

**CHATHAM COUNTY
MAJOR SUBDIVISION
REVIEW CHECKLIST**

Subdivision Name: Westfall Phases 1A, B, C (ff/k/a Booth Mountain)

Review For: Sketch Prelim Final

Attach all supporting documentation regarding these approvals. If approvals are still pending, attach applications for approval.

SKETCH DESIGN REVIEW	APPROVAL DATE
<input type="checkbox"/> 25 Copies of Plat with topo along with one (1) 8-1/2 x 11 copy	-----
<input type="checkbox"/> Application w/Complete Adjacent Owner Addresses	-----
<input type="checkbox"/> Soil Scientist Report and soil map	-----
{ } 1 electronic copy of all items above (see Digital Document Requirements)	
PRELIMINARY PLAT REVIEW	
<input type="checkbox"/> 25 Copies of Plat along with one (1) 8-1/2 x 11 copy
<input type="checkbox"/> Application w/ Complete Adjacent Owner Addresses
<input type="checkbox"/> Detailed Soils Map and Letter of explanation or D.E.M. approval (see Requirements for soil scientist report)	
<input type="checkbox"/> NCDOT Approval (if public roads) N/A	
<input type="checkbox"/> DOT Comm. Driveway Permit	
<input type="checkbox"/> Erosion Control Plan Approval (if new roads or one acre disturbed)	
<input type="checkbox"/> U.S. Army Corps of Engineers Permit (if appl)	
<input type="checkbox"/> Road Name Request Form	
<input type="checkbox"/> County Public Water Approval (if applicable)	
<input type="checkbox"/> State Public Water Approval (if applicable)	
<input type="checkbox"/> Chatham Co. Schools' Road Comments (if new roads)	
<input type="checkbox"/> Stormwater Management Plan Approval (if appl)	
<input type="checkbox"/> Economic & Environmental Impact Study (if appl)	
<input type="checkbox"/> Water / Sewer Impact Statement (if appl)	
{ } 1 electronic copy of all items above (see Digital Document Requirements)	
FINAL PLAT REVIEW	
<input checked="" type="checkbox"/> 25 Copies of Plat	-----
<input checked="" type="checkbox"/> Application
{X } 1 electronic copy of all items above (see Digital Document Requirements)	10/12/2007
<input checked="" type="checkbox"/> Chatham County Environmental Health Division septic improvement permits or NCDWQ septic permits for each lot.	10/5/2006
<input checked="" type="checkbox"/> Road Completion Certificate or Financial Guarantee	10/9/2007
<input checked="" type="checkbox"/> Utilities Completion Cert. or Financial Guarantee	10/9/2007

Comment _____

Date Complete Application Rec'd: _____ / _____ / _____ By: _____

Chatham County Planning Department

P.O. Box 54
Pittsboro, NC 27312
Tel: (919) 542-8204
Fax: (919) 542-2698

Type of Review

- Sketch
- Preliminary
- Final

MAJOR SUBDIVISION APPLICATION

Name of Subdivision: Westfall, Phases 1A, B, C (f/k/a Booth Mountain)

Subdivision Applicant:

Subdivision Owner:

Name: Over Jordan, LLC

Name: Over Jordan, LLC

Address: 201 Shannon Oaks Circle, Suite 201
Cary, NC 27511

Address: 201 Shannon Oaks Circle, Suite 201
Cary, NC 27511

Phone:(W)(919) 465-3312

Phone:(W)(919) 465-3312

Phone:(H)_____ Fax(919) 465-3383

Phone:(H)_____ Fax:(919) 465-3383

E-Mail_____

E-Mail_____

Township: Williams **Zoning:** CUP RA-40

P. I. N. # _____

Flood Map # 370299 0055 B **Zone:** X & A

Parcel # 20092, 18931 and 81248

Watershed: Jordan Lake WS IV Protected

Existing Access Road: S.R. #1721 & 1717

S.R. road name Jack Bennett Rd. & Lystra Rd.

Total Acreage: 294.32 ac.

Total # of Lots: 180

Min. Lot Size: See attached

Ph. I Acreage 159.67 ac.

Ph. I # of lots 94

Max. Lot Size: See attached

Ph. II Acreage. _____

Ph. II # of lots _____

Avg. Lot Size: See attached

Ph. III Acreage _____

Ph. III # of lots _____

Name and date of contact with Chatham County Historical Association: _____

Type of new road: Private/ Length +/- 13,728 l.f. Public/ Length _____

Road Surface:

paved

gravel

Water System:

individual wells

community wells

public system

name Chatham County

Sewer System:

septic systems

community system

public system

name Heater Utilities, Inc.

List other facilities: commercial, recreation, etc., and the approximate acreage or square footage:

OVER JORDAN, LLC

BY: J.P.

Jerry Radman, VP

MacGregor Development Company
It's Administrative Member

Date

10/09/07

For Office Use Only:

Notes: _____

Approved by County Commissioners:

Sketch _____

Preliminary _____

Final _____

Payment: Date _____ / _____ / _____

Amount: \$ _____

SITE DATA

WESTFALL (fka "Estate")
35 LOTS

Minimum Lot Size 0.70 ac.
Maximum Lot Size 1.65 ac.
Average Lot Size 1.01 ac.

WESTFALL (fka "Neighborhood")
CROSSING
24 LOTS

Minimum Lot Size 0.32 ac.
Maximum Lot Size 0.81 ac.
Average Lot Size 0.57 ac.

WESTFALL (fka "Village")
VILLAGE
35 LOTS

Minimum Lot Size 0.31 ac.
Maximum Lot Size 0.51 ac.
Average Lot Size 0.40 ac.



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimck, P.E., Director
Division of Water Quality

October 5, 2006

Michael J. Myers,
Manager, Engineering and Compliance
Heater Utilities, Inc.
202 MacKenan Court
Cary, NC 27511

Subject: Permit No. WQ0030680
Booth Mountain Phases 1A, 1B,
& 1C
Pressure Sewer Extension
Chatham County

Dear Mr. Myers:

In accordance with your permit application received August 16, 2006, we are forwarding herewith Permit No. WQ0030680, dated October 5, 2006, to Heater Utilities, Inc. for the construction and continued operation of the subject wastewater collection extension. This permit shall be effective from the date of issuance until rescinded, and shall be subject to the conditions and limitations as specified therein.

Please pay particular attention to Permit Condition 3, which requires that the wastewater collection facilities be properly operated and maintained in accordance with 15A NCAC 2H .0227 or any individual system-wide collection system permit issued to the Permittee.

Permitting of this project does not constitute an acceptance of any part of the project that does not meet 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; and the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable, unless specifically mentioned herein. Division approval is based on acceptance of the certification provided by a North Carolina-licensed Professional Engineer in the application. It shall be the Permittee's responsibility to ensure that the as-constructed project meets the appropriate design criteria and rules. Failure to comply may result in penalties in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board.

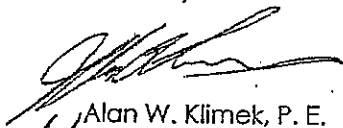
If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made this permit shall be final and binding.

All sewer related matters are handled through the Pretreatment, Emergency Response and Collection Systems Unit under the Point Source Branch EXCEPT FOR FAST-TRACK SEWER PERMITTING WHICH CONTINUES TO BE ADMINISTERED THROUGH OUR REGIONAL OFFICES. The Unit is located on the 13th floor of the Archdale building in downtown Raleigh. Please ensure the letterhead information is used for all correspondence to ensure timely delivery.

Michael J. Myers
October 5, 2006
Page 2

One set of approved plans and specifications is being forwarded to you. If you need additional information concerning this matter, please contact Deborah Gore at (919) 733-5083 extension 593.

Sincerely



Alan W. Klimek, P. E.

cc: Chatham County Health Department
Raleigh Regional Office, Water Quality Section (Permit WQ0030680)
Mike Zaccardo, PE, CE Group, Inc., 11000 Regency Parkway, Suite 410, Cary, NC; 27511
Water Quality Central Files
PERCS Files

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
RALEIGH
WASTEWATER COLLECTION PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

HEATER UTILITIES, INC.
CHATHAM COUNTY

FOR THE

construction and continued operation of approximately 2,071 linear feet of 8-inch gravity sewer and a pressure sewer collection system consisting of 53 – 2.4 HP pump stations with simplex pumps and on-site audible and visual high-water alarms, 6 – 3.5 HP pump stations with simplex pumps and on-site audible and visual high water alarms and approximately 4,976 linear feet of 2-inch pressure sewer, 1,257 linear feet of 3-inch pressure sewer, 3,710 linear feet of 4-inch pressure sewer, 3,866 linear feet of 6-inch pressure sewer, a 255 -GPM pump station with duplex pumps and on-site audible and visual high water alarms, a 140-GPM pump station with duplex pumps and on-site audible and visual high water alarms, approximately 3,614 linear feet of 6-inch force main, approximately 3,683 linear feet of 4-inch force main to serve 94 lots (35 by gravity) in Booth Mountain Phases 1A, 1B, & 1C, and the discharge of 33,840 GPD of collected wastewater into the Heater Utilities' existing sewerage system, pursuant to the application received August 16, 2006, and subsequent additional information received by the Division, and in conformity with the project plans, specifications, and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit.

This permit shall be effective from the date of issuance until rescinded, and shall be subject to the following specified conditions and limitations:

1. This permit shall become revocable unless the wastewater collection facilities are constructed in accordance with the conditions of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials unless specifically mentioned herein.
2. This permit is effective only with respect to the nature and volume of wastes described in the application and other supporting data.
3. The wastewater collection facilities shall be properly maintained and operated at all times. The Permittee shall maintain compliance with an individual system-wide collection system permit for the operation and maintenance of these facilities as required by 15A NCAC 2H .0227. If an individual permit is not required, the following performance criteria shall be met as provided in 15A NCAC 2H .0227:

- a. The sewer system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters, and any contravention of the groundwater standards in 15A NCAC 2L .0200 or the surface water standards in 15A NCAC 2B .0200.
 - b. A map of the sewer system shall be developed and shall be actively maintained.
 - c. An operation and maintenance plan shall be developed and implemented.
 - d. Pump stations that are not connected to a telemetry system shall be inspected every day (i.e. 365 days per year). Pump stations that are connected to a telemetry system shall be inspected at least once per week. This requirement does not apply to pump stations serving a single building associated with a properly permitted pressure sewer system.
 - e. High-priority sewer lines shall be inspected at least once per every six-month period of time.
 - f. A general observation of the entire sewer system shall be conducted at least once per year.
 - g. Inspection and maintenance records shall be maintained for a period of at least three years.
 - h. Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 2B .0506(a), and public notice shall be provided as required by North Carolina General Statute § 143-215.1C.
4. The sewage and wastewater collected by this system shall be treated in the Heater Utilities Wastewater Treatment Facility (Non-Discharge Permit No. WQ0028798) prior to being land applied by spray irrigation.
 5. This permit is not transferable. In the event there is a desire for the facilities to change ownership, or there is a name change of the Permittee, a formal permit request must be submitted to the Division of Water Quality (Division) accompanied by documentation from the parties involved and other supporting materials as may be appropriate. The approval of this request will be considered on its merits and may or may not be approved.
 6. Construction of the sewers, pump station(s) and force main shall be scheduled so as not to interrupt service by the existing utilities nor result in an overflow or bypass discharge of wastewater to the surface waters of the State.
 7. Per 15A NCAC 2H .0220, upon completion of construction and prior to operation of these permitted facilities, the completed Engineering Certification form attached to this permit shall be submitted with the required supporting documents to the address provided on the form. A complete certification is one where the form is fully executed and the supporting documents are provided as applicable.
 8. A copy of the approved plans and specifications shall be maintained on file by the Permittee for the life of the wastewater collection facilities.
 9. Failure to abide by the conditions and limitations contained in this permit; 15A NCAC 2H .0200; the Division's Gravity Sewer Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Station and Force Mains adopted June 1, 2000 as applicable; and other supporting materials may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes § 143-215.6A through § 143-215.6C.
 10. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e., local, state, and federal) having jurisdiction, including but not limited to applicable river buffer rules in 15A NCAC 2B .0200, soil erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000, and any requirements pertaining to wetlands under 15A NCAC 2B .0200 and 15A NCAC 2H .0500.

11. The Permittee shall provide the following items for the pressure sewer system:

- a. Pump on/off elevations located so that 2-8 pumping cycles may be achieved per hour in any centralized pump station serving more than one building.
- b. At least 24 hours of storage capacity above the pump-on activation level for any simplex pump station serving a single family residence.
- c. An air relief valve located at all high points along the force main.
- d. A screened vent for the wet well.
- e. Fillets located in the wet well(s) at the intersection of the flooring and side walls.
- f. Three feet of cover (minimum) over the force main or the use of ferrous material where three feet cannot be maintained.
- g. Sufficient devices, which will protect the pump station from vandals.
- h. Flood protection if the pump station is located below the 100-year flood elevation.
- i. Adherence with the following minimum separations:
 - (i) Storm sewers (vertical) 12 inches
 - (ii) Water mains (vertical-water over sewer) 18 inches or (horizontal) 10 feet
 - (iii) In benched trenches (vertical) 18 inches
 - (iv) Any private or public water supply source, including any WS-I waters or Class I or Class II impounded reservoirs used as a source of drinking water 100 feet
 - (v) Waters classified WS (other than WS-I), B, SA, ORW, HQW, or SB [from normal high water (or tide elevation)] 50 feet
 - (vi) Any other stream, lake or impoundment 10 feet
 - (vii) Any building foundation 5 feet
 - (viii) Any basement 10 feet
 - (ix) Top slope of embankment or cuts of 2 feet or more vertical height 10 feet
 - (x) Drainage systems
 - (I) Interceptor drains 5 feet
 - (II) Ground water lowering and surface drainage ditches 10 feet
 - (xi) Any swimming pool 10 feet
 - (xii) Ferrous sewer pipe with joints equivalent to water main standards shall be used where these minimum separations cannot be maintained. The minimum separation shall however not be less than 25 feet from a private well or 50 feet from a public water supply well;

12. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those that may be required by this Division, such as the construction of additional or replacement wastewater collection facilities.

13. Noncompliance Notification:

The Permittee shall verbally report to a water quality staff member at the Raleigh Regional Office, telephone number (919) 791-4200, as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of either of the following:

- a. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater transport such as mechanical or electrical failures of pumps, line blockage or breakage, etc.
- b. Any failure of a pumping station or sewer line resulting in a by-pass directly to receiving waters without treatment of all or any portion of the influent to such station or facility.

Voice mail messages or faxed information is permissible but this shall not be considered as the initial verbal report. Overflows and spills occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing Part I of Form CS-SSO (or the most current Division approved form), within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to ensure that the problem does not recur. Per Condition I(2), Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control.

14. The Permittee shall maintain on hand for immediate installation a supply of spare, fully operational pump units of each type used in the pressure sewer system. The number of pumps on hand shall not be less than 10 percent of the number of installed units or one unit, whichever is greater.
15. Each pump station shall be clearly and conspicuously posted with the telephone number of the owner/operator of the pressure sewer system and instructions to call the number in the event of high water alarm activation.

Permit issued this the 5th day of October, 2006

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

Alan W. Klimek, P. E., Director
Division of Water Quality
By Authority of the Environmental Management Commission

Permit Number WQ0030680

Permit No. WQ0030680
October 5, 2006

System Description: approximately 2,071 linear feet of 8-inch gravity sewer and a pressure sewer collection system consisting of 53 - 2.4 HP pump stations with simplex pumps and on-site audible and visual high-water alarms, 6 - 3.5 HP pump stations with simplex pumps and on-site audible and visual high water alarms and approximately 4,976 linear feet of 2-inch pressure sewer, 1,257 linear feet of 3-inch pressure sewer, 3,710 linear feet of 4-inch pressure sewer, 3,866 linear feet of 6-inch pressure sewer, a 255-GPM pump station with duplex pumps and on-site audible and visual high water alarms, a 140-GPM pump station with duplex pumps and on-site audible and visual high water alarms, approximately 3,614 linear feet of 6-inch force main, approximately 3,683 linear feet of 4-inch force main to serve 94 lots (35 by gravity) in Booth Mountain Phases 1A, 1B, & 1C, and the discharge of 33,840 GPD

Complete and submit this form to the permit issuing office as indicated below with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. **Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.**

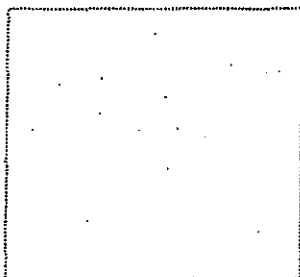
ENGINEER'S CERTIFICATION

Partial

Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's seal, signature, and date:



**SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS
TO THE FOLLOWING ADDRESS**

**K MARIE DOKLOVIC, PE
PRETREATMENT, EMERGENCY RESPONSE & COLLECTION SYSTEMS UNIT
1617 MAIL SERVICE CENTER
RALEIGH NC 27699-1617**

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

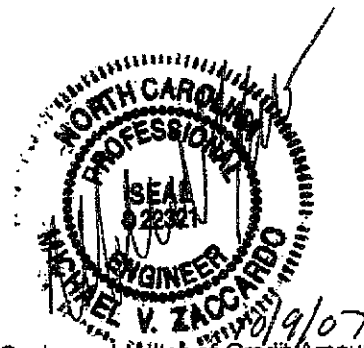
CE Group, inc.

LAND PLANNING
CIVIL ENGINEERING
LAND SURVEYING

October 9, 2007

Ms. Lynn Richardson c/o
Chatham County Planning Department
P.O. Box 87
Pittsboro, NC 27312

RE: **Westfall Subdivision Phase 1A, 1B & 1C (formerly Booth Mountain)
Final Plat Infrastructure Costs
Chatham County, NC**



Dear Ms. Richardson:

Below is a list of the Construction Contract Values, Costs to date, Remaining Costs, and Letter of Credit Amounts required for the Phase 1A, 1B, & 1C improvements for Westfall Subdivision. A 40% contingency has been added to each item per County requirements.

<u>TYPE OF IMPROVEMENT</u>	<u>CONTRACT</u>	<u>COMPLETED TO DATE</u>	<u>REMAINING AMT.</u>	<u>LOC AMOUNT</u>
Wastewater Treatment Plant	\$900,000	\$360,000	\$540,000	\$756,000
Irrigation PS at WWTP	\$400,000	\$0	\$400,000	\$560,000
Meadow Irrigation System	\$100,000	\$0	\$100,000	\$140,000
Storm Drainage	\$766,568	\$766,568	\$0	\$0
Water / Sanitary Sewer	\$1,393,076	\$1,040,944	\$352,132	\$492,985
Street Construction	\$635,835	\$40,000	\$595,835	\$834,169
Erosion Control / Grading	\$1,221,869	\$1,099,682	\$122,187	\$171,062
Lystra Road & Jack Bennett Road Widening	\$205,121	\$68,373	\$136,748	\$191,447
Total =	\$5,622,469	\$3,375,567 (60%)	\$2,246,902	\$3,145,663

Total Letter of Credit Value: \$3,145,663

All roadway construction within Westfall Subdivision will be built to NCDOT construction standards. The Water system construction shall meet all Chatham County Water System standards and specifications as well as the State Public Water Supply Standards. The Sanitary Sewerage system for the project will be handled by gravity and low pressure sewers in accordance with Heater Utility, Inc. and NCDENR standards and specifications.

I would anticipate that these costs will be valid for 1 year from this date.

Please contact us if you have any questions for need any additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael V. Zaccardo". The signature is stylized and includes a long horizontal stroke extending to the right.

Michael V. Zaccardo, PE
CE Group, Inc.



**FAITHFUL PERFORMANCE BOND FOR INSTALLING
AND COMPLETING SUBDIVISION IMPROVEMENTS**

BOND AMOUNT \$

Subdivision known as Westfall:

WHEREAS, Over Jordan, LLC, as Owner and Developer (hereafter jointly referred to as "Principal") have applied to Chatham County to record a final subdivision plat for Phases 1A, 1B and 1C ("Subdivision"), which is shown on the Final Plat submitted for approval, a copy of which was attached as Exhibit "A"; and

WHEREAS, a portion of the Improvements to the Subdivision have not been completed at this time, and the Principal desires to provide a Faithful Performance Bond as allowed by § 3.1 of the Chatham County Subdivision Ordinance, guaranteeing to Chatham County as Beneficiary the installation and completion of the required Improvements;

**NOW, THEREFORE, KNOW ALL
MEN BY THESE PRESENTS:**

That Over Jordan, LLC is held and firmly bound as Principal unto Chatham County, North Carolina as Beneficiary in the just and full sum of \$ _____ for the payment whereof, well and truly to be made, and said Principal binds itself, its successors and assigns, jointly and severally.

The condition of the foregoing obligation is such that:

1. The Principal, on or before _____, 200_____ will make and complete all Improvements to the Subdivision. The term "Improvements" shall be defined as those matters which are: a). as shown on the Final Plat; b). as required by any local, state or federal agency; c). as required by any permit for Conditional Use or Special Use; and d). as required by any Developer Agreement duly made between the Principal and Chatham County. The matters referenced above shall be incorporated herein by reference and shall be a part of this Faithful Performance Bond as if fully set forth herein. The Improvements shall be done and performed in accordance with the aforesaid documents listed above. Substitutions to or deviations from the Improvements shall not be made without prior written approval from Chatham County.

2. If the Principal, as bound, shall fully and faithfully perform all work specified to be constructed and performed for the Subdivision within the time prescribed above, then this obligation shall be terminated provided that the Principal delivers to Chatham County a certifying statement from the Principal's Engineer of Record verifying and certifying that the Improvements have been completed to the satisfaction of the Engineer. The process for cancelling, releasing and terminating the Faithful Performance Bond is provided in ¶ 5 below.

3. Failure to complete the Improvements or to submit a certifying statement or to obtain a notification of cancellation from the Planning Director shall not void this bond, and it shall remain in full force and effect. It is understood and agreed that liability of the Surety for any and all claims hereunder shall in no event exceed the amount of this obligation as herein stated.

4. In the event the Principal is in default under its obligation to install the Improvements as referred to herein, then Chatham County as Beneficiary will, after giving fifteen (15) days' written notice to the Principal during which time the default is not remedied, take over and assume completion of such Subdivision using the funds transferred from the Standby Letter of Credit No. _____ issued by _____ to Chatham County, North Carolina in the amount of \$ _____ given for this bond in order to pay for such Improvements.

5. After completion of all the specified Improvements and upon acceptance of such work by Chatham County, the Principal may apply in writing for a release of the funds given to Chatham County. The Principal shall deliver to Chatham County the certifying statement from the Engineer of Record verifying the satisfactory completion of the Improvements. Upon receipt and investigation of such certifying statement, the Planning Director of Chatham County (or his/her designee) shall issue a notice of cancellation and termination of the Faithful Performance Bond, or such portion thereof as the Principal may be entitled to receive, within a period of sixty (60) days thereafter.

Signed, sealed and dated this ____ day of _____, 2007.

OVER JORDAN, LLC, Owner

By: MacGregor Development Company, Administrative Member

(print name & title)

ATTEST:

(print name & title)

OVER JORDAN, LLC, Developer

By: MacGregor Development Company, Administrative Member

(print name & title)

ATTEST:

(print name & title)

NORTH CAROLINA
_____ COUNTY

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that _____ personally appeared before me this day and acknowledged that he/she is a Vice President (*officer title*) of MacGregor Development Company and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by its Vice President as the act and deed of said company.

WITNESS my hand and Notarial Seal, this ____ day of _____, 2007.

Notary Public
My Commission Expires: _____

BRANCH BANKING AND TRUST COMPANY

ADDRESS: _____

PHONE NUMBER: _____

CONTACT NAME: _____

IRREVOCABLE STANDBY LETTER OF CREDIT		LETTER OF CREDIT NO. _____
		DATE _____
ADVISING BANK	APPLICANT	
BENEFICIARY	AMOUNT	EXPIRY DATE
	(FOR PRESENTATION AT OUR COUNTERS)	

GENTLEMEN:
WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR

AVAILABLE BY YOUR DRAFT(S)

DRAWN ON: "BRANCH BANKING & TRUST CO."

DRAFT(S) MUST BE MARKED - "DRAWN UNDER BRANCH BANKING AND TRUST COMPANY CREDIT NO. _____"

WHICH MUST BE ACCOMPANIED BY THIS LETTER AND THE FOLLOWING DOCUMENTATION:

SPECIAL INSTRUCTIONS

THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500.

WE HEREBY ENGAGE WITH BENEFICIARY THAT DRAFTS PRESENTED IN CONFORMITY WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON PRESENTATION AT OUR COUNTERS AND THAT DRAFTS ACCEPTED WITHIN THE TERMS OF THIS CREDIT WILL BE DULY HONORED AT MATURITY.

VERY TRULY YOURS

BRANCH BANKING AND TRUST COMPANY

AUTHORIZED SIGNATURE

ACCOUNT# / NOTE#

