



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**& EMAIL**

JUL 01 2019

Brad Pollack, Esquire  
753 South Main Street  
Woodstock, VA 22664

**Re: Magnate, LLC Site, Edinburg, Shenandoah County,  
Virginia: Notice of Intent to Perfect Federal Superfund  
Lien; Opportunity To Be Heard**

Dear Mr. Pollack:

This letter informs Magnate, LLC ("Magnate") that the United States Environmental Protection Agency ("EPA" or "Agency") intends to perfect a lien on certain real property parcels owned by Magnate at and near 523 Aileen Road in Edinburg, Shenandoah County, Virginia, which property is further described in Attachment 1 to this letter (the "Property").<sup>1</sup> The Magnate, LLC Site ("Site") is located on the Property and other parcels. EPA has performed response actions at the Site pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(a). The land records of Shenandoah County, Virginia, indicate that Magnate currently owns the Property. The lien that EPA intends to perfect against the Property arises under Section 107(l) of CERCLA, 42 U.S.C. § 9607(l). The lien is intended to secure payment, to the United States, of costs and damages for which Magnate, as the owner of the Property, is potentially liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

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<sup>1</sup> If you no longer represent Magnate or will not represent Magnate in this matter, please contact EPA Sr. Assistant Regional Counsel Andrew Goldman at (215) 814-2487 or [goldman.andrew@epa.gov](mailto:goldman.andrew@epa.gov) at your earliest convenience to so advise EPA.

Under Sections 107(a) and 101(9) of CERCLA, 42 U.S.C. §§ 9607(a) and 9601(9), a person that currently owns any “facility,” including a site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located, may be liable for all costs of removal or remedial action at the facility. EPA has determined that a release or threat of release of hazardous substances from the Site into the environment has occurred within the meaning of Sections 101(8), (14), and (22) of CERCLA, 42 U.S.C. §§ 9601(8), (14), and (22), and EPA has incurred costs in performing a “response action” within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

EPA has a reasonable basis to believe that the statutory conditions for perfecting a CERCLA § 107(l) lien are satisfied. The Property is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); EPA has reason to believe that Magnate currently owns the Property and is accordingly a liable person pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607; the Property is subject to or affected by a removal or remedial action; and costs have been incurred by the United States with respect to a response action at the Property.

The lien arises at the time that costs are first incurred by the United States with respect to the Site or the time that the owner is provided with written notice of potential liability, whichever occurs later. The lien continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in Section 113 of CERCLA, 42 U.S.C. § 9613.

EPA notified Magnate of its potential liability under CERCLA for the Site by certified letter dated June 5, 2019, which was received by Magnate on or about June 8, 2019. Magnate may avoid the perfection of a lien upon the Property by paying all costs and damages associated with the Site.

EPA has established a Lien Filing Record consisting of documents relating to its decision whether to perfect a lien. An index of the Lien Filing Record is included as Attachment 2 to this letter. The Lien Filing Record is kept at the EPA Region III offices, and may be reviewed and copied by arrangement with:

Andrew S. Goldman (3RC10)  
Sr. Assistant Regional Counsel  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2487

After thirty (30) calendar days from the date of this letter, EPA intends to file a notice of lien with the appropriate land records office in Shenandoah County, Virginia, as well as with the Office of the Clerk of the United States District Court for the Western District of Virginia. A draft of the notice EPA intends to file is included as Attachment 3 to this letter. The effect of this filing is to establish a priority for the encumbrance on the Property.

Magnate may, within thirty (30) calendar days from the date you receive this letter (1) notify EPA in writing if Magnate believes that EPA's information is in error, (2) submit any information or documents relevant to the issues raised by this letter, and/or (3) request in writing to meet with a neutral EPA official to present any information that indicates that EPA does not have a reasonable basis to perfect a lien on the Property based on the statutory requirements. Magnate should describe in its written request its reasons for believing that EPA does not have a reasonable basis to perfect a lien. Any written submission or request for a meeting should reference the Magnate, LLC Site; should be addressed to the above-referenced EPA attorney; and may include documents or information that Magnate believes supports its contentions.

If EPA receives a written submission or a request for a meeting within 30 calendar days of your receipt of this letter, EPA will review Magnate's submission or request for a meeting. If EPA agrees, based on Magnate's submission, that it does not have a reasonable basis to perfect a lien on the Property, EPA will not perfect its lien and will so notify Magnate. If EPA disagrees, the written submission or request, together with the Lien Filing Record, will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting.

If Magnate has requested an opportunity to meet, a meeting will be scheduled. Magnate may choose to attend this meeting via a telephone conference. EPA will be represented by its enforcement staff, including a representative from

the Office of Regional Counsel. Magnate may be represented by counsel at this meeting. The meeting will be held before a neutral EPA official. This will be an informal meeting in which Magnate may provide EPA with information as to why EPA's position requires reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting will be whether EPA has a reasonable basis to perfect a lien based upon Section 107(l) of CERCLA, 42 U.S.C. § 9607(l).

After reviewing Magnate's written submission, or conducting a meeting if one is requested, the neutral EPA official will issue a recommended decision based upon the Lien Filing Record, any written submission, and any information provided at the meeting. The recommended decision will state whether EPA has a reasonable basis to perfect a lien and will be forwarded to an EPA official authorized to perfect liens. Magnate will be furnished with a copy of the recommended decision and notified of the Agency's action.

Neither Magnate nor EPA waives, or is prohibited from asserting, any claims or defenses in any subsequent legal or administrative proceeding by submitting information, requesting a meeting, or issuing a recommended decision regarding EPA's basis to perfect a lien.

If Magnate has any question pertaining to this letter, please contact EPA Sr. Assistant Regional Counsel Andrew S. Goldman at (215) 814-2487.

Sincerely,



Cecil Rodrigues  
Acting Regional Counsel

Attachments:      1. Land Subject to Lien  
                         2. Lien Filing Record  
                         3. Draft Lien Notice

cc:    Andrew S. Goldman (3RC10)  
       Maria Goodine (3SD41)

## ATTACHMENT 1

The land subject to this Notice of Lien consists of:

Shenandoah County Parcel Nos. 07101001B and 0701001G, which land was included in property:

- a. Transferred by Donald D. Litten, Special Commissioner, in the Civil Action of County of Shenandoah v. John van der Velde, et. al, Grantor, and Magnate, LLC, Grantee, on September 20, 2007, in a Deed recorded in the Shenandoah County, Virginia land records in Book 1385, Page 94 (see Appendix A hereto); and
- b. Transferred by Bradley G. Pollack, Substitute Trustee, Grantor, and Magnate, LLC, Grantee, on March 9, 2009, in a Trustee's Deed recorded in the Shenandoah County, Virginia land records in Book 1442, Page 648 (see Appendix B hereto); and
- c. And subdivided into separate parcels as described in Plat Book 1516, Page 135 (see Appendix C hereto).

## Appendix A

BOOK 1385 PAGE 0094

EXHIBIT "A"

Tax Map No. 071 01 001

This Deed is recorded pursuant to Virginia Code Section 17.1-265  
Title Insurance Underwriter is Unknown to Preparer

**THIS DEED** is made this 20th day of September, 2007, by **DONALD D. LITTEN, SPECIAL COMMISSIONER**, in the Civil Action of County of Shenandoah v. John van der Velde, et als., Grantor, MAGNATE, LLC, Grantee, and **DARRYL BATES**, party of the third part.

For consideration of Ten Dollars (\$10.00) cash in hand and other valuable consideration paid by the Grantee to the Grantor, receipt acknowledged, and pursuant to a decree dated September 14, 2007 in the Civil Action of County of Shenandoah v. John van der Velde, et als., pending in the Circuit Court of Shenandoah County, Virginia, the Grantor grants and conveys with Special Warranty of Title unto **MAGNATE, LLC**, all that certain lot in Madison Magisterial District, Shenandoah County Virginia, located on the northern side of State Route 673 and being more particularly described on the plat and survey of the John van der Velde property made by James B. Walsh, Jr., dated March 24, 2007, containing 24.277 acres, more or less, which plat is recorded in the said Clerk's Office in Deed Book 1358, Page 220, being known as 071 01 001 on the Tax Map of Shenandoah County.

Darryl Bates, the highest bidder and contract purchaser of the real estate at the tax sale joins in this Deed to convey any right, title and interest he may have in and to the real estate of Magnate, LLC.

The parcel conveyed is a portion of the real estate acquired by John van der Velde, by deed dated December 22, 1999, from Aileen, Inc., a New York corporation, which deed is recorded in the said Clerk's Office in Deed Book 877, Page 497.

Reference is made to such deed, plat, tax map, and to the papers in such Civil Action for further description, particulars and derivation of title. This real estate is described as Tract No. 1 in the said Civil Action.

Consp Recreation: \$51,000.00

Deliver or Return to: Kevin C. Black  
106 Lawyers Row, Suite 301  
Waxstock, VA 22664

WITNESS the following signature and seal.

[Signature] (SEAL)  
Donald D. Litton, Special Commissioner

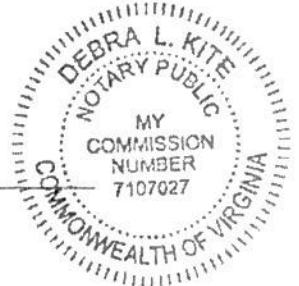
[Signature] (SEAL)  
Darryl Bates

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of October, 2007, by **Donald D. Litton, Special Commissioner.**

My commission expires June 30, 2011.

[Signature]  
NOTARY PUBLIC



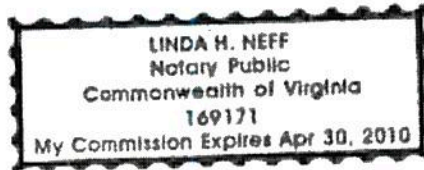
COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Shenandoah

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of October, 2007, by **Darryl Bates**

My commission expires 4/30/10.

