

BEFORE THE TENNESSEE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD

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)	
<i>IN THE MATTER OF:</i>)	Permit No.: SNL 76-0281
)	Issued: 07/23/2010
<i>ROBERTA LANDFILL PHASE II, INC.</i>)	
)	
)	

AMENDED PETITION FOR DECLARATORY ORDER BEFORE THE TENNESSEE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD

COMES BEARCAT PROPERTIES, INC. (hereinafter the “Bearcat”), by and through counsel, and for cause of action against **TENNESSEE UNDERGROUND STORAGE TANKS AND SOLID WASTE DISPOSAL CONTROL BOARD** (hereinafter the “TDEC”), would say as follows:

I. PARTIES

1. That Bearcat a corporation organized and existing under the laws of Tennessee and owns real property in Scott County, Tennessee.
2. That Roberta Landfill Phase II, Inc. (hereinafter “Roberta”), is believed to be a corporation organized and existing under the laws of Tennessee, whose address and contact is Dorothy J. King, its Registered Agent, at 22171 Alberta Street, Oneida, Tennessee 37841-3803.
3. That the Tennessee Underground Storage Tanks and Solid Waste Disposal Control Board (hereinafter “UST Board”) is a Board within the Tennessee Department of Environment and Conservation, which is an agency of the State of Tennessee, whose address and contact is Herbert H. Slattery, III, Attorney General for TDEC, P.O. Box 20207, Nashville, TN 37202-0207.

II. JURISDICTION

4. That the UST Board has jurisdiction over this matter and this petition for Declaratory Orders pursuant to Tenn. Code Ann. § 4-5-223.

III. FACTS

5. That on February 19, 2020, Bearcat Properties, Inc. purchased certain real property located in Scott County, Tennessee, as more particularly described in the Special Warranty Deed from United Cumberland Bank, Inc. to Bearcat Properties, Inc., a copy of which is attached hereto as Exhibit A. The Special Warranty Deed (hereinafter referred to as the “Deed”) is of record at Record Book 17, page 189, in the Register’s Office for Scott County, Tennessee (hereinafter described as the “Real Property”).

6. That United Cumberland Bank had acquired the Real Property from a foreclosure sale by United Cumberland Bank of the Real Property described in said Deed as set forth in the Trustee’s Deed from Sexton, Sexton, and Kaze, P.C., Trustee, by Charles B. Sexton, President, to United Cumberland Bank as more particularly described in the Trustee’s Deed of record at Deed Book 304, page 789, in the Register’s Office for Scott County, Tennessee, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.

7. That Roberta, at the time Roberta owned the Real Property, also held a permit from the Tennessee Department of Environment and Conservation (hereinafter “TDEC”), a Division of Solid Waste, to operate a landfill on the Real Property (hereinafter the “Permit”). A copy of said Permit is attached hereto and incorporated herein by reference as Exhibit C. The Registration Number for the Permit is SNL 76-0281 and it was issued on July 23, 2010.

8. That United Cumberland Bank did not have a security interest in the Permit and did not foreclose on its security interest or its Deed of Trust on said permit.

9. That the Permit only allows Roberta to use the Real Property for a Landfill and the Permit cannot be transferred to other real property or used any other place in Tennessee by Roberta.

10. That by a letter dated March 2, 2020, Bearcat made written request to TDEC and the Solid Waste Permit Manager to change the ownership of said Permit and to make any necessary notations to the appropriate official records denoting Bearcat Properties, Inc. and the new owner. A copy of said letter is attached hereto and incorporated herein by reference as Exhibit D.

11. That TDEC has failed to change over the ownership information and/or reissue the permit in the name of Bearcat.

12. That Roberta continues to pay the permitting fee to TDEC even though the Permit is of no use to Roberta and Roberta is no longer the owner of the Property.

13. That Bearcat alleges and avers that the Roberta is renewing the Permit intentionally so that the Bearcat cannot profit from the Real Property on the same basis of which Roberta intended to before it defaulted to United Cumberland Bank and the Real Property was foreclosed. The Bearcat has attempted to negotiate with Roberta for the Permit, but to no avail.

14. That the Permit is effectively a cloud on the title to the Real Property owned by the Bearcat.

15. That the Permit has and continues to cause damage to the Bearcat because Bearcat is unable to obtain a similar permit to use the Real Property, or to sell or otherwise market the Property for similar purposes because of the existence of the Permit that is continually being kept in place by Roberta to purposefully devalue of the Bearcat's property.

16. That the UST Board is named as a party herein because it issued the Permit to Roberta and has failed to respond to Bearcat's request to update the Permit records to reflect Bearcat's ownership.

