)

Pursuant to Section X and XI of the attached Prospective Purchaser Consent Decree ("Decree"), the undersigned Successors in Interest and Assigns hereby agree, as set forth in Sections X and XI of the Decree, to be bound by all applicable provisions of the Decree, including but not limited to the specific obligations of a Successor in Interest and Assign as set forth in Section IV (Description of Proposed Project), Section V (Work to Be Performed), Section VI (Ecology Costs), Section IX (Certifications), Section XI (Amendment of Consent Decree; Adding New Parties to Decree), Section X (Parties Bound; Adding New parties to Decree); Section XIV (Covenant Not to Sue; Reopeners), Section XVII (Retention of Records), Section XVIII (Property Access), and Section XIX (Compliance with Applicable Laws).

This Agreement of Successors in Interest and Assigns shall be effective upon approval by the Court.

So ordered this _____ day of 12-13-, 2016.

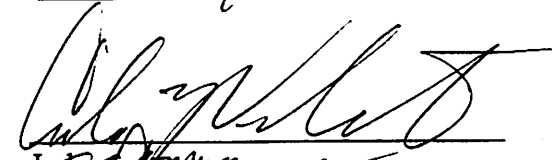
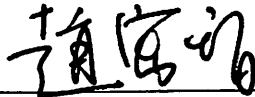

 Judge _____
 King County Superior Court


EXHIBIT A

IT IS SO AGREED BY THE
UNDERSIGNED SUCCESSORS IN
INTEREST AND ASSIGNS:

HNA Newcastle Golf, LLC,
a Delaware limited liability company

By: 
Its: Director
Date: 12.06.2016
Address: c/o Intertrust, 200
Bellevue Pkwy, Ste 210, Wilmington.
DE 19809

IT IS SO AGREED BY THE
DEPARTMENT OF ECOLOGY:

By: 
Its: Program Manager - TCP
Date: 12/01/16
Address: 360 Desmond Dr SE
Lacey WA 98503

IT IS SO AGREED BY THE OFFICE OF
THE ATTORNEY GENERAL:


By: 
Its: Assistant Attorney General
Date: 12/01/16
Address: 2425 Bistol Ct SW
Olympia WA 98504


EXHIBIT A

IT IS SO AGREED BY THE
UNDERSIGNED SUCCESSORS IN
INTEREST AND ASSIGNS:

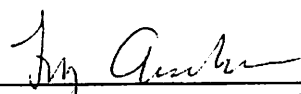
HNA Newcastle Golf, LLC,
a Delaware limited liability company

By: _____
Its: _____
Date: _____
Address: _____

IT IS SO AGREED BY THE
DEPARTMENT OF ECOLOGY:

By:  _____
Its: Program Manager - TCP
Date: 12/01/16
Address: 360 Desmond Dr SE
Lacey WA 98503

IT IS SO AGREED BY THE OFFICE OF
THE ATTORNEY GENERAL:

By:  _____
Its: Assistant Attorney General
Date: 12/01/16
Address: 2425 Bristol Ct SW
Olympia WA 98504

NOV 1 2016

K. RICH

I BARBARA MINER Clerk of the Superior Court of the State of Washington for King County do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior Court at my office at Seattle on this date DEC 13 2016



BARBARA MINER Superior Court Clerk

By K. RICH
Deputy Clerk