[Signature]  
NOTARY PUBLIC

GRANTEE'S ADDRESS:  
3102 Healdley Road  
Mauertown, Virginia 22644





## Appendix B

EXHIBIT "B"

Newman Surveying  
114 Jackson, VA 22842

001575

Return TO:  
(Box)

Assessed Values:  
\$2,500.00

\$97,300.00

\$30,000.00 = Consideration

071 A 008  
071 01 001B

TRUSTEE'S DEED

THIS DEED, made and entered into this 9th day of March, 2009, by and between Bradley G. Pollack, Substitute Trustee, GRANTOR, and Magrate, LLC, GRANTEE.

WITNESSETH;

WHEREAS, by Deed of Trust recorded in the land records of the Office of the Clerk of the Circuit Court of Shenandoah County, Virginia in Deed Book 877 at Page 505, John Van Der Velde conveyed the hereinafter described property to Billy J. Tisinger and H. K. Benham, III, Trustees, to secure the payment of a promissory note of even date in principal amount of \$875,000.00, and

WHEREAS, the said John Van Der Velde was in default of the covenants therein to make payments on the note secured and on the taxes due and remained in default after due notice was given to him, and

WHEREAS, Bradley G. Pollack was appointed as Substitute Trustee ("Trustee") pursuant to an Appointment recorded in Deed Book 1435 at Page 0464 among the said land records, and

WHEREAS, Bradley G. Pollack, Substitute Trustee, upon request of the holder of the said promissory note, advertised the property for sale under the terms of said Deed of Trust, by publishing notice of the time, place and terms of sale once a week for two consecutive weeks in The Free Press, a newspaper of general circulation in the County of Shenandoah, Virginia, and

WHEREAS, the Trustee gave notice of the time place, and terms of sale to the record owner, John Van Der Velde, under provision of Section 55-59.1 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Substitute Trustee proceeded to offer the property for sale, at public auction at the entrance to the property on Aileen Road, Edinburg, Virginia, as advertised, on January 20, 2009, at 10:00 a.m. at which sale Magnate, LLC, bid the sum of \$30,000.00, that being the only bid therefore, and whereas the Substitute Trustee accepted the bid;

NOW THEREFORE in consideration of the premises and the sum of \$30,000.00 by cash and other valuable consideration and credits paid, the receipt of which is hereby acknowledged by the undersigned GRANTOR, the said GRANTOR does hereby grant, bargain, sell and convey with SPECIAL WARRANTY OF TITLE unto the said Magnate, LLC, the following described real estate, to wit:

All of those certain parcels or tracts of real situate, lying, and being in Madison Magisterial District, Shenandoah County, Virginia, located on the north side of State Route 673 and being more particularly described as 0.126 of an acre, more or less, and 3.615 acres of the Existing Building, and 7.734 additional acreage, on that certain plat and survey made by James B. Walsh, Jr., C.L.S., dated March 24, 2007, which plat is recorded with instrument in Deed Book 1358, at page 0220.

This conveyance is made subject to the covenants, conditions, restrictions, easements and rights of way of record.

Witness the following signature and seal:

By *Bradley G. Pollack* (SEAL)  
BRADLEY G. POLLACK  
Substitute Trustee

STATE OF VIRGINIA  
COUNTY OF SHENANDOAH

I, a Notary Public for the Jurisdiction aforesaid, do certify that Bradley G. Pollack, as Substitute Trustee, whose name is signed to the foregoing document, acknowledged the same before me in my jurisdiction aforesaid, this 9<sup>th</sup> day of March, 2009.

*Selestia J. Funkhouser*  
Notary Public

My Commission Expires:

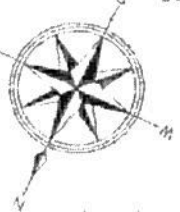
SELESTIA F. FUNKHOUSER  
NOTARY PUBLIC REGISTRATION # 2168863  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MARCH 31, 2010

INSTRUMENT #090001375  
RECORDED IN THE CLERK'S OFFICE OF  
SHENANDOAH COUNTY ON  
MARCH 9, 2009 AT 10:35AM  
\$100.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$50.00 LOCAL: \$50.00