17. That Roberta no longer has any right, title or interest in the Real Property.

IV. PETITION FOR DECLARATORY ORDER

18. That the allegations and averments in Paragraphs 1 through 17 are incorporated herein by reference as if stated verbatim.

19. That TDEC issued the Permit to Roberta when Roberta owned the Real Property. Roberta no longer owns the Real Property and has not since the foreclosure sale United Cumberland Bank in November of 2018.

20. That the Bearcat has a right to have a permit issued by TDEC and/or the UST Board on the Real Property to use the Real Property as a landfill.

21. That, however, since Roberta has and continues to maintain the Permit on the Real Property it no longer owns as a result of the foreclosure in November of 2018, the Bearcat is unable to obtain, or even file an application for, a Permit for a landfill on the Real Property.

22. That Roberta no longer owns the Real Property, thus making the Permit of no use or benefit for Roberta. Bearcat has not given permission to Roberta to operate a landfill on the Real Property nor has the Bearcat given Roberta permission to use the Real Property for any reason. Rule 1200-01-07.02 (As of September 8, 2020 it is now Rule 0400-11-01-.02) of the Rules of the Tennessee Department and Conservation Division of Solid Waste Management titled *Permitting of Solid Waste Storage, Processing, and Disposal Facilities*, sub-section (2)(a)2 states: “If the Property on which a facility is located is owned by a person(s) different from the operator, then the owner(s) must also sign the permit application.” Bearcat has not signed the Permit application and Roberta is not entitled to a permit on the Real Property.

23. That TDEC declare the rights of the parties hereto pursuant to T.C.A. § 4-5-223, more specifically, the TDEC declare that the Permit is no longer applicable to the Real Property and that Bearcat may apply for such a permit from TDEC on the Real Property.

WHEREFORE, PREMISES CONSIDERED, Bearcat prays as follows:

1. That the UST Board order that the Permit issued by TDEC to Roberta on the Real Property is no longer applicable to said Real Property because the Roberta no longer owns the Real Property;

2. That the UST Board declare the rights of the parties hereto, more specifically, that the Permit is no longer applicable to Roberta and that the Bearcat may apply for such a permit on the Real Property;

3. For such other and further relief as to which the Bearcat may show entitlement.

THIS the 28th day of September, 2020.

BEARCAT PROPERTIES, INC.

By: /s/ Walter N. Winchester
Walter N. Winchester, BPR #014530
Attorney for Bearcat Properties, Inc.
Winchester, Sellers, Foster & Steele, P.C.
Suite 1000, First Horizon Plaza
800 South Gay Street
Knoxville, TN 37929
Phone: (865) 637-1980

EXHIBIT A

This deed prepared without benefit of title search and upon information furnished by the parties.

This instrument must be recorded in the Register's Office of the County where property below is located.

Name and Address of Owner:	Map and Parcel Numbers:
BEARCAT PROPERTIES, INC. P. O. Box 5237 Oneida, TN 37841	[MAP: 30 / and 31 [PARCELS: 12 .00 & 12.01 97.2. GA. 059.00 + 055.00
Name and Address of Persons Responsible for Taxes:	This Instrument Prepared on Information Furnished by the Parties By:
BEARCAT PROPERTIES, INC. P. O. Box 5237 Oneida, TN 37841	[Sexton, Sexton & Leach, P.C. [425 Industrial Lane [P.O. Box 4187 [Oneida, TN 37841 [(423) 569-8341

SPECIAL WARRANTY DEED

This Special Warranty Deed made on the day and year last chronologically entered in the acknowledgement provision(s) appearing at the conclusion of this instrument, by and between UNITED CUMBERLAND BANK, INC., of Oneida, Scott County, Tennessee, maintaining its principal offices at Main Street, Oneida, Tennessee 37841 (hereafter collectively referred to as "Grantor") and BEARCAT PROPERTIES, INC., of Scott County, Tennessee (hereafter collectively referred to as "Grantee").

WITNESSETH

That in consideration of the sum of One (\$1.00) Dollar, and other good and valuable consideration not expressly recited and described herein but which is acknowledged by Grantor as received, sufficient and adequate in all respects, Grantor hereby conveys to Grantee and its successors and assigns, certain real property hereafter collectively referred to in this Special Warranty Deed as the "Property" and which is more fully described as follows:

TRACT ONE:

"Situated in District No. Four (4) of Scott County, Tennessee, containing sixty three acres 43 square rods, more or less and lying in the old 8th Civil District of Scott County and in the Winfield area and on the Waters of Faunch Creek, to-wit:

