

LAW OFFICES

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

1300 MERCANTILE BANK & TRUST BUILDING

2 HOPKINS PLAZA

BALTIMORE, MARYLAND 21201

CABLE ADDRESS
FRASKOP

AREA CODE 301
547-0500

COLUMBIA OFFICE
SUITE 208
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21044
(301) 730-9477

January 10, 1980

Mr. Palmer Wine, Health Officer
Howard County Health Department
Ligon Building
3450 Courthouse Drive
Ellicott City, Maryland 21043

Timothy E. Welsh, Esq.
County Solicitor for Howard County
George Howard Building
Courthouse Drive
Ellicott City, Maryland 21043

RE: Brown Realty Declaration -
Old Waterloo Road Property
(Our File No. 46905)

Gentlemen:

Enclosed herewith is a copy of the recordation receipt for the above referenced Declaration. It was filed among the Land Records of Howard County on January 2, 1980 at Liber 981, folio 542.

Sincerely yours,

George P. Barker/KB

George P. Barker

GPB:kb
Enclosure
cc: Frank Collins
Bernard Brown

C. MERRITT PUMPHREY
CLERK CIRCUIT COURT
ELLICOTT CITY MD.
PHONE 992-2111-2116
H01/2/80

RECD FEE	17.00
SUBTOTAL	17.00
TOTAL	17.00

-----	9293 #
CHECK	17.00

1980 RECEIPT
#27617 C629 R02 T14:32

Brown Realty Declaration
FILED 1/2/80

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January 2, 1980

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Ligon Building
3450 Courthouse Drive
Ellicott City, Maryland 21043

Timothy E. Welsh, Esq.
County Solicitor for Howard County
George Howard Building
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Ellicott City, Maryland 21043

RE: Brown Realty Declaration -
Old Waterloo Road Property
(Our File No. 46905)

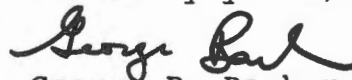
Gentlemen:

Enclosed herewith is a copy of the Declaration dated December 21, 1979, which we have this day filed for recordation among the Land Records of Howard County. When available, we will supply you with the exact recording information with respect to the Declaration.

By copy of this letter, I am indicating to Brown Realty that the Declaration has been recorded and that it is now appropriate for it to commence operations on the Subject Property, pursuant to the terms of the Declaration.

Thank you very much for your cooperation in this matter.

Sincerely yours,


George P. Barker

GPB:kb
Enclosure
cc: Frank Collins
Bernard Brown

DECLARATION

THIS DECLARATION made this 21st day of December, 1979, by BROWN REALTY, INCORPORATED, a Delaware corporation ("Brown Realty").

WHEREAS, Brown Realty is the owner of that certain property located in Howard County, Maryland ("Howard County"), and described on Exhibit A hereto (the "Property"), and there is located on the Property a structure previously used for residential purposes (the "House"); and

WHEREAS, the Property is zoned for industrial purposes and Brown Realty intends to develop the Property as a freight terminal after all necessary governmental approvals have been obtained; and

WHEREAS, pending development of the Property, Brown Realty desires to use the Property as a dispatching point for trucks operated by corporations affiliated with it; and

WHEREAS, use of the House is necessary in relationship to such dispatching operations because of the telephone system which must be used in connection therewith; and

WHEREAS, pending the availability of public sewer facilities, a private septic system provides the only means for the disposal of sewerage generated by the use of the Property; and

WHEREAS, the Howard County Health Department (the "Health Department") has found the septic system to be inadequate and that use of such system would create a threat to the health and safety of the citizens of Howard County,

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and adequacy which are hereby acknowledged by Brown Realty, Brown Realty hereby covenants and agrees as follows:

1. The recitals set forth hereinabove are a part of this Declaration.

2. Brown Realty will make arrangements to have the sewage disposal facilities in the House disconnected, capped or otherwise modified so that such facilities are rendered unusable. In order to provide bathroom facilities with respect to the use of the Property as a truck dispatching point, Brown Realty will have located on the Property a self-propelled recreational vehicle with bathroom facilities.

3. At such time that the bathroom facilities in the House are disconnected from the septic system, Brown Realty may begin to use the Property for a truck dispatching point and may continue such use for as long as it complies with the terms and conditions of this Declaration. At no time will there be more than two (2) employees working as part of the truck dispatching

3.B. JB operation, exclusive of drivers stopping to pick up bills of lading.

4. Use of the bathroom facilities in the House shall be precluded until such time as a private septic system approved by the Health Department is installed or access to public sewer facilities is provided. Brown Realty has previously committed to tie into public sewer facilities at such time that they become available in the area.

5. At any reasonable time, representatives of the Health Department may inspect the Property and the House to insure that the arrangements set forth herein with respect to eliminating the use of the septic system are being complied with.

6. In the event that the provisions of this Declaration shall not be complied with by Brown Realty, use of the Property and House for dispatching operations will immediately cease until

the conditions causing the non-compliance with the provisions hereof are either removed or cured.

7. Any transferee of Brown Realty may avail itself of the benefits of this Declaration only if it agrees to be bound by the provisions of this Declaration in a writing approved by the Health Department and also filed among the Land Records of Howard County.

8. This Declaration shall be filed among the Land Records of Howard County. It is made for the benefit of the people of Howard County and is enforceable by the Health Department and any other appropriate governmental agency.

9. At such time that (i) a connection of the Property to public sewer facilities is made, (ii) a private septic system approved by the Health Department is put into operation on the Property or (iii) Brown Realty wishes to voluntarily stop using the Property for the purposes and in the manner set forth above, this Declaration shall thereupon become of no force and effect and Brown Realty may record an instrument among the Land Records to such effect.

10. This Declaration shall be governed by the laws of the State of Maryland.

IN WITNESS WHEREOF, Brown Realty has set its hand and seal to this Declaration as of the day first above written.

ATTEST:

BROWN REALTY, INCORPORATED

Bernard Brown

By Bernard Brown

STATE OF NEW JERSEY

)

COUNTY OF Cumberland

)

ss:

I HEREBY CERTIFY that on this 21st day of December 1979, before me, a Notary Public for the State of New Jersey, personally appeared Bernard Brown, the _____ President of Brown Realty, Incorporated, and on behalf of said Brown Realty, Incorporated named in the foregoing Declaration, did acknowledge the same to be the act and deed of Brown Realty, Incorporated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal.

Edna M. Craffey
Notary Public

My commission expires:

EDNA M. CRAFFEY, Notary Public
My Commission Expires July 20, 1981

BEGINNING FOR THE SAME at an iron pipe on the Westernmost right of way line of Waterloo Road, Old Route No. 175 (100.00 feet wide) as shown on Maryland State Roads Commission Plat No. 12443 said point also being on and distant 251.15 feet from the beginning of the Fourth (Last) or North 65° East 19 perch line of that parcel of land which by deed dated September 9, 1965, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 444 at folio 764, was granted and conveyed by John Paul Randall and Jeanne H. Randall, his wife, to the State Roads Commission of Maryland, and running thence leaving said Fourth (Last) line and binding along the Westernmost right of way line of said Waterloo Road as shown on said plat the two (2) following courses and distances as now surveyed, viz.: (1) South $17^{\circ} 38' 08''$ East 255.79 feet and (2) 571.12 feet in a Southerly direction by the arc of a curve to the right having a radius of 1,798.25 feet and a long chord bearing South $08^{\circ} 32' 13''$ East 568.72 feet to a point at the end of the Tenth or South $74^{\circ} 59'$ East 810.38 feet line of that parcel of land which by deed dated November 18, 1963, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 410 at folio 432, was granted and conveyed by Gladys L. Jess, widow, to Howard F. Rink and Genevieve A. Rink, his wife, thence leaving said Waterloo Road and binding reversely along part of said Tenth line as now surveyed North $83^{\circ} 17' 29''$ West 140.16 feet to a fence corner, thence leaving said Tenth line and binding along an existing fence line for the two (2) following lines of division as now drawn, viz.: (1) North $31^{\circ} 35' 50''$ West 357.09 feet and (2) North $17^{\circ} 07' 39''$ West 342.48 feet to a point on and distant 57.77 feet from the beginning of the First or South $63\frac{1}{2}^{\circ}$ West 20 perch line of one of those parcels of land which the State Roads Commission of Maryland acquired by an Inquisition from Gladys L. Jess, widow, dated April 6, 1965, and recorded among the Land Records of Howard County in Liber W.H.H. 453 at folio 387, said parcel of land being more particularly described in a deed dated December 23, 1911 and recorded among the Land Records of Howard County in Liber W.W.L.C. 92 at folio 238 was granted and conveyed by Arthur W. Jess, Executor, and Annie Jess to George H. Jess, thence binding reversely along part of said First line to the end thereof and continuing along part of the above-mentioned Fourth (Last) line of the Firstly above-mentioned deed as now surveyed North $59^{\circ} 09' 31''$ East 308.92 feet to the point of beginning, containing 4.516 acres of land, more or less.

BEING the same lot of ground which by Deed dated January 8, 1979 and recorded among the Land Records of Howard County in Liber 927, folio 488, was granted and conveyed by Warren H. Schmidt and Charles G. Lotz unto Brown Realty, Incorporated, a Delaware corporation.

December 14, 1979

Frank, Bernstein, Conaway & Goldman
1300 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201

Attention: George P. Barker

Dear Mr. Barker:

The declaration you have submitted to this office is very good but we would like the following addition:

Page 2, paragraph 3, last sentence continued to say - stopping to pick up bills of lading (added to exclusive of drivers)

Upon recordation of this declaration, please submit a copy to this office accompanied by a copy of the recordation receipt.

Thank you for your cooperation.

Very truly yours,

Fred Frommelt, Director
Water and Sewerage Program
Bureau of Environmental Health

FF:ds

LAW OFFICES

FRANK, BERNSTEIN, CONAWAY & GOLDMAN

1300 MERCANTILE BANK & TRUST BUILDING

2 HOPKINS PLAZA

BALTIMORE, MARYLAND 21201

CABLE ADDRESS
FRASKOP

AREA CODE 301
547-0500

COLUMBIA OFFICE
SUITE 208
AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21044
(301) 730-9477

December 11, 1979

Mr. Palmer Wine, Health Officer
Howard County Health Department
Ligon Building
3450 Courthouse Drive
Ellicott City, Maryland 21043

Timothy E. Welsh, Esq.
County Solicitor for Howard County
George Howard Building
Court House Drive
Ellicott City, Maryland 21043

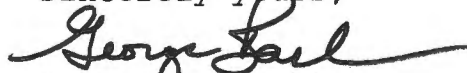
RE: Brown Realty Declaration -
Old Waterloo Road Property
(Our File No. 46905)

Gentlemen:

Please find enclosed a proposed Declaration which, hopefully, adequately covers the various points that we have discussed. Please review it and get back to me with any comments or questions that you may have. I know that Brown Realty would be most appreciative if we could move this matter along as rapidly as possible so that the dispatching operations could begin at an early date.

Thank you very much for your cooperation and I look forward to hearing from you.

Sincerely yours,


George P. Barker

GPB:kb
Enclosure
cc: Frank Collins
Bernard Brown

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AMERICAN CITY BUILDING
COLUMBIA, MARYLAND 21044

February 5, 1980

Mr. Bernard Brown
Brown Realty, Inc.
71 West Park Avenue
Vineland, New Jersey 08360

RE: Brown Realty Declaration
Old Waterloo Road Property
(Our File No. 46905) *file*

Dear Mr. Brown:

Enclosed for your file is the original of the above-mentioned Declaration as recorded among the Land Records of Howard County. I am sending a copy of this to the Howard County Health Department and will retain a copy for our files.

Sincerely yours,

George P. Barker

GPB:kb
Enclosure
cc: Mr. Palmer Wine

EXHIBIT "A"

BEGINNING FOR THE SAME at an iron pipe on the Westernmost right of way line of Waterloo Road, Old Route No. 175 (100.00 feet wide) as shown on Maryland State Roads Commission Plat No. 12443 said point also being on and distant 251.15 feet from the beginning of the Fourth (Last) or North 65° East 19 perch line of that parcel of land which by deed dated September 9, 1965, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 444 at folio 764, was granted and conveyed by John Paul Randall and Jeanne H. Randall, his wife, to the State Roads Commission of Maryland, and running thence leaving said Fourth (Last) line and binding along the Westernmost right of way line of said Waterloo Road as shown on said plat the two (2) following courses and distances as now surveyed, viz.: (1) South 17° 38' 08" East 255.79 feet and (2) 571.12 feet in a Southerly direction by the arc of a curve to the right having a radius of 1,798.25 feet and a long chord bearing South 08° 32' 13" East 568.72 feet to a point at the end of the Tenth or South 74° 59' East 810.38 feet line of that parcel of land which by deed dated November 18, 1963, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 410 at folio 432, was granted and conveyed by Gladys L. Jess, widow, to Howard F. Rink and Genevieve A. Rink, his wife, thence leaving said Waterloo Road and binding reversely along part of said Tenth line as now surveyed North 83° 17' 29" West 140.16 feet to a fence corner, thence leaving said Tenth line and binding along an existing fence line for the two (2) following lines of division as now drawn, viz.: (1) North 31° 35' 50" West 357.09 feet and (2) North 17° 07' 39" West 342.48 feet to a point on and distant 57.77 feet from the beginning of the First or South 63½° West 20 perch line of one of those parcels of land which the State Roads Commission of Maryland acquired by an Inquisition from Gladys L. Jess, widow, dated April 6, 1965, and recorded among the Land Records of Howard County in Liber W.H.H. 453 at folio 387, said parcel of land being more particularly described in a deed dated December 23, 1911 and recorded among the Land Records of Howard County in Liber W.W.L.C. 92 at folio 238 was granted and conveyed by Arthur W. Jess, Executor, and Annie Jess to George H. Jess, thence binding reversely along part of said First line to the end thereof and continuing along part of the above-mentioned Fourth (Last) line of the Firstly above-mentioned deed as now surveyed North 59° 09' 31" East 308.92 feet to the point of beginning, containing 4.516 acres of land, more or less.

BEING the same lot of ground which by Deed dated January 8, 1979 and recorded among the Land Records of Howard County in Liber 927, folio 488, was granted and conveyed by Warren H. Schmidt and Charles G. Lotz unto Brown Realty, Incorporated, a Delaware corporation.

DECLARATION

THIS DECLARATION made this day of December, 1979,
by BROWN REALTY, INCORPORATED, a Delaware corporation ("Brown
Realty").

WHEREAS, Brown Realty is the owner of that certain
property located in Howard County, Maryland ("Howard County"), and
described on Exhibit A hereto (the "Property"), and there is
located on the Property a structure previously used for residential
purposes (the "House"); and

WHEREAS, the Property is zoned for industrial purposes
and Brown Realty intends to develop the Property as a freight
terminal after all necessary governmental approvals have been
obtained; and

WHEREAS, pending development of the Property, Brown
Realty desires to use the Property as a dispatching point for
trucks operated by corporations affiliated with it; and

WHEREAS, use of the House is necessary in relationship
to such dispatching operations because of the telephone system
which must be used in connection therewith; and

WHEREAS, pending the availability of public sewer
facilities, a private septic system provides the only means for
the disposal of sewerage generated by the use of the Property; and

WHEREAS, the Howard County Health Department (the "Health
Department") has found the septic system to be inadequate and that
use of such system would create a threat to the health and safety
of the citizens of Howard County,

NOW, THEREFORE, in consideration of the premises and
other good and valuable consideration, the receipt and adequacy
which are hereby acknowledged by Brown Realty, Brown Realty hereby
covenants and agrees as follows:

1. The recitals set forth hereinabove are a part of this Declaration.

2. Brown Realty will make arrangements to have the sewage disposal facilities in the House disconnected, capped or otherwise modified so that such facilities are rendered unusable. In order to provide bathroom facilities with respect to the use of the Property as a truck dispatching point, Brown Realty will have located on the Property a self-propelled recreational vehicle with bathroom facilities.

3. At such time that the bathroom facilities in the House are disconnected from the septic system, Brown Realty may begin to use the Property for a truck dispatching point and may continue such use for as long as it complies with the terms and conditions of this Declaration. At no time will there be more than two (2) employees working as part of the truck dispatching operation, exclusive of drivers.

4. Use of the bathroom facilities in the House shall be precluded until such time as a private septic system approved by the Health Department is installed or access to public sewer facilities is provided. Brown Realty has previously committed to tie into public sewer facilities at such time that they become available in the area.

5. At any reasonable time, representatives of the Health Department may inspect the Property and the House to insure that the arrangements set forth herein with respect to eliminating the use of the septic system are being complied with.

6. In the event that the provisions of this Declaration shall not be complied with by Brown Realty, use of the Property and House for dispatching operations will immediately cease until

the conditions causing the non-compliance with the provisions hereof are either removed or cured.

7. Any transferee of Brown Realty may avail itself of the benefits of this Declaration only if it agrees to be bound by the provisions of this Declaration in a writing approved by the Health Department and also filed among the Land Records of Howard County.

8. This Declaration shall be filed among the Land Records of Howard County. It is made for the benefit of the people of Howard County and is enforceable by the Health Department and any other appropriate governmental agency.

9. At such time that (i) a connection of the Property to public sewer facilities is made, (ii) a private septic system approved by the Health Department is put into operation on the Property or (iii) Brown Realty wishes to voluntarily stop using the Property for the purposes and in the manner set forth above, this Declaration shall thereupon become of no force and effect and Brown Realty may record an instrument among the Land Records to such effect.

10. This Declaration shall be governed by the laws of the State of Maryland.

IN WITNESS WHEREOF, Brown Realty has set its hand and seal to this Declaration as of the day first above written.

ATTEST:

BROWN REALTY, INCORPORATED

By _____

STATE OF NEW JERSEY)
)
COUNTY OF) ss:

I HEREBY CERTIFY that on this day of
1979, before me, a Notary Public for the State of New Jersey,
personally appeared _____, the _____ President
of Brown Realty, Incorporated, and on behalf of said Brown Realty,
Incorporated named in the foregoing Declaration, did acknowledge
the same to be the act and deed of Brown Realty, Incorporated.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my Notarial Seal.

Notary Public

My commission expires:

BEGINNING FOR THE SAME at an iron pipe on the Westernmost right of way line of Waterloo Road, Old Route No. 175 (100.00 feet wide) as shown on Maryland State Roads Commission Plat No. 12443 said point also being on and distant 251.15 feet from the beginning of the Fourth (Last) or North 65° East 19 perch line of that parcel of land which by deed dated September 9, 1965, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 444 at folio 764, was granted and conveyed by John Paul Randall and Jeanne H. Randall, his wife, to the State Roads Commission of Maryland, and running thence leaving said Fourth (Last) line and binding along the Westernmost right of way line of said Waterloo Road as shown on said plat the two (2) following courses and distances as now surveyed, viz.: (1) South $17^{\circ} 38' 08''$ East 235.79 feet and (2) 571.12 feet in a Southerly direction by the arc of a curve to the right having a radius of 1,798.25 feet and a long chord bearing South $08^{\circ} 32' 13''$ East 568.72 feet to a point at the end of the Tenth or South $74^{\circ} 59'$ East 810.38 feet line of that parcel of land which by deed dated November 18, 1963, and recorded among the Land Records of Howard County, Maryland, in Liber W.H.H. 410 at folio 432, was granted and conveyed by Gladys L. Jess, widow, to Howard F. Rink and Genevieve A. Rink, his wife, thence leaving said Waterloo Road and binding reversely along part of said Tenth line as now surveyed North $83^{\circ} 17' 29''$ West 140.16 feet to a fence corner, thence leaving said Tenth line and binding along an existing fence line for the two (2) following lines of division as now drawn, viz.: (1) North $31^{\circ} 35' 50''$ West 357.09 feet and (2) North $17^{\circ} 07' 39''$ West 342.48 feet to a point on and distant 57.77 feet from the beginning of the First or South $63\frac{1}{2}^{\circ}$ West 20 perch line of one of those parcels of land which the State Roads Commission of Maryland acquired by an Inquisition from Gladys L. Jess, widow, dated April 6, 1965, and recorded among the Land Records of Howard County in Liber W.H.H. 453 at folio 387, said parcel of land being more particularly described in a deed dated December 23, 1911 and recorded among the Land Records of Howard County in Liber W.W.L.C. 92 at folio 238 was granted and conveyed by Arthur W. Jess, Executor, and Annie Jess to George H. Jess, thence binding reversely along part of said First line to the end thereof and continuing along part of the above-mentioned Fourth (Last) line of the Firstly above-mentioned deed as now surveyed North $59^{\circ} 09' 31''$ East 308.92 feet to the point of beginning, containing 4.516 acres of land, more or less.

BEING the same lot of ground which by Deed dated January 8, 1979 and recorded among the Land Records of Howard County in Liber 927, folio 488, was granted and conveyed by Warren H. Schmidt and Charles G. Lotz unto Brown Realty, Incorporated, a Delaware corporation.

MAIL TO:

GEORGE P. BARKER, ESQ.
FRANK, BERNSTEIN, CROWLEY & GOLDMAN
SUITE 812, AMERICAN CITY Bldg.
Columbia, MD 21044

the conditions causing the non-compliance with the provisions hereof are either removed or cured.

7. Any transferee of Brown Realty may avail itself of the benefits of this Declaration only if it agrees to be bound by the provisions of this Declaration in a writing approved by the Health Department and also filed among the Land Records of Howard County.

8. This Declaration shall be filed among the Land Records of Howard County. It is made for the benefit of the people of Howard County and is enforceable by the Health Department and any other appropriate governmental agency.

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10. This Declaration shall be governed by the laws of the State of Maryland.

IN WITNESS WHEREOF, Brown Realty has set its hand and seal to this Declaration as of the day first above written.

ATTEST:

BROWN REALTY, INCORPORATED

Bernice Kendall

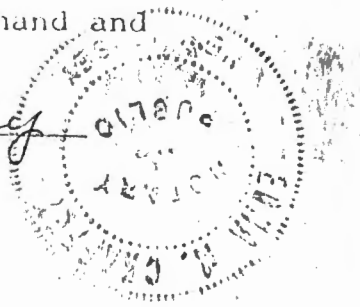
By Howard Brown

STATE OF NEW JERSEY)
)
COUNTY OF Cumberland) ss:

I HEREBY CERTIFY that on this 21st day of December, 1979, before me, a Notary Public for the State of New Jersey, personally appeared Bernard Brown, the President of Brown Realty, Incorporated, and on behalf of said Brown Realty, Incorporated named in the foregoing Declaration, did acknowledge the same to be the act and deed of Brown Realty, Incorporated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal.

Edna M. Craffey
Notary Public



My commission expires:

EDNA M. CRAFFEY, Notary Public
My Commission Expires July 20, 1981

DECLARATION

✓ ✓ THIS DECLARATION made this 21st day of December, 1979, by BROWN REALTY, INCORPORATED, a Delaware corporation ("Brown Realty").

WHEREAS, Brown Realty is the owner of that certain property located in Howard County, Maryland ("Howard County"), and described on Exhibit A hereto (the "Property"), and there is located on the Property a structure previously used for residential purposes (the "House"); and

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WHEREAS, pending the availability of public sewer facilities, a private septic system provides the only means for the disposal of sewerage generated by the use of the Property; and

WHEREAS, the Howard County Health Department (the "Health Department") has found the septic system to be inadequate and that use of such system would create a threat to the health and safety of the citizens of Howard County,

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and adequacy which are hereby acknowledged by Brown Realty, Brown Realty hereby covenants and agrees as follows:

RECORD FEE 17.00
9293

RECORD FEE 902 7144

101/2/79

17.00

1. The recitals set forth hereinabove are a part of this Declaration.

2. Brown Realty will make arrangements to have the sewage disposal facilities in the House disconnected, capped or otherwise modified so that such facilities are rendered unusable. In order to provide bathroom facilities with respect to the use of the Property as a truck dispatching point, Brown Realty will have located on the Property a self-propelled recreational vehicle with bathroom facilities.

3. At such time that the bathroom facilities in the House are disconnected from the septic system, Brown Realty may begin to use the Property for a truck dispatching point and may continue such use for as long as it complies with the terms and conditions of this Declaration. At no time will there be more than two (2) employees working as part of the truck dispatching operation, exclusive of drivers stopping to pick up bills of lading.

B.B. 1313

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