DENISE F. BARR: CLERK  
RECORDED BY: DEB

## Appendix C

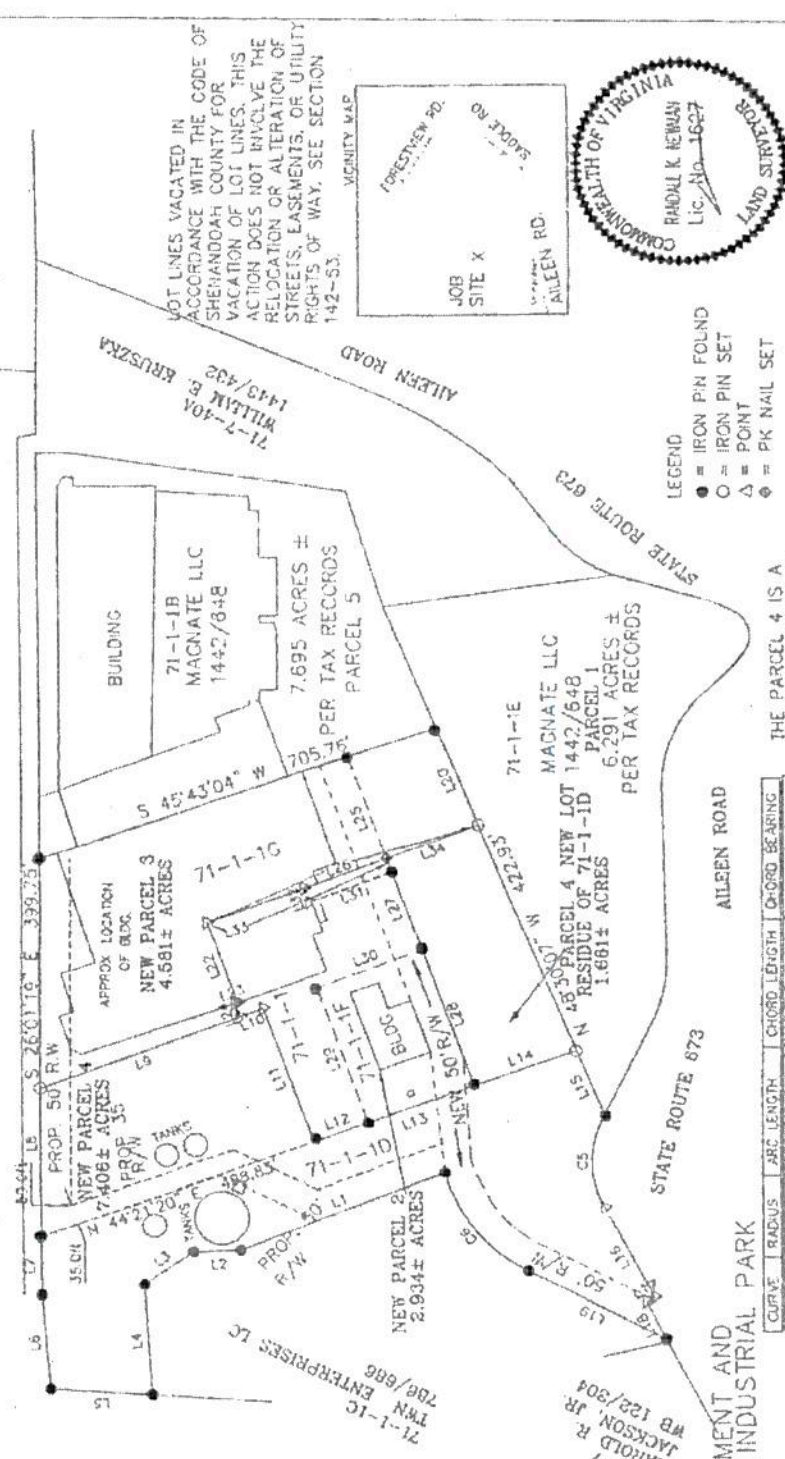
# EXHIBIT "D"



OWNER: *[Signature]* DATE: \_\_\_\_\_  
 CURR: *[Signature]* DATE: \_\_\_\_\_  
 SHEY, CO OFFICIAL

- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 200'
- 3 = TAX MAP = 71-1-1, 1D, 1F, 1G
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY
- 5 = NO TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

LINE	BEARING	DISTANCE
L1	S 17°00'17" E	573.71'
L2	N 6°00'00" E	8.00'
L3	N 50°19'49" E	100.50'
L4	N 29°16'53" W	192.03'
L5	N 67°4" E	170.03'
L6	S 10°37'54" E	161.62'
L7	S 26°01'19" E	100.09'
L8	S 20°01'13" E	252.32'
L9	S 43°06'22" W	387.10'
L10	S 43°46'22" W	42.02'
L11	N 46°24'59" W	246.46'
L12	S 44°21'20" W	97.22'
L13	S 44°21'20" W	180.00'
L14	S 44°21'20" W	180.23'
L15	N 48°30'07" W	120.63'
L16	N 53°32'21" W	176.51'
L17	N 37°23'46" E	35.00'
L18	N 52°36'14" W	72.43'
L19	S 88°26'36" E	256.36'
L20	N 48°32'07" W	175.98'
L22	S 56°25'33" E	149.85'
L23	S 44°12'03" W	5.87'
L24	S 49°53'42" E	24.23'
L25	N 45°42'49" E	209.28'
L26	N 44°35'51" E	489.21'
L27	S 45°42'37" E	179.45'
L28	N 46°00'33" W	281.21'
L29	S 45°00'36" E	295.00'
L30	S 43°58'24" W	180.00'
L31	N 43°46'01" E	143.82'
L32	S 45°48'00" E	25.77'
L33	S 44°05'01" W	324.29'
L34	S 44°05'01" W	163.92'



NOT LINES VACATED IN ACCORDANCE WITH THE CODE OF SHERMAN COUNTY FOR VACATION OF LOT LINES. THIS ACTION DOES NOT INVOLVE THE RELOCATION OR ALTERATION OF STREETS, EASEMENTS, OR UTILITY RIGHTS OF WAY. SEE SECTION 142-53.



NEWMAN SURVEYING  
 Licensed Land Surveyor  
 Mt. Jackson, Virginia 22842  
 (540) 477-3730

- LEGEND
- = IRON PIN FOUND
  - = IRON PIN SET
  - △ = POINT
  - ◆ = PK NAIL SET

THE PARCEL 4 IS A PORTION OF 71-1-10 AND IS A NEW DIVISION SEE SECTION 142-53-(1)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C5	171.06'	169.74'	162.66'	S 23°37'45" E
C6	259.25'	236.76'	219.60'	S 8°30'25" E

DASHED LINES TO BE VACATED

## BOUNDARY LINE ADJUSTMENT AND DIVISION OF THE AILEEN INDUSTRIAL PARK

LOCATED IN THE MADISON MAGISTERIAL DISTRICT SHERMAN COUNTY, VIRGINIA.  
 OWNER: MAGNATE, LLC  
 REFERENCE: PLAT BOOK 1516, PAGE 135  
 JOB NO. 71-1-1B DATE: OCTOBER 1, 2015

**ATTACHMENT 2**  
**(Lien Filing Record)**

**LIEN FILING RECORD**  
**MAGNATE, LLC SITE**  
**EDINBURG, SHENANDOAH COUNTY, VIRGINIA**

**INDEX OF DOCUMENTS**

Property Documents

1. Deed between Donald D. Litten, Special Commissioner, in the Civil Action of County of Shenandoah v. John van der Velde, et. al, Grantor, and Magnate, LLC, Grantee, dated September 20, 2007, and recorded in the Shenandoah County, Virginia land records in Book 1385, Page 94.
2. Trustee's Deed between Bradley G. Pollack, Substitute Trustee, Grantor, and Magnate, LLC, Grantee, dated March 9, 2009, and recorded in the Shenandoah County, Virginia land records in Book 1442, Page 648.
3. Subdivision Plan recorded in Shenandoah County, Virginia Plat Book 1516, Page 135.
4. Printout from Shenandoah County, Virginia website for Parcel No. 07101001B (searched/printed June 5, 2019).
5. Printout from Shenandoah County, Virginia website for Parcel No.0701001G (searched/printed June 5, 2019).

Response Documentation

6. Memorandum from Myles Bartos, On Scene Coordinator, to Karen Melvin, Director, Hazardous Site Cleanup Division, re: "Request for Approval and Funding for a Removal Action at the Magnate, LLC Site, Edinburg, Shenandoah County, Virginia," approved May 31, 2018.
7. Memorandum from Myles Bartos, On Scene Coordinator, to Paul Leonard, Acting Director, Hazardous Site Cleanup Division, re: "Request for Additional Funding and Change of Scope for a Removal Action at the Magnate, LLC Site, Edinburg, Shenandoah County, Virginia," approved March 13, 2019.
8. Pollution Report Nos. 1-13 (February 2016-May4, 2019).



### Cost Documentation

9. Report of Response Costs From February 7, 2016 Through May 23, 2019 for the Magnate, LLC Site (June 3, 2019) (reconciliation pending).

### Notice of Potential Liability

10. Letter from Joan Armstrong, Office of Enforcement, Hazardous Site Cleanup Division, EPA Region 3, to Magnate, LLC/Darryl Bates, Managing Member, re: "Notice of Potential Liability" (February 13, 2018) (overnight mail).
11. Letter from Peter Ludzia, Branch Chief, Program Support & Cost Recovery Branch, Superfund & Emergency Management Division, EPA Region 3, to Magnate, LLC/Darryl Bates, Managing Member, re: "Re-Transmittal of Notice of Potential Liability (June 5, 2019).
- 11a. PS Form 3811 Domestic Return Receipt for Article Number 7017 1450 0000 2079 2210 signed by "Darryl Bates" (undated).

### Liability-Related Documents

12. Letter From Myles Bartos to Magnate, LLC (April 3, 2018).
13. Unsigned Letter from Magnate LLC to USEPA (April 10, 2018).
14. Letter from Andrew S. Goldman, Sr. Assistant Regional Counsel, to Magnate LLC (April 19, 2018).
15. Email from Darryl Bates to Myles Bartos (May 10, 2018).
16. Memorandum to File (Myles Bartos) (June 8, 2018).
17. Complaint Filed by United States in *United States v. Magnate, LLC*, No. 5:18-cv-00127 (Western District of Virginia) (October 11, 2018).
18. Stipulation and Order in Aid of Access filed in *United States v. Magnate, LLC*, No. 5:18-cv-00127 (Western District of Virginia) (February 12, 2019).

**ATTACHMENT 3**

**(Draft Lien Notice)**

## FEDERAL SUPERFUND LIEN (CERCLA)

Name of Property Affected Magnate, LLC Site

Name of Owner: Magnate, LLC

Address of Property: Aileen Road, Edinburg, Virginia

Parcel Identification: Shenandoah County, Virginia Parcel ID Nos. 07101001B and 07101001G, as further described in Attachment A

For Information Contact: Andrew S. Goldman (3RC10)  
Sr. Assistant Regional Counsel  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2487  
[Goldman.andrew@epa.gov](mailto:Goldman.andrew@epa.gov)

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### NOTICE OF LIEN

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Notice is hereby given by the United States Environmental Protection Agency (EPA), on behalf of the United States, that the United States holds a lien on the property described above. Pursuant to Section 107(l) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9607(l), a lien is created in favor of the United States upon all real property and rights to such property which belong to persons liable for costs and damages pursuant to 42 U.S.C. § 9607(a) and which property is subject to or affected by a removal or remedial action. This lien arises either at the time the United States first incurs costs with regard to a CERCLA response action or when the person(s) liable for such costs and damages is provided with written notice of potential liability, whichever is later. *See* 42 U.S.C. § 9607(l)(2). The lien continues until liability for costs and damages (or any decree or judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the applicable statute of limitations contained in Section 113 of CERCLA, 42 U.S.C. § 9613. Because response activities are ongoing, the amount covered by the lien will increase as interest continues to accrue. The documents which support the placement of this lien can be found in the "Lien Filing Record." Said Record is available for review at the offices of EPA Region III at the address noted above.

Authority to file lien notices was delegated to the Administrator of EPA by Executive Order 12580, 52 Federal Register 2923 (Jan. 29, 1987), further delegated to the Regional Administrator of EPA Region III by EPA Delegation No. 14-26, and further delegated by the Regional Administrator of EPA Region III to the Regional Counsel by EPA Region III Delegation No. 14-26.

DATE NOTICE OF LIABILITY GIVEN: June 5, 2019  
DATE COSTS WERE FIRST INCURRED: February 7, 2016  
EPA COSTS THROUGH 5/23/19 \$381,252.66  
ESTIMATED TOTAL COSTS \$834,842.00

The potential liability associated with the Site is joint and several. There may be other potentially responsible parties associated with the Site. The necessity or extent of future work at the Site is undetermined as of this date. Costs may continue to be incurred at this Site, and the value of the United States' lien on the subject property may change. EPA is entitled to recover costs that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. Part 300; *see* Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

\_\_\_\_\_  
Cecil Rodrigues  
Acting Regional Counsel  
U.S. EPA Region III

\_\_\_\_\_  
Date

Subscribed and sworn before me on this, the  
\_\_\_\_\_ day of  
\_\_\_\_\_, 2019

\_\_\_\_\_  
NOTARY PUBLIC

## **Attachment A**

The land subject to this Notice of Lien consists of:

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## Appendix A

EXHIBIT "A"

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Reference is made to such deed, plat, tax map, and to the papers in such Civil Action for further description, particulars and derivation of title. This real estate is described as Tract No. 1 in the said Civil Action.

CONSIDERATION: \$51,000.00

Delivered or Return to: Kevin C. Black  
106 Lawyers Row, Suite 201  
Woodstock, VA 22664

WITNESS the following signature and seal

[Signature]  
Donald D. Litten, Special Commissioner (SEAL)

[Signature]  
Darryl Bates (SEAL)

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of October, 2007, by Donald D. Litten, Special Commissioner.

My commission expires June 30, 2011

[Signature]  
NOTARY PUBLIC



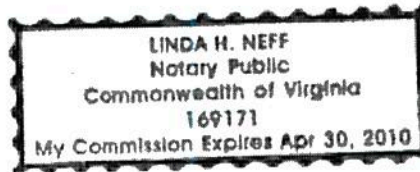
COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Shenandoah

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of October, 2007, by Darryl Bates

My commission expires 4/30/10

[Signature]  
NOTARY PUBLIC

GRANTEE'S ADDRESS:  
3102 Healdley Road  
Mauertown, Virginia 22644





## Appendix B

EXHIBIT "B"

Newman Surveying  
Mt. Jackson, VA 22842

001575

Assessed Values: Return TO:  
\$2,500.00 (Box)

\$97,300.00

\$30,000.00 = Consideration

071 A 008  
071 01 001B

TRUSTEE'S DEED

THIS DEED, made and entered into this 9th day of March, 2009, by and between Bradley G. Pollack, Substitute Trustee, GRANTOR, and Magnate, LLC, GRANTEE.

WITNESSETH;

WHEREAS, by Deed of Trust recorded in the land records of the Office of the Clerk of the Circuit Court of Shenandoah County, Virginia in Deed Book 877 at Page 505, John Van Der Velde conveyed the hereinafter described property to Billy J. Tisinger and H. K. Benham, III, Trustees, to secure the payment of a promissory note of even date in principal amount of \$875,000.00, and

WHEREAS, the said John Van Der Velde was in default of the covenants therein to make payments on the note secured and on the taxes due and remained in default after due notice was given to him, and

WHEREAS, Bradley G. Pollack was appointed as Substitute Trustee ("Trustee") pursuant to an Appointment recorded in Deed Book 1435 at Page 0464 among the said land records, and

WHEREAS, Bradley G. Pollack, Substitute Trustee, upon request of the holder of the said promissory note, advertised the property for sale under the terms of said Deed of Trust, by publishing notice of the time, place and terms of sale once a week for two consecutive weeks in The Free Press, a newspaper of general circulation in the County of Shenandoah, Virginia, and

WHEREAS, the Trustee gave notice of the time place, and terms of sale to the record owner, John Van Der Velde, under provision of Section 55-59.1 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Substitute Trustee proceeded to offer the property for sale, at public auction at the entrance to the property on Aileen Road, Edinburg, Virginia, as advertised, on January 20, 2009, at 10:00 a.m. at which sale Magnate, LLC, bid the sum of \$30,000.00, that being the only bid therefore, and whereas the Substitute Trustee accepted the bid;

NOW THEREFORE in consideration of the premises and the sum of \$30,000.00 by cash and other valuable consideration and credits paid, the receipt of which is hereby acknowledged by the undersigned GRANTOR, the said GRANTOR does hereby grant, bargain, sell and convey with SPECIAL WARRANTY OF TITLE unto the said Magnate, LLC, the following described real estate, to wit:

All of those certain parcels or tracts of real situate, lying, and being in Madison Magisterial District, Shenandoah County, Virginia, located on the north side of State Route 673 and being more particularly described as 0.126 of an acre, more or less, and 3.615 acres of the Existing Building, and 7.734 additional acreage, on that certain plat and survey made by James B. Walsh, Jr., C.L.S., dated March 24, 2007, which plat is recorded with instrument in Deed Book 1358, at page 0220.

This conveyance is made subject to the covenants, conditions, restrictions, easements and rights of way of record.

Witness the following signature and seal:

Bradley G. Pollack (SEAL)  
BRADLEY G. POLLACK  
Substitute Trustee

STATE OF VIRGINIA  
COUNTY OF SHENANDOAH

I, a Notary Public for the Jurisdiction aforesaid, do certify that Bradley G. Pollack, as Substitute Trustee, whose name is signed to the foregoing document, acknowledged the same before me in my jurisdiction aforesaid, this 9<sup>th</sup> day of March, 2009.

Selestia J. Funkhouser  
Notary Public

My Commission Expires:

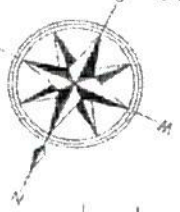
SELESTIA F. FUNKHOUSER  
NOTARY PUBLIC-REGISTRATION # 2168663  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MARCH 31, 2010

INSTRUMENT #G90001375  
RECORDED IN THE CLERK'S OFFICE OF  
SHENANDOAH COUNTY ON  
MARCH 9, 2009 AT 10:35AM  
\$100.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$50.00 LOCAL: \$50.00

DENISE F. ZARR, CLERK  
RECORDED BY: DEZ

## Appendix C

EXHIBIT "D"



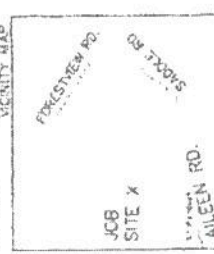
OWNER  
*[Signature]*  
 DATE

OWNER  
*[Signature]*  
 DATE

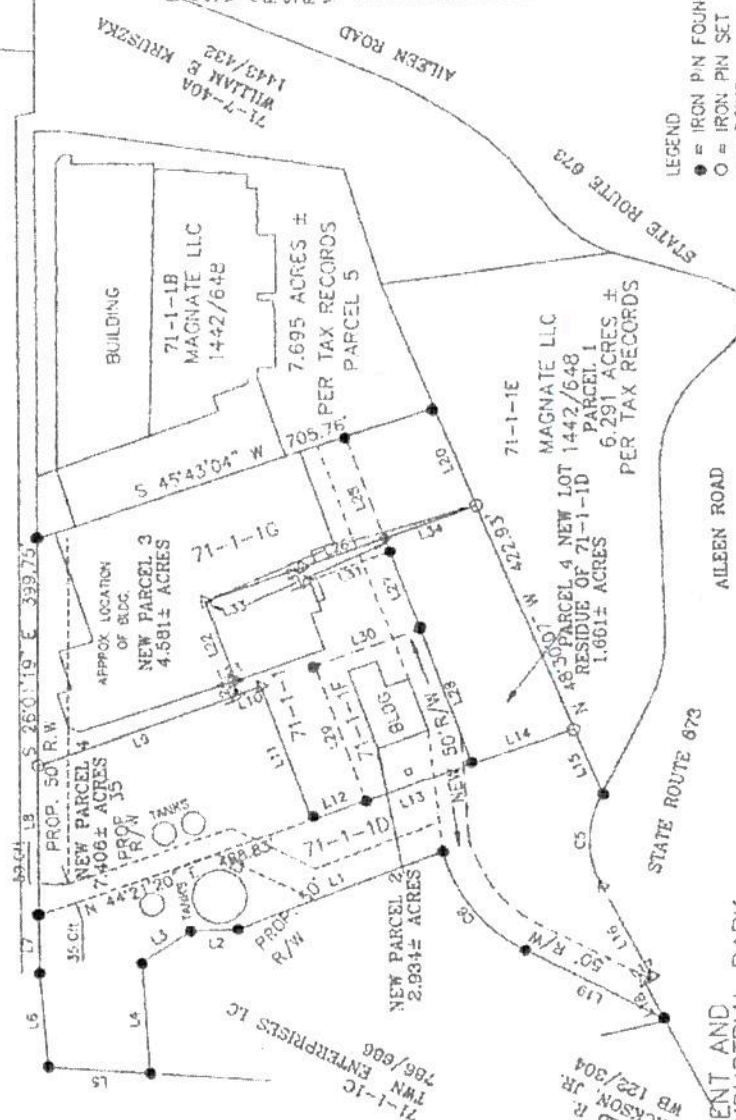
- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 200'
- 3 = TAX MAP = 71-1-1, 1D, 1F, 1G
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
- 5 = NO TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

LINE	BEARING	DISTANCE
L1	N 45°00'00" E	373.75'
L2	N 67°00'00" E	80.00'
L3	N 30°10'40" E	100.00'
L4	N 29°15'45" W	180.00'
L5	N 67°47'55" E	170.60'
L6	S 30°07'54" E	16.82'
L7	S 26°01'53" E	100.65'
L8	S 26°03'15" E	257.32'
L9	S 43°48'27" W	357.10'
L10	S 15°46'23" W	42.02'
L11	N 46°24'58" W	248.66'
L12	S 44°21'20" W	97.22'
L13	S 44°21'20" W	190.60'
L14	S 44°21'20" W	180.23'
L15	N 46°30'07" W	120.98'
L16	N 53°22'21" W	176.91'
L17	N 37°23'46" E	15.00'
L18	N 52°38'14" W	73.43'
L19	S 88°26'36" E	255.36'
L20	N 48°30'07" W	175.36'
L21	S 45°23'37" E	149.85'
L22	S 48°12'56" W	5.97'
L23	S 65°58'43" E	24.23'
L24	N 46°42'49" W	208.36'
L25	N 44°05'31" E	489.21'
L26	S 46°42'37" E	170.45'
L27	N 46°00'33" W	251.21'
L28	S 46°00'35" E	250.00'
L29	S 43°58'24" W	160.00'
L30	S 43°48'01" E	142.82'
L31	S 45°48'50" E	25.77'
L32	S 44°05'01" W	124.66'
L33	S 44°05'01" W	153.92'
L34	S 44°05'01" W	153.92'

LOT LINES VACATED IN ACCORDANCE WITH THE CODE OF SHENANDOAH COUNTY FOR VACATION OF LOT LINES. THIS ACTION DOES NOT INVOLVE THE RELOCATION OR ALTERATION OF STREETS, EASEMENTS, OR UTILITY RIGHTS OF WAY. SEE SECTION 142-53.



NEWMAN SURVEYING  
 Licensed Land Surveyor  
 Mt. Jackson, Virginia 22842  
 (540) 477-3730



- LEGEND
- = IRON PIN FOUND
  - = IRON PIN SET
  - △ = POINT
  - ⊕ = PK NAIL SET

THE PARCEL 4 IS A PORTION OF 71-1-1-D AND IS A NEW DIVISION. SEE SECTION 142-3-(1).

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C5	171.06'	189.74'	102.80'	S 26°37'45" E
C6	259.25'	228.78'	219.60'	S 84°30'25" E

BOUNDARY LINE ADJUSTMENT AND DIVISION OF THE AILEEN INDUSTRIAL PARK

LOCATED IN THE MADISON MAGISTERIAL DISTRICT SHENANDOAH COUNTY, VIRGINIA.  
 OWNER: MAGNATE LLC  
 REFERENCE: PLAT BOOK 1516, PAGE 135  
 JOB NO. 71-1-1B DATE: OCTOBER 1, 2015

DASHED LINES TO BE VACATED