BEGINNING at a set stone at a point where the public road crosses the Big branch near Linken Strunks residence; thence N 86 degs. 30' W 9 P to a set stone; thence N 2 ½ E 66 P., to a chestnut; thence N 33 W 30 P to a poplar; thence N 19 W 18 P to 4 small black pines; thence S 80 E 108 P. to a Black Oak; thence S 86 E 24 P to a Set stone at the Sink hole branch; thence down said branch S 79 E 21 P to two black gums in the line of the C. S. RR. Right-of-way; thence with said Right of way S 46 W 18 P to a Right of Way Post; thence S 45 E 2 P to a Right of way Post; thence S 47 1/2 W 66 P 14 links to a right of way Post; thence N 43 W 3 P to a Post; thence S 47 ½ W 49 P to a Right of Way Post; thence S 42 ½ E 3 P to a Right of Way Post; thence S 47 ½ W 51 P to a Black Oak; thence leaving the Right of way N 27 W 6 P to a stake; thence N 28 E 56 P

TO HAVE AND TO HOLD the Property hereby conveyed to the Grantee, its heirs, successors and assigns, together with all of Grantor's rights, title, interest and estate in the Property with the hereditaments, appurtenances and improvements thereto appertaining, except as hereinafter reserved. This Special Warranty Deed is granted, conveyed and delivered subject to all right-of-ways, easements, restrictive covenants, reservations, reverts, state and local zoning laws and planning commission regulations, land restrictions and other conditions appearing in the deeds of the chain-of-title for the Property and otherwise of public record, and further subject to all land taxes and assessments affecting the Property.

WITNESS THE HAND of the Grantor, UNITED CUMBERLAND BANK, INC., of Oneida, Tennessee, by and through its undersigned officer and authorized agent.]

UNITED CUMBERLAND BANK, INC.,
OF ONEIDA, TENNESSEE

By:

[Signature]
JAMES E. JOHNSON,

TITLE:

PRESIDENT

By:

[Signature]
BARRY BRADEN,

TITLE:

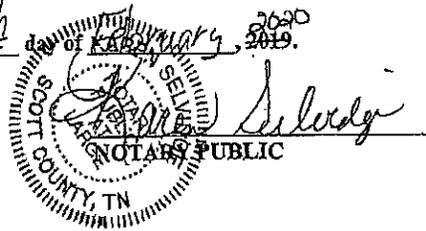
VICE PRESIDENT/SECRETARY

STATE OF TENNESSEE
COUNTY OF SCOTT

Personally appeared before me, Karen Selridge, a Notary Public of said County and state, JAMES E. JOHNSON and BARRY BRADEN, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained, and who further acknowledged that they are the authorized representatives of the maker or a constituent of the maker and are authorized by the maker or by its constituent, the constituents being authorized by the maker, to execute this instrument on behalf of the maker,

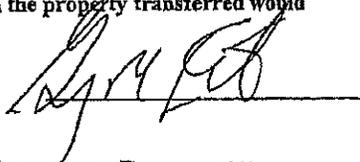
Witness my hand, at office, this 19th day of February, 2020.

My Commission Expires: 6/21/23.

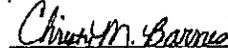


STATE OF TENNESSEE
COUNTY OF SCOTT

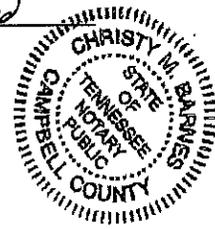
I, or we, hereby swear or affirm that the actual consideration for this transfer, or value of the property transferred, whichever is greater, is \$ 1,300,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair, voluntary sale.



Subscribed and sworn to before me this 26th day of February, 2019.


NOTARY PUBLIC

My Commission Expires: 9-21-24



RECORD BOOK: 17 Page: 189 - 193

2000495

5 PUSAL-SPECIAL WARRANTY DEED	
ASHLEY BATCH: 3235	
02/25/2020 - 02:29:22 PM	
VALUE	1300000.00
MORTGAGE TAX	0.00
TRANSFER TAX	4810.00
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	4838.00

STATE OF TENNESSEE, SCOTT COUNTY
ASHLEY N. RISEDEN
REGISTER OF DEEDS

EXHIBIT B

Prepared By:
SEXTON, SEXTON & LEACH, P.C.
Attorneys at Law
425 Industrial Lane
Oneida, Tennessee 37841

TRUSTEE'S DEED

THIS DEED, made and entered into this 14th day of November, 2018, by and between Sexton, Sexton & Kazee, P.C., Trustee, by Charles B. Sexton as President, as hereinafter stated, party of the first part, and UNITED CUMBERLAND BANK, INC., of Scott County, Tennessee, party of the second part;

WITNESSETH:

That whereas ROBERTA LANDFILL PHASE II, INC., by its officials, Johnny C. King, President, Dorothy C. King, Vice President, Steven Phillips, Treasurer, L. Mayfield Brown, Secretary, Gina K. Phillips, Member, and Teresa S. Brown, Member; and Johnny C. King, Individually, and Dorothy King, Individually, executed to the said Sexton, Sexton & Kazee, P.C., Trustee, upon the lands hereinafter described, a deed of trust dated the 31st day of October, 2012, recorded in Trust Deed Book 277, Page 632, of record in the office of the Register of Deeds of Scott County; and whereas the indebtedness thereby secured being overdue and unpaid, and the holder of the said indebtedness having called upon the said Trustee to foreclose the said deed of trust, the said Trustee after due advertisement as required by law and the terms of the deed of trust, offered said land for sale at the door of the Scott County Courthouse on the 14th day of November, 2018, at 10:15 a.m., EST, when and where UNITED CUMBERLAND BANK, INC., became the last and highest bidder at the price of ONE MILLION, ONE HUNDRED FIFTY ONE THOUSAND, SEVEN HUNDRED FIFTY (\$1,151,750.00) DOLLARS.

Now, therefore, the said Sexton, Sexton & Kazee, P.C., Trustee, by Charles B. Sexton, President, as aforesaid, in consideration of the premises and of the said sum of ONE

TAX RESPONSIBILITY:

United Cumberland Bank, Inc.
P. O. Box 4909
Oneida, TN 37841

PROPERTY OWNER'S ADDRESS:

United Cumberland Bank, Inc.
P. O. Box 4909
Oneida, TN 37841

MILLION, ONE HUNDRED FIFTY ONE THOUSAND, SEVEN HUNDRED FIFTY (\$1,151,750.00) DOLLARS to him in hand paid, has bargained and sold and by these presents does bargain, sell and convey unto the said UNITED CUMBERLAND BANK, INC., its heirs and assigns, the land as aforesaid, the same lying and being in the County of Scott, and State of Tennessee, in the Fourth (4th) and Fifth (5th) Civil Districts, and more particularly described and bounded as follows:

"TRACT I

Situated in District No. Four (4) of Scott County, Tennessee, containing sixty three acres 43 square rods, more or less and lying in the old 8th Civil District of Scott County and in the Winfield area and on the Waters of Paunch Creek, to-wit:

BEGINNING at a set stone at a point where the public road crosses the Big branch near Linken Strunks residence; thence N 86 degs. 30' W 9 P to a set stone; thence N 2 1/4 E 66 P., to a chestnut; thence N 33 W 30 P to a poplar; thence N 19 W 18 P to 4 small black pines; thence S 80 E 108 P. to a Black Oak; thence S 86 E 24 P to a Set stone at the Sink hole branch; thence down said branch S 79 E 21 P to two black gums in the line of the C. S. RR. Right-of-way; thence with said Right of way S 46 W 18 P to a Right of Way Post; thence S 45 E 2 P to a Right of way Post; thence S 47 1/2 W 66 P 14 links to a right of way Post; thence N 43 W 3 P to a Post; thence S 47 1/2 W 49 P to a Right of Way Post; thence S 42 1/2 E 3 P to a Right of Way Post; thence S 47 1/4 W 51 P to a Black Oak; thence leaving the Right of way N 27 W 6 P to a stake; thence N 28 E 56 P to a stump thence N 43 E 13 P to the BEGINNING, EXCLUDING the strip of land sold to County for State Highway No. 27. Also the strip of land sold to the CNO & T.P. Railway for railroad right of way. Also about 3 acres more or less South of Highway No 27 sold to Lawrence Carson. The above conveyances includes the land dedeed to Lincoln Strunk by James Sharpe by deed dated April 15, 1899 and recorded in Deed Record Book No. 45, Page 29, at Huntsville, Scott County, Tennessee, excepting the exclusion above shown.

TRACT II

BEGINNING at a point located 3450 feet South of Winfield Crossing on an iron pin located on the West side of the Southern Railway 90 feet from the center of said tracts and which iron pin is located in the common boundary line of Healey and Sharp; thence South 25 degrees 49 minutes 36 seconds West 132.89 feet to an iron post; thence North 87 degrees 16 minutes 42 seconds West 59.60 feet to an iron post; thence South 26 degrees 33 minutes 53 seconds West 404.21 feet to an iron post; thence South 72 degrees 45 minutes 58 seconds East 74.58 feet to an iron post; thence South 27 degrees 18 minutes 15 seconds West with Southern Railroad right of way 1523.55 feet to an iron pin in the Hines property; thence North 87 degrees 02 minutes 28 seconds West 405.41 feet to a set stone; thence North 0 degrees 16 minutes 58 seconds East with the Everett Danner property line 1528.61 feet to a set stone; thence North 77 degrees 36 minutes 24 seconds East 1353.90 feet to the point of beginning, and containing 32.007 acres. Per survey of Donald W. Harkelroad for East Tennessee Engineering and Surveying (Tennessee Registered Engineer No. 5089)."

DERIVATION OF TITLE: For title reference see Deed Book 231, Page 148, Register of Deeds' Office, for Scott County, at Huntsville, Tennessee.

"TRACT ONE

Situated in the Fifth Civil District of Scott County, Tennessee, being in the Bear Creek area of the Town of Oneida lying in the northeast quadrant of the intersection of the Landfill Road with the Bear Creek Road and more fully described as follows:

Beginning on an iron pin on the north right-of-way of the Bear Creek Road, being at the intersection of the east right-of-way of the Landfill Road and being a common corner of Grantor and Barna Log Homes; thence running with said Landfill Road right-of-way being with a curve turning to the right with an arc length of 328.02', with a radius of 632.73', with a chord bearing of N 30° 12' 23" W, with a chord length of 324.36'; thence N 15° 13' 02" W a distance of 278.34'; thence with a curve turning to the right with an arc length of 218.69', with a radius of 469.83', with a chord bearing of N 02° 01' 12" W, with a chord length of 216.72'; thence N 11° 18' 53" E a distance of 198.43' to an iron pin in the common line of Grantor and Liberty Waste Services; thence running with said Liberty Waste Services lines N 63° 17' 07" E a distance of 103.26'; thence N 79° 45' 02" E a distance of 370.921; thence N 75° 10' 25" E a distance of 175.86'; thence N 90° 00' 00" E a distance of 120.00'; thence S 69° 26' 38" E a distance of 512.64'; thence S 85° 01' 49" E a distance of 230.87'; thence S 44° 48' 37" E a distance of 658.61'; thence S 65° 00' 43" E a distance of 847.68'; thence N 19° 29' 07" W a distance of 1978.13' to an iron pin; thence leaving said line and running S 62° 14' 50" E a distance of 2232.17', severing the lands of Grantor to an iron pin in the common line of Grantor and Danner; thence running with the common lines of Grantor and Danner S 03° 05' 58" E a distance of 517.51' to an angle iron; thence S 69° 33' 08" E a distance of 389.61' to an iron pin; thence S 21° 45' 54" W a distance of 692.26' to an iron pin; thence S 13° 00' 29" W a distance of 300.30' to an iron pin; thence S 49° 18' 18" W a distance of 231.70' to an angle iron; thence S 00° 17' 18" E a distance of 181.69' to an iron pin; thence with a curve turning to the left with an arc length of 47.00', with a radius of 100.00', with a chord bearing of S 13° 27' 33" E, with a chord length of 46.57' to an iron pin; thence S 25° 32' 11" E a distance of 33.07' to an iron pin; thence with a curve turning to the left with an arc length of 111.03', with a radius of 43.00', with a chord bearing of S 76° 44' 31" W, with a chord length of 82.66' to an iron pin; thence S 04° 14' 46" W a distance of 238.55' to an iron pin; thence S 89° 28' 56" W a distance of 1934.26' to a railroad rail, being a common corner of grantor, Danner and Barna Log Homes; thence running with said Barna line N 30° 18' 21" E a distance of 150.00' to an iron pin; thence N 45° 25' 25" W a distance of 1846.64' to an iron pin; thence N 73° 52' 17" W a distance of 301.66' to an iron pin; thence S 45° 14' 26" W a distance of 222.02' to an iron pin, being the point of beginning. Containing 178.67 acres more or less. Surveyed August 03, 2005 by Jimmy R. Reed, TN R.L.S. #1372.

TRACT TWO:

Situated in the Fifth Civil District of Scott County, Tennessee, being in the Bear Creek area of the Town of Oneida, lying in the northeast quadrant of the intersection of the Landfill Road and with the Bear Creek Road and more fully described as follows:

Beginning on an iron pin, being a common corner of Grantor and Audrey Danner, and being the northeast corner of a previously surveyed 178.67 acre tract; thence running with the north line of said 178.67 acre tract N 62° 14' 50" W a distance of 2232.17' to an iron pin, being a common corner of grantor and Liberty Waste Services; thence running with said Liberty Waste Services line N 37° 50' 55" E a distance of 1297.92' to an iron pin; thence leaving said Liberty Waste Services line and severing the lands of Grantor, running N 49° 02' 28" E a distance of 165.42' to an iron pin in the center of T.V.A. transmission line, being near the center of a narrow ridge; thence running with the centerline of said

7:91

T.V.A. Transmission line S 71°53'36" E a distance of 3561.42' to an iron pin in said centerline; thence leaving said centerline and running S 06°34'57" W a distance of 152.64' to an iron pin; thence S 21°40'46" E a distance of 90.64' to an iron pin; thence S 55°37'01" W a distance of 324.02' to an iron pin; thence S 54°36'07" W a distance of 213.62' to an iron pin; thence S 72°49'18" W a distance of 334.03' to an iron pin; thence S 19°18'04" W a distance of 77.07' to an iron pin; thence S 13°27'01" E a distance of 681.63' to an iron pin in the common line of Grantor and Audrey Danner; thence running with said Danner line N 72°09'55" W a distance of 1392.27' to an iron pin; thence S 29°21'34" W a distance of 50.52' to an iron pin; thence S 53°28'40" W a distance of 65.31' to an iron pin; thence S 63°04'02" W a distance of 85.30' to an iron pin; thence S 87°15'32" W a distance of 75.811' to an iron pin; thence N 86°37'03" W a distance of 165.25' to the point of beginning. Containing 129.36 acres more or less.

Grantor reserves a non-exclusive road right-of-way easement on that portion of the above described property lying within the T.V.A. transmission line easement, being 50' perpendicular to and running parallel with the line described as S 71°53'36" E a distance of 3561.42'. Surveyed October 02, 2006, by Jimmy R. Reed, TN R.L.S. #1372."

DERIVATION OF TITLE: For title reference see Deed Book 258, Page 362, Register of Deeds' Office, for Scott County, at Huntsville, Tennessee.

TAX INFORMATION FOR ABOVE PARCELS:

Map 30, Parcels 12.00 and 12.01

The drafters of this deed by virtue of its preparation, make no representations whatsoever regarding the status of title, encroachments, acreage, easements or other access, or the accuracy of the boundary calls for the real property described herein; this instrument was prepared solely from the directions, metes and bounds description, and other information provided by the grantor(s) and grantee(s) named in this deed.

This deed is subject to all unpaid taxes owed to the County of Scott and existing liens other than the Trust Deed lien and any modification thereof, utility easements, roadways, encroachments, right-of-way, both visible and not visible, both of record and not of record, city, county, and state zoning ordinances, codes, and laws, and land use, land taxes and assessments, mineral reservations, restrictive covenants, and any other restrictions or conditions contained in any other instrument in the chain of title, if any.

Subject to rights of occupant(s) to use of dwelling house on premises, if any.

FURTHER, THE NOTICE OF RIGHT TO FORECLOSE WAS DULY GIVEN PURSUANT TO T.C.A. 35-5-117 WITHIN THE TIME PRESCRIBED BY LAW.

To have and to hold, said lands and premises, together with all privileges and appurtenances thereunto belonging, to UNITED CUMBERLAND BANK, INC., the said party of the second part and its heirs and assigns in as full and ample a manner as the said Trustee has power to convey the same.

In testimony whereof, said Sexton, Sexton & Kazee, P.C., Trustee, by Charles B. Sexton, President, as hereinabove stated, has hereunto set his signature the day and year first above written.

SEXTON, SEXTON & KAZEE, P.C.,
Trustee

Charles B. Sexton
CHARLES B. SEXTON, President

STATE OF TENNESSEE
COUNTY OF SCOTT

Personally appeared before me, a Notary Public, of said County and State, the within named bargainer, CHARLES B. SEXTON, President, of Sexton, Sexton & Kazee, P.C., TRUSTEE, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this 14th day of November, 2018.
My Commission Expires: 1-26-20

Erika D. Byrge
NOTARY PUBLIC

STATE OF TENNESSEE
COUNTY OF SCOTT

I, or we, hereby swear or affirm that the actual consideration for this transfer, or value of the property transferred, whichever is greater, is \$ 1,151,750.00, which amount is equal to or greater than the amount which the property transferred would command at a fair, voluntary sale.

Bonnie J. Sharp

Subscribed and sworn to before me this 15th day of November, 2018.

Karen Lea New
NOTARY PUBLIC

My Commission Expires: 9-21-22



STATE OF TENNESSEE
SCOTT COUNTY

REGISTER'S OFFICE November 16, 2018
I, Ashley N. Rissler, Register of said County do certify that the foregoing Sublet's Deed Instrument is registered in said Office in Deed Book No. 304 Page 789; that they were received November 16, 2018 at 12:32 P.M. and entered in Note Book Q Page 149 State Tax \$ 426.29 Fee 1.00 Recording Fee 25.00 Data Fee 2.00 Total \$ 428.29 Receipt No. 799

Ashley N. Rissler
By: BA, S.A. Register

EXHIBIT C

State of Tennessee
Department of Environment
and Conservation
Division of Solid Waste Management

Solid Waste Management Program
401 Church Street
5th Floor L & C Tower
Nashville, Tennessee 37243-1535
615-532-0780

**REGISTRATION AUTHORIZING SOLID WASTE
DISPOSAL ACTIVITIES IN
TENNESSEE**

Registration Number: SNL 76-0281

Date Issued: July 23, 2010

Issued to: **Roberta Landfill Phase II, Inc.**

Activities Authorized: Construction, operation, closure, and post-closure care of a Class I disposal facility located in Scott County, off Bear Creek Road from U. S. Highway 27, approximately four miles north of Oneida, Tennessee, for the disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.

By my signature this registration is issued in compliance with the provisions of the Tennessee Solid Waste Disposal Act (Tennessee Code Annotated, Section 68-211-101, et seq.), and applicable regulations developed pursuant to this law and in effect; and in accordance with the conditions and other terms set forth in this registration document and attached Registration Conditions.



Mike Apple, Director
Division of Solid Waste Management

Registration Number: SNL 76-0281
Date Issued: July 23, 2010

PERMIT TERMS AND CONDITIONS

1. Re-certification by Permittee for Facilities Whose Initial Operation is Delayed - If the facility does not initiate construction and/or operation within one year of the date of this permit, the permittee must re-certify the application in accordance with Rule 1200-1-7-.02(2)(d).
2. Duty to Comply - The permittee must comply with all conditions of this permit, unless otherwise authorized by the Department. Any permit noncompliance, except as otherwise authorized by the Department, constitutes a violation of the Act and is grounds for enforcement action, or for permit termination, revocation and re-issuance, or modification.
3. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. Duty to Mitigate - In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent adverse impacts on human health or the environment.
5. Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
6. Permit Actions - This permit may be modified, revoked and re-issued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any existing permit condition.
7. Property Rights - This permit does not convey any property rights of any sort, or any exclusive privilege.
8. Duty to Provide Information - The permittee shall furnish to the Commissioner, within a reasonable time, any relevant information which the Commissioner may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to the Commissioner, upon request, copies required to be kept by this permit. All records, including a copy of this permit and the approved Part I and Part II application, must be maintained at the facility or other locations as approved by the Commissioner.

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9. Inspection and Entry - The permittee shall allow the Commissioner, or an authorized representative, to:

- (i) Enter at any reasonable time the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (iii) Inspect at any reasonable time any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit (Note: If requested by the permittee at the time of sampling, the Commissioner shall split with the permittee any samples taken.);
- (iv) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act any substances or parameters at any location; and
- (v) Make photographs for the purpose of documenting items of compliance or noncompliance at waste management units, or where appropriate to protect legitimate proprietary interests, require the permittee to make such photos for the Commissioner.

10. Monitoring and Records

- (i) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (ii) The permittee shall retain records of all required monitoring information. The permittee shall maintain records for all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for the post-closure care period as well. This period may be extended by request of the Commissioner at any time.
- (iii) Records of monitoring information shall include:
 - (I) The date, exact place, and time of sampling or measurements;
 - (II) The individual(s) who performed the sampling or measurements;
 - (III) The date(s) analyses were performed;
 - (IV) The individual(s) who performed the analyses;
 - (V) The analytical techniques or methods used (including equipment used); and
 - (VI) The results of such analyses.

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11. Reporting Requirements

- (i) The permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility.
- (ii) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (iii) The permittee shall report orally within 24 hours from the time the permittee becomes aware of the circumstances of any release, discharge, fire, or explosion from the permitted solid waste facility which could threaten the environment or human health outside the facility. Such report shall be made to the Tennessee Emergency Management Agency, using the 24-hour toll-free number 1-800-262-3300.
- (iv) Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, it shall promptly submit such facts or information.

12. Periodic Survey

- (i) Within 60 days of his receipt of the written request of the Commissioner to do so, the permittee shall cause to be conducted a survey of active and/or closed portions of his facility in order to determine if operations (e.g., cut and fill boundaries, grades) are being conducted in accordance with the approved design and operational plans. The permittee must report the results of such survey to the Commissioner within 90 days of his receipt of the Commissioner's request.
- (ii) The Commissioner may request such a survey:
 - (I) If he has reason to believe that operations are being conducted in a manner that significantly deviates from the approved plans; and/or
 - (II) As a periodic verification (but no more than annually) that operations are being conducted in accordance with the approved plans.
- (iii) Any survey performed pursuant to this part must be performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities.

13. Duration of Permits - This permit shall be effective for the operating life of the facility.

14. Effect of Permit - The issuance of this permit does not authorize the permittee to injure persons or property or to invade other private rights, or to violate any local law or regulations.

15. Transfer, Modification, Revocation and Re-issuance, and Termination of Permits - This permit may be transferred, modified, revoked or reissued, or terminated as set forth in 1200-1-7-.02(5).

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16. Applicable Standards - All applicable facility standards of Rule Chapter 1200-1-7, Solid Waste Processing and Disposal Amendments shall be considered conditions of this registration.
17. Penalties - Any violation of the conditions or other terms of this registration may subject the registrant to the penalties set forth in Tennessee Code Annotated Section 68-211-114 and 68-211-117.
18. Hazardous Waste Restriction - No hazardous waste, as regulated by the Tennessee Hazardous Waste Management Act (TCA Section 68-212-101, et seq.), and the Rules adopted pursuant to that Act, shall be accepted at this facility.
19. Construction and Operation - The permittee shall construct and operate the facility in accordance with the approved engineering plans and operations manual which becomes a condition of this permit as Attachment I.
20. Financial Assurance - Prior to beginning operation, the permittee must file a Financial Assurance Instrument in accordance with Rule 1200-1-7-.03.
21. Special Waste - Except as specifically provided for in the Facility-Specific Conditions of this permit, the permittee may not accept for disposal any special waste unless approved to do so in writing by this Department.
22. Automobile Batteries - This facility is specifically prohibited from accepting automobile batteries for disposal.

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VARIANCES AND WAIVERS

The following variances or waivers from standards or requirements in Rule 1200-1-7, Solid Waste Processing and Disposal Amendments, are hereby granted in accordance with Rule 1200-1-7-.01(5):

No variances or waivers from normal regulatory requirements have been requested for this site.

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FACILITY-SPECIFIC PERMIT CONDITIONS

The following condition of this permit is established pursuant to Rule 1200-1-7-.02(4)(b):

1. The sediment control structures shall be inspected for stability and/or erosion every two (2) months and after every major rain event. The sediment control structures shall be cleaned when the volume of sediment in the structure is equal to one-quarter (1/4) the total capacity of the structures. The sediment ponds/structures and all other storm water drainage structures must be maintained as necessary to preserve the design capacity.
2. The height of the berm in detail number 8 as shown on sheet 26 of the approved plans must be increased to a minimum of five (5) feet.
3. This permit shall not become effective, and no construction within the landfill footprint may commence unless and until the pending Aquatic Resource Alteration Permits (ARAPs) have been issued. Further, should the issued ARAPs differ substantially from their present proposed form as of July 1, 2010, the Permittee must modify this permit as appropriate in order for the permit to become effective.

EXHIBIT D

JOSEPH G. COKER, ATTORNEY, P.C.
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March 2, 2020

Nicholas.Lytle@tn.gov
Solid Waste Permit Manager
Division of solid Waste Management
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

Re: Roberta Landfill Phase II, Inc.
Permit SNL760000281
NOTICE OF CHANGE OF OWNERSHIP OF REAL PROPERTY

Mr. Lytle, Ms. Barnes and Mr. Almanza:

The enclosed attachment contains a copy of the Special Warranty Deed from United Cumberland Bank, Inc. to Bearcat Properties, Inc. dated February 26, 2020, and recorded in Record Book 17, Pages 189-193 in the Register's Office for Scott County, Tennessee on February 26, 2020.

This Special Warranty Deed is a conveyance of the real property upon which the Permit # SNL 760000281 presently in the name of Roberta Landfill Phase II, Inc. is located. The new owner of such real property is Bearcat Properties, Inc. and its contact information is as follows:

Mr. Mike Malicote, Vice President
Bearcat Properties, Inc.
Post Office Box 673
673 Fox Den Lane
LaFollette, Tennessee 37766
Tel. # 423-562-0031
Fax # 865-544-3808
Email – mikemallicote@yahoo.com, and
mike@dixieroofting.com

The name and contact information of the Registered Agent and corporate attorney for Bearcat Properties, Inc. is as follows:

Ms. Vitoria B. Tillman, Esq.
Attorney at Law
McKinney & Tillman, PC
1019 Orchid Drive
Knoxville, Tennessee 37912
Tel. 865-525-8700
Fax: 865-521-4189
Email: vtillman@passitonwell.com

Please make any necessary notations to the appropriate official records.

Thank you for your assistance in this matter.

Please also acknowledge receipt of this email and that the enclosed attachment opens properly.

Yours very truly,



Joseph G. Coker

Cc: Ms. Katherine Barnes – via email to Katherine.Barnes@tn.gov
Mr. Craig Almanza – via email to Craig.Almanza@tn.gov
Mr. Mike Malicote – via email to mikemalicote@yahoo.com and
mike@dixieroofting.com
Ms. Victoria Tillman – via email to vtillman@passitonwell.com