

DECLARATION OF ARCHAEOLOGICAL PRESERVATION COVENANT

This Declaration of Preservation Covenant is made this 9th day of November 2006, by GLOUCESTER NEW COMMUNITIES COMPANY, INC., c/o W. R. Grace & Co., 7500 Grace Drive, Columbia, Maryland 21044.

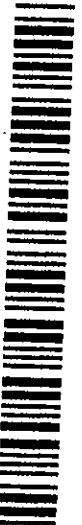
In consideration of the conveyance of the portion of Block 4, Lot 3, Woolwich Township, Gloucester County that contains the Mews Area G site (28GL382) and associated significant archaeological deposits (0.17 acre), Gloucester New Communities Company, Inc. covenants for itself and its successors in perpetuity, this covenant against disturbance of archaeological remains within the boundaries of the property. In the event that the property is sold, conveyed, transferred, or otherwise disposed of, this covenant shall be inserted by the conveyor verbatim or by express reference in any deed or other legal instrument of conveyance by which the property is transferred.

1. The 0.17-acre portion of the Block 4, Lot 3 property (as described on Exhibit A attached hereto and shown on the plan attached as Exhibit B hereto) is restricted in perpetuity against ground disturbance without the express prior written permission of the New Jersey State Historic Preservation Officer secured through consultation with the New Jersey Historic Preservation Office, Department of Environmental Protection, PO Box 404, Trenton NJ 08625-0404. This restriction specifically prohibits without express prior written permission:

- a. removal, excavation, grