TLC's February 15, 2024 Conservation Easement Monitoring Report

Marked as Deposition Exhibit 16 during the September 3, 2026 Deposition of TLC's 30(b)(6) Designee

Electronically Filed Date: 10/1/2026 4:28 PM Orange Superior Court County Clerk of Superior Court

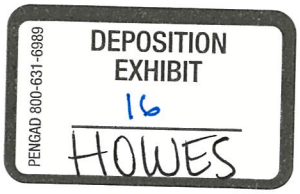
Triangle Land Conservancy
Conservation Easement Monitoring Report

Easement Name: Maple View Farm (UGF)
Easement County: Orange, Orange County
Date of Inspection: 2/15/2024
Easement Address: 3111 Dairyland Road, Hillsborough, NC 27278

Landowner(s)

People present at inspection:

Name	Hours
Hannah Royal	0.31
Matt Rutledge	0.31
Bo Howes	0.31



TLC Discovery 0115

Inspection Map

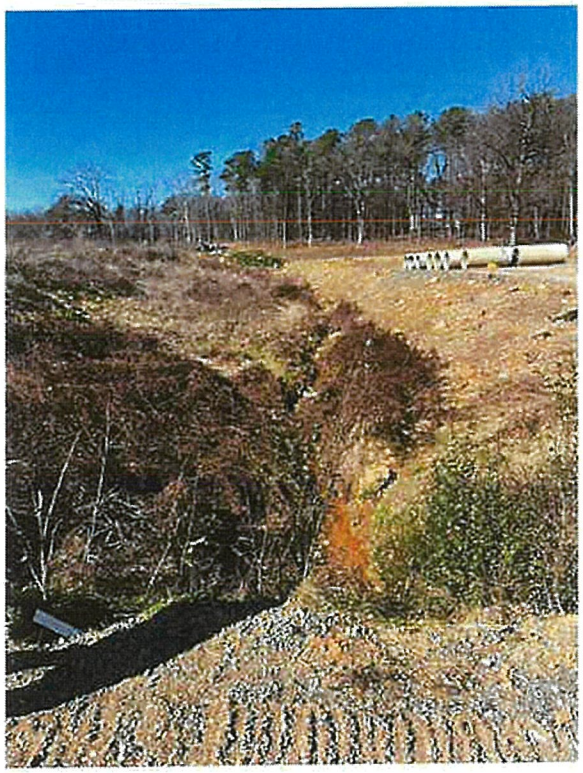


- Record Boundary
- Adjusted Envelope
- Potential ag envelope expansion boundary
- Site Visit Points

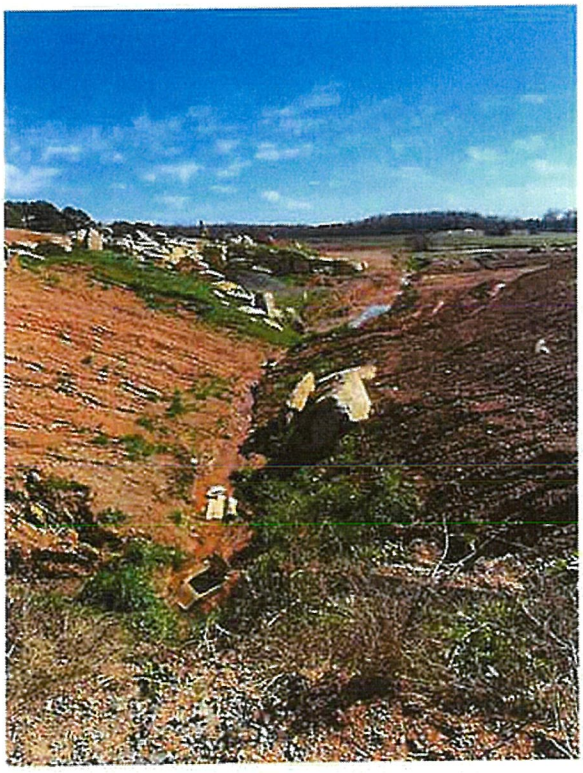
Photos

TLC Discovery 0116

Photopoint 01



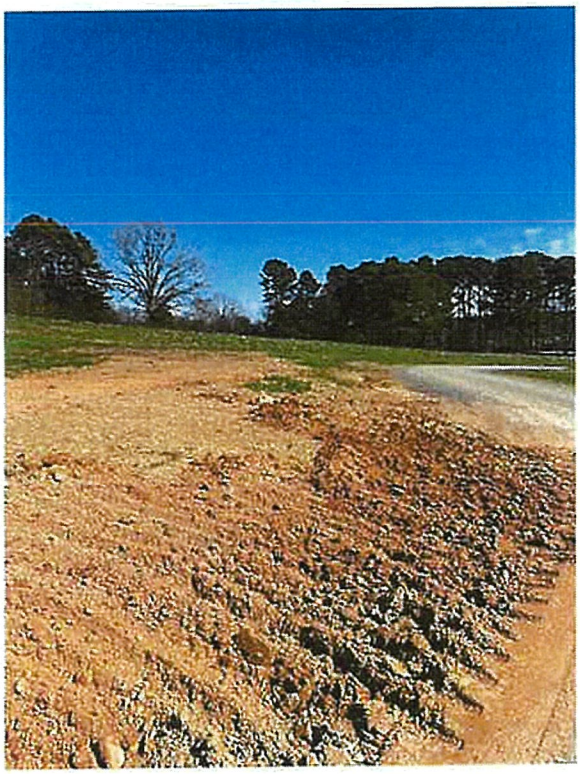
Drainage area outside of ag envelope. Facing N. Taken 2/15/2024 by Hannah Royal.



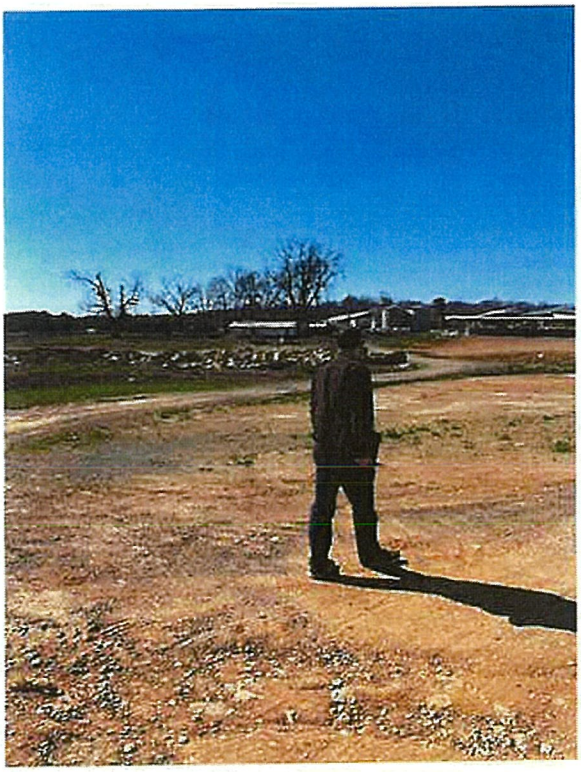
Drainage area outside of ag envelope Facing SSE. Taken 2/15/2024 by Hannah Royal.

TLC Discovery 0117

Photopoint 02



Facing outward from ag area, looking along the farm road that leads to Meadow View Rd. Facing E. Taken 2/15/2024 by Hannah Royal.



Looking inward towards ag area Facing W. Taken 2/15/2024 by Hannah Royal.

TLC Discovery 0118

Signed:

Hannah Royal

By: Hannah Royal
Date: January 20th, 2026 at 10:29:02 AM GMT-5

TLC Discovery 0119

Annual Monitoring Map and Photos



Photopoint 03



Facing NE. Taken 4/15/2024 by Matt Rutledge.



Facing SSW. Taken 4/15/2024 by Matt Rutledge.

TLC Discovery 0120

Photopoint 04



Facing SSW. Taken 4/15/2024 by Matt Rutledge.



Facing SSW. Taken 4/15/2024 by Matt Rutledge.

TLC Discovery 0121

TLC's July 18, 2024 Conservation Easement Monitoring Report

Marked as Deposition Exhibit 17 during the September 3, 2026 Deposition of TLC's 30(b)(6) Designee

Triangle Land Conservancy
Conservation Easement Monitoring Report

Easement Name: Maple View Farm
Easement County: Orange, Orange County
Date of Inspection: 7/18/2024
Easement Address: 3111 Dairyland Road, Hillsborough, NC 27278

Landowner(s)

Weather Group

Method of Inspection:

Ground inspection concentrated at the center of the farm property within and around the farming operations envelope. This is the area of concern with the on-going issues with this landowner. We also walked around MV2 to check the status of the property and the son's disc golf course.

Landowner Communication

We communicated via lawyers to arrange the visit. He says that there has been no work outside of the farming operations envelope on the parking lot or concern venue. Greg joined us for the visit of MV1.

To the best of your knowledge and observation, is the land owner complying with the terms of the conservation easement?

At the moment, yes.

Has the owner exercised any reserved rights since the last visit? If so, describe in #4. (forestry, new ag operation, new structures/roads, fences, etc)

- Yes
- ✔ No

Method of Inspection and Areas Covered

Interior areas due to high concern of landowner activities violating the easement

2. Describe the current land use(s) of the property

Agricultural (vineyard) and under construction in the interior to build a distillery and restaurant.

3. Was there any evidence of non-allowed uses or possible violations of the easement?

Not at the moment

4. List all man-made alterations observed (permitted and not permitted by the easement terms)

PENGAD 800-631-6989
DEPOSITION EXHIBIT
17
HOWES

TLC Discovery 0122

- [ ] New Structure/Construction
- [x] Timber Harvest/Vegetative Cutting
- [ ] Subdivision
- [ ] Motorized Vehicle Damage
- [ ] Encroachment from Adjacent Property
- [ ] Dumping or Storing
- [x] Excavation (Dredging, Filling, Grading, Mining)
- [ ] Industrial, Residential or Commercial Use
- [ ] Trespass/Vandalism
- [ ] Activity on Abutting Land
- [x] New Trails or Roads
- [ ] Alteration to Drainage Patterns/Water Quality
- [ ] Land Clearing
- [ ] Agricultural Use
- [ ] Other Activities/Changes (Describe)
- [ ] No Changes

Describe the activity or alteration, noting the extent, location, purpose and individual responsible, if known.

New road built shown in pictures 10-12. This was discovered this Spring after a neighbor alerted us. It was built sometime in the late summer of 2023. This is considered violation #2. The landowner claimed it was a farming path and he made improvements to it but imagery in Lens proves this is not true. Continued grading of parking lot area and area behind amphitheater since last year which is also highlighted in Lens. He has removed some understory vegetation near the Western ponds which is okay. He says he removed some tree of heaven.

5. List natural alterations observed.

- [ ] Storm damage
- [ ] Insect Infestation(s)
- [ ] Animal Activity
- [ ] Flooding
- [ ] Ice Damage
- [ ] Earth Movement
- [ ] Fire
- [ ] Invasive Exotic Vegetation
- [ ] Other Changes (describe)
- [x] No Change

Describe the location and nature of the changes.

n/a

8. Describe any boundaries or corners that are not clear on the survey map or on the land itself.

Boundaries not marked but easy to discern due to roads and our monitoring application.

6. Describe any wildlife or notable vegetation present

None

7. List any other observations or comments, management needs, information requests, etc.

Continue to monitor this property multiple times a year both in-person and via Lens imagery. TLC is still working through reaching an agreement with the landowner to move forward.

TLC Discovery 0123

People present at inspection:

Name	Hours
Hannah Royal	1.46
Matt Rutledge	1.46

Inspection Map



- Record Boundary
- Adjusted Envelope
- Site Visit Lines
- Site Visit Points

Photos

TLC Discovery 0124

Photopoint 01



Facing E. Taken 7/18/2024 by Hannah Royal.



Facing SE. Taken 7/18/2024 by Hannah Royal.

Photopoint 02



Facing NE. Taken 7/18/2024 by Hannah Royal.



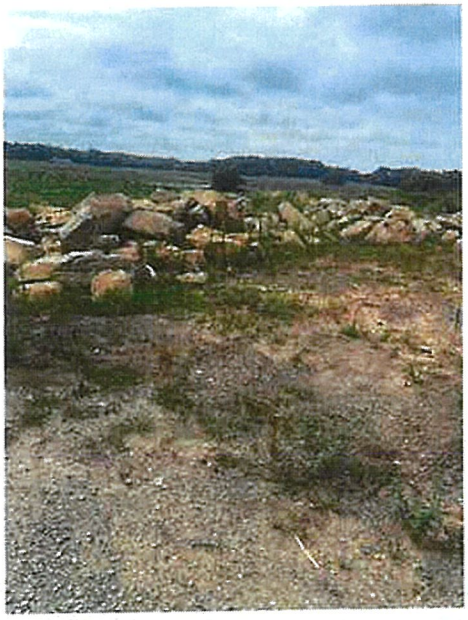
Facing N. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0125



Facing WNW. Taken 7/18/2024 by Hannah Royal.

Photopoint 03



Facing SE. Taken 7/18/2024 by Hannah Royal.



Facing NNE. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0126



Facing W. Taken 7/18/2024 by Hannah Royal.

Photopoint 04

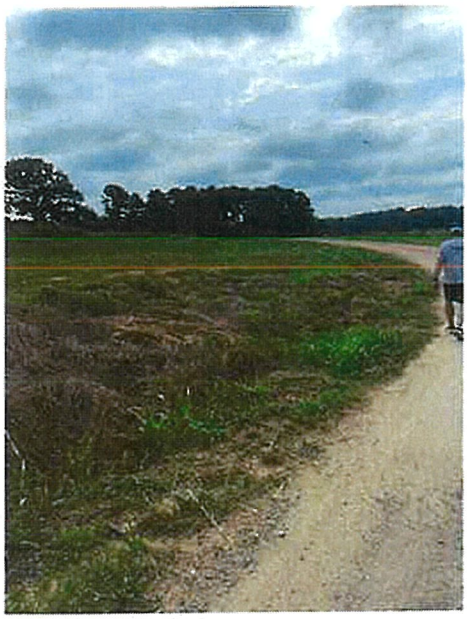


Facing N. Taken 7/18/2024 by Hannah Royal.



Facing S. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0127



Facing ESE. Taken 7/18/2024 by Hannah Royal.



Facing W. Taken 7/18/2024 by Hannah Royal.

Photopoint 05



Facing NW. Taken 7/18/2024 by Hannah Royal.



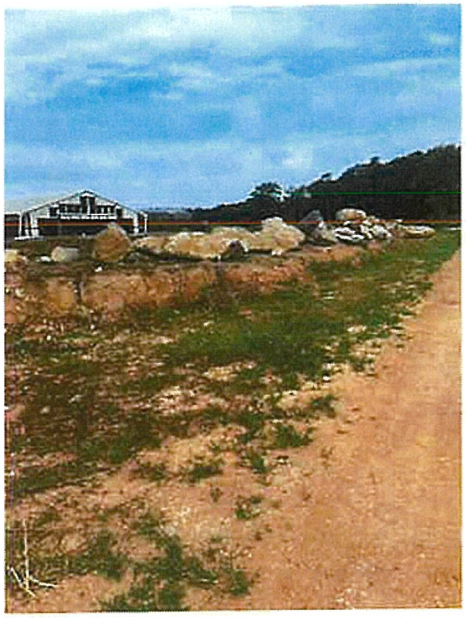
Facing WSW. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0128

Photopoint 06

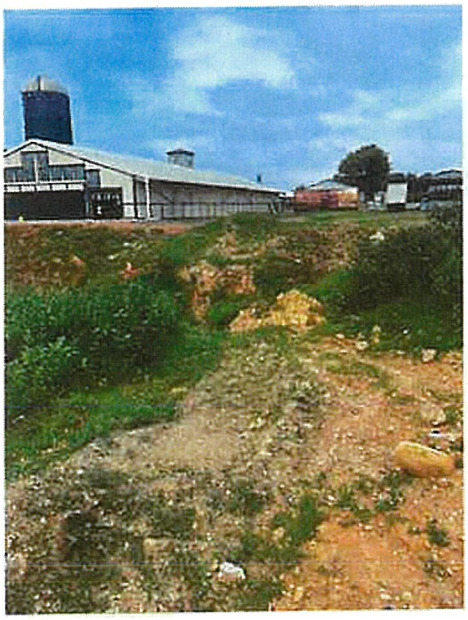


Facing NNE. Taken 7/18/2024 by Hannah Royal.

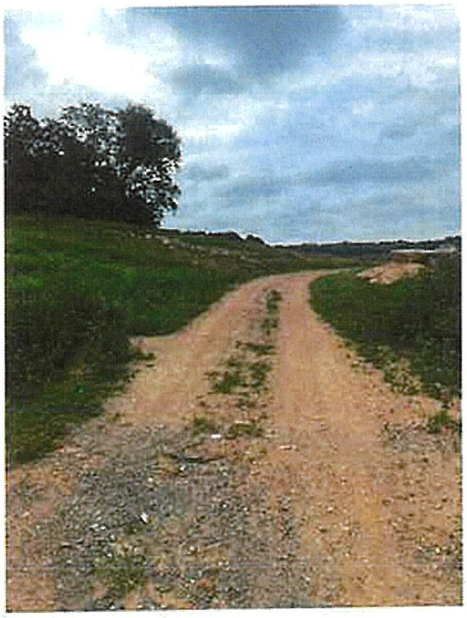


Facing NW. Taken 7/18/2024 by Hannah Royal.

Photopoint 07



Low lying area Facing WSW. Taken 7/18/2024 by Hannah Royal.



Looking towards behind the amphitheater Facing SE. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0129

Photopoint 08



Facing SSE. Taken 7/18/2024 by Hannah Royal.



Road from violation 1 Facing E. Taken 7/18/2024 by Hannah Royal.



Facing SSE. Taken 7/18/2024 by Hannah Royal.



Facing E. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0130

Photopoint 09



Mounds of loose dirt Facing NW. Taken 7/18/2024 by Hannah Royal.



Facing E. Taken 7/18/2024 by Hannah Royal.



Greg said this is where the septic would sit with grape vines on top Facing N. Taken 7/18/2024 by Hannah Royal.



Facing WNW. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0131



Facing E. Taken 7/18/2024 by Hannah Royal.

Photopoint 10



Facing SW. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0132

Photopoint 11



Facing NE. Taken 7/18/2024 by Hannah Royal.

Photopoint 12



Area where neighbors had reported that UGF had been clearing trees. Greg said that they removed some invasive understory. This is not a violation of the easement. Facing S. Taken 7/18/2024 by Hannah Royal.



Facing E. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0133



Facing N. Taken 7/18/2024 by Hannah Royal.

Photopoint 13



Pond area. Greg said that they worked to clean this area up to make it park like. Facing WSW. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0134

Photopoint 14



Facing NW. Taken 7/18/2024 by Hannah Royal.

Photopoint 15



Facing ESE. Taken 7/18/2024 by Hannah Royal.



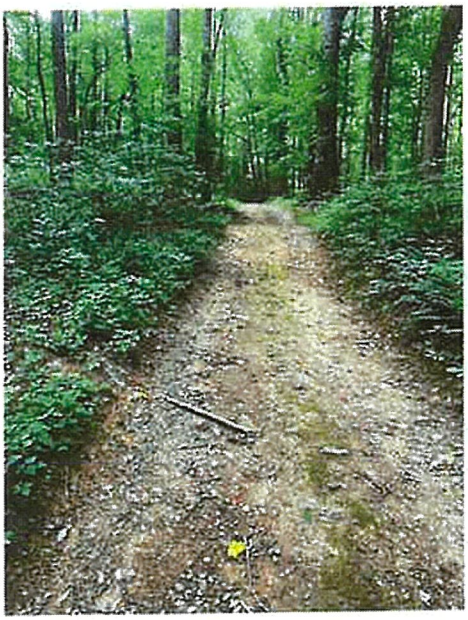
Facing SW. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0135

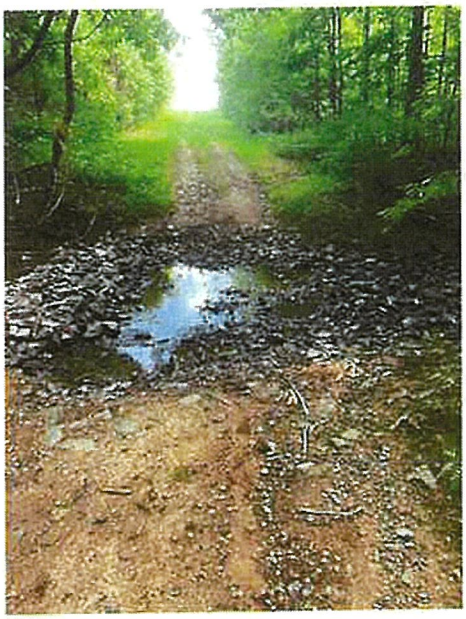


Facing NNW. Taken 7/18/2024 by Hannah Royal.

Photopoint 16



Facing SSW. Taken 7/18/2024 by Hannah Royal.



Facing NNE. Taken 7/18/2024 by Hannah Royal.

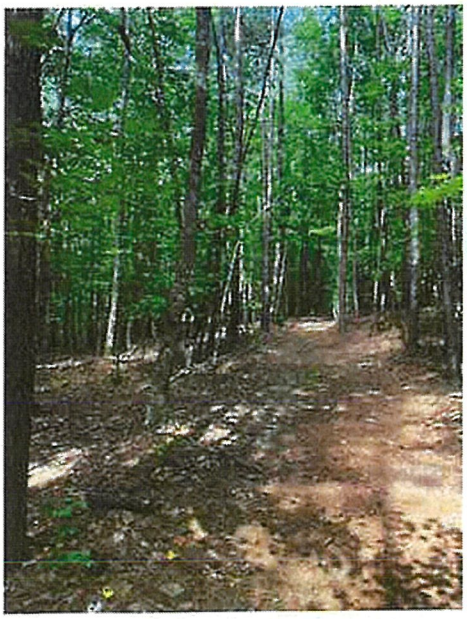
TLC Discovery 0136

Photopoint 17

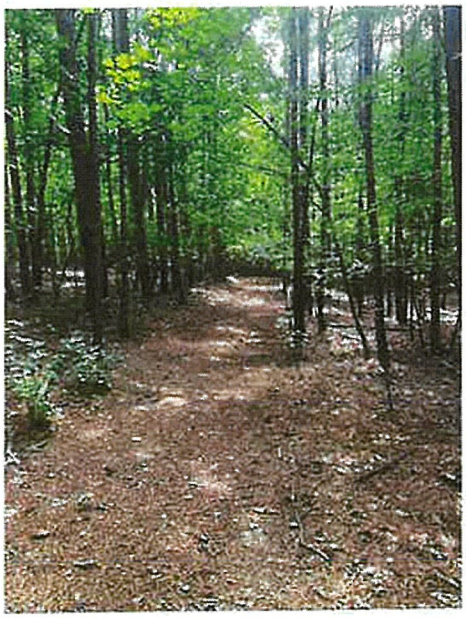


Facing E. Taken 7/18/2024 by Hannah Royal.

Photopoint 18



Facing W. Taken 7/18/2024 by Hannah Royal.



Facing E. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0137



Facing N. Taken 7/18/2024 by Hannah Royal.



Facing S. Taken 7/18/2024 by Hannah Royal.

Photopoint 19



Facing WNW. Taken 7/18/2024 by Hannah Royal.



Facing NNE. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0138



Facing ESE. Taken 7/18/2024 by Hannah Royal.



Facing SSW. Taken 7/18/2024 by Hannah Royal.

Photopoint 20



Facing ENE. Taken 7/18/2024 by Hannah Royal.



Facing W. Taken 7/18/2024 by Hannah Royal.

TLC Discovery 0139

Photopoint 21



Facing SSE. Taken 7/18/2024 by Hannah Royal.



Facing WSW. Taken 7/18/2024 by Hannah Royal.

Signed:
Hannah Royal

By: Hannah Royal
Date: August 22nd, 2024 at 2:01:23 PM GMT-4

TLC Discovery 0140

Deposition Testimony Provided by TLC's 30(b)(6) Designee

Q. Do you see that? What is TLC's understanding of the purpose for the provision noting that gravel is considered a permeable material?

A. Uh-huh (yes). Probably because the -- in the federal -- you get federal funding from -- it's now called the ALE program. They specify ---

Q. Sorry, what was it called?

A. ALE, Agricultural Lands Enhancement program.

Q. Uh-huh (yes).

A. It's the Federal Ag program. It specifically says that gravel is not a -- an impermeable surface for purposes of that. And so, I -- I suspect that's where that came from in this one in '95.

Q. For purposes of what? Road construction?

A. Uh-huh (yes).

THE COURT REPORTER: Is that a yes?

THE WITNESS: Yes, sorry.

Q. (Mr. Slater) Does TLC take the position that the easement language is ambiguous?

A. No.

Q. Okay. Is it TLC's position that the easement language is unambiguous?

A. Yes. It's unambiguous.

Q. Okay. So -- so anything that -- this -- ask it -- try to ask it differently in a hypothetical. If there is an activity or development or construction or a use or something that's different than what was always done out there, your -- is it your testimony that TLC believes that it can read this document and only this document and know exactly what is allowed and what is not allowed?

A. What we would -- what we do, what we commonly do is, we have to interpret the document because it's -- it -- it is what -- it is -- it is the guide. It is what tells us what -- what is -- and what is and is not allowed on the -- on the conservation -- on the -- the area that's covered by the conservation easement. There will always be situations that come up that are unanticipated, and so we have to interpret those as best that we can.

Q. How does TLC interpret the easement when there's a situation that's come up that was unanticipated?

A. Uh-huh (yes). We look at what the facts are, what is -- what is either being done or proposed to be done and -- and, you know, we -- we

have to look at those, and then look at the conservation easement and see if that's something that is restricted or not restricted.

Q. Do you ever consider whether something's been done before or not?

A. We do.

Q. Okay. How does that factor into the decision-making process if an unanticipated activity occurs?

A. Uh-huh (yes). Well, if it's -- if it's been done before, oftentimes it -- it was in existence at the time the easement was created. But again, we have to look at what -- what the circumstances are as they -- as they arise and then interpret them as best we can.

Q. Is grading permitted under the easement?

A. In specific circumstances, I think it is.

Q. Okay.

A. Uh-huh (yes).

Q. Yeah. You're welcome to look ---

A. Yeah. I was going to say ---

Q. --- look for it if you want.

A. --- the -- the -- so grading is not specifically mentioned in the easement. So it -- for -- for us, what we would do, we'd look at, like,

A. Yes.
Q. Okay. And then look at the photo below it, photo point 12. You see the vehicle -- there's a vehicle on the bottom of that image ---
A. Yeah.
Q. --- and it's driving?
A. Yes.
Q. Is that an existing road?
A. That is not an existing road.
Q. Okay. Why is it not an existing road?
A. Well, there's -- there -- it -- it's -- it's a -- it's what I would call a farm track. It's not well-defined. There's no, you know, there's no gravel. There is, you know, it -- it's a place I suggest that they regularly drive, but that it's not a road.
Q. Okay. So in -- in -- what makes some -- what's the difference between those two? Why is that not a road and that is a road?
A. Well, gravel for one, in -- in this instance, gravel ---
Q. Okay.
A. --- is -- is -- is -- is the biggest, highest, easy thing to define. There's been some grading that's done to make it -- so it drains a

little bit better. This -- the -- the one below is along the edge of a field ---

Q. Right.

A. --- on a neighboring property, and that's what they use to drive around the field.

Q. This one, photo point 12 is across the street there, isn't it?

A. It is. It's the way that you go to get to the -- the only place to cross the creek.

Q. Oh, I see. Uh-huh (yes). On photo point 13, the next page, there's four images on that page. The bottom right, it says, "Facing south-southwest." Is that a road?

A. Well, you know, it probably not. And -- and I would say that it's not because there is no improvement to the surface. It is, you know, a farm track.

Q. Okay. So what's the difference between a farm track that's obviously driven over ---

A. Uh-huh (yes).

Q. --- and a road?

A. Uh-huh (yes). Usually you've done improvements to the -- the surface to make it so you don't have as much, you know, degradation of the -- of the track.

Q. Okay.
A. What number is it?
Q. 115.
Okay. And at the time of this visit, there's been one NOV, right?
A. Yes.
Q. For the road that you talked about ---
A. Yes. Yes. Yes.
Q. --- you called it 60 feet wide.
A. Yeah.
Q. Yeah, that one.
A. Yes. Yes.
Q. Okay. Do you know what the other two roads are, right? You just testified about them.
A. Yes.
Q. Right? Look at the inspection map.
A. Uh-huh (yes).
Q. Okay. Is the road that's the subject of NOV 2 in that image?
A. It certainly looks like that portion of it is.
Q. Right.
A. Uh-huh (yes).
Q. So that road existed when you visited the site at this date, correct?

A. That portion of it did.
Q. Okay. Why didn't you consider it a violation then?
A. I don't know.
Q. Okay. Is the road that's the subject of NOV 3 in this image?
A. Yes. The road -- specifically the -- but, you know, it's not done yet. So starting essentially where it says number 2 and going ---
Q. Uh-huh (yes).
A. --- north, you know, you can see a little bit of the -- the road getting roughed in there. And I would say that, I think 3 is actually that section of it, not this other portion that was a -- a -- a track, was ---
Q. Right.
A. --- but yeah.
Q. Why didn't you consider road 3 that you can see on this map from the site visit in February 2024, why didn't you consider it a violation then?
A. I don't think it had gravel on it yet at that time. I think there was still -- we were still trying to figure out if that actually was a road or what it was.
Q. Okay. Well, you said ---

opining on whether there's a violation or not, and this road has been built clearly, and you've actually submitted a notice of violation ---

A. Uh-huh (yes).

Q. --- that was built before the other one ---

A. Yeah. So, yeah ---

Q. --- how would -- how would the landowner know? How would he know, though?

A. So what we were doing, we were talking, at that point, still talking about ways to resolve things. And we stayed over here where one and two -- where the photographs were taken. We didn't go on the backside. We didn't -- we -- this -- this was not a monitoring visit where you go -- typically on a monitoring visit, you -- you, you know, walk the perimeter of the property and you do, you know, you note everything about it.

In this case, and -- and you can see the way it's titled, follow up to the January '24 visit to -- to talk about -- walk the area where Mr. Bo wanted potential expansion --- and so we stayed to the -- to this side. And -- and I -- I don't remember seeing that -- that road there. We may have noticed it at the time because we did the, you

time.

Q. Can you understand the confusion that a TLC easement -- that a property owner subject to a TLC easement would have when everybody's been out there and walked a road that's existed and nine months later they get an NOV that says, oh, by the way, this is illegal?

A. I'm -- I'm pretty sure Greg knew he couldn't build roads.

Q. What's the -- what's -- what's your basis for that statement?

A. Because we went over the conservation easement with him and -- and, you know, even if you -- you know, it says you cannot build new roads. And we told him on more than one occasion, you can't build more roads. We did.

Q. But if it says gravel's permeable, right?

A. Uh-huh (yes).

THE COURT REPORTER: Is that a yes?

THE WITNESS: Yes.

Q. (Mr. Slater) Okay. You've said grading is okay, right? If it's for agricultural purposes?

A. Uh-huh (yes). Yes.

Q. So grading for agricultural purposes and gravel are both okay. And TLC is on July 18, 2024,

conducting a site visit and standing on the piece of dirt that they claim is a new road at the very moment that they're saying no violation, right?

A. Yes.

Q. None other than the two that have already been identified?

A. Yes.

Q. Yeah. How would Greg know then? He said he knows he can't do that.

A. He knows he can't build roads. He -- he knows that he can do agricultural grading.

Q. Right?

A. Uh-huh (yes).

Q. So agricultural grading's allowed.

A. Uh-huh (yes).

Q. And -- and -- permeable -- gravel is a permeable surface. Gravel is...

A. Gravel's a permeable surface.

Q. Right. It says so in the easement. We looked at that earlier.

A. Uh-huh (yes).

Q. Again, I'm -- I'm -- I'm just asking you as TLC's 30 (b)(6) designee, particularly on this road three issue ---

A. Uh-huh (yes). Yeah.

Q. Yeah, that part. Yeah.
A. Uh-huh (yes). And then if you're going to do commercial timber harvesting, you have to do it with a plan from the forest service.
Q. Yeah. So there may be conditions, right?
A. There may be conditions under which one can cut trees on -- on Maple View Farm.
Q. There are some -- there are some prerequisites, right?
A. Correct.
Q. But you can pretty clearly harvest timber on this property, correct?
A. Absolutely. Yep.
Q. Okay. So the egregious violation of cutting the trees, and -- and do you agree that is -- do you know what I refer to when I say, SR? Let's look at that.
A. SR 3.
Q. Yeah. On the easement, it's the last page.
A. Yeah.
Q. That drawing we've all stared at for so long. And it's SR 3.
A. Yeah.
Q. All right. You agree that SR 3 is where

NOV 1 ---

A. Yes.

Q. --- exists?

A. Yeah. Yes.

Q. And in fact, that's where a single-family home can go, right?

A. Absolutely.

Q. Okay. Number 6, timber harvesting. Trees may be cut for domestic uses, including construction of permitted buildings and fences on the property. So if a home is to be built on that property, then that timber could be cleared, correct?

A. Yep.

Q. Okay. So tree clearing is not banned by the easement, but your -- but TLC's view is that tree clearing for new road construction that you say is not allowed under number 8, that that's -- yeah.

A. Yeah.

Q. So it's -- it's effectively -- the violation is the alleged new road construction, not the tree clearing, right?

A. Oh, yes. Exactly.

Q. Okay.

A. Although -- well, I -- I'd have to read the notice of violation to see if we talked about

easement?

A. The Ag Center -- the Nutters contacted us to ask for permission to build an Ag Center in the site of SR 1 -- SR 1. And I was at TLC when that happened. I was not involved in the decision-making process about whether to allow that or not. Our executive director at the time determined that the impact on the conservation values would be the same if you built an Ag Center as if you built a -- a residence in that space. And so he wrote a letter allowing them to build the Ag Center instead of a residence.

Q. Okay. Have you produced that letter in this case, TLC?

A. I -- I don't think so.

Q. Yeah. Can -- can -- can we get that letter, Catherine?

A. Yeah.

MS. HILL: Yeah. You can send us a request for it and we'll respond back.

THE WITNESS: And I -- I ---

MS. HILL: I -- I don't ---

MR. SLATER: Yeah.

THE WITNESS: No. So what I was going to say, I ---

for the -- the right to build a new road.

MS. HILL: I just want to -- you can answer that, but I just want to object for the record about relevancy to the complaint, the claims.

A. Okay. We didn't amend the easement. We did an interpretation of it and at the same time that we allowed the Ag Center, the Nutters agreed to not build a residence in SR 1.

Q. (Mr. Slater) Okay. Who agreed not to build a residence there? Was it Mr. Nutter?

A. Mr. Nutter. Yeah.

Q. Is that written anywhere?

A. In the letter.

Q. That Mr. Brice wrote?

A. Yes.

Q. Okay. You mentioned that the road was okay because it was reasonable access. Is that what you said?

A. Yes.

Q. So are new roads permissible if they provide reasonable access to -- to the location of a new building or -- or what? Reasonable access to what?

A. Yeah. Well, and -- and what I think, geez, having to -- having to think what Kevin was

thinking at the time, the -- the -- the Ag Center was going to, you know, they were going to use it with relation to things that were happening on the rest of the farm, and so they needed to, you know, they had -- they had a little bit of livestock down here next to it ---

Q. Uh-huh (yes).

A. --- and they -- they used it. I mean, they used it as a -- as part of the farm.

Q. Yeah. You're not going to get any argument from me on that, Beau. I mean, I think a gravel driveway on a multi-acre farm is -- I grew up on a sod farm. I mean, I like gravel. I scrape gravel.

A. Uh-huh (yes).

Q. Like, I don't think it's egregious. I think that's the point I'm trying to make. And it, you know, the TLC's characterization of Greg's behavior was that it was so extreme and outlandish, and we have all these easements and no one's ever acted the way he's acted. And I want to make sure I understand that I know what -- exactly what behavior TLC is referring to in that, because it looks like, to me, in these images, that the prior owner did the exact same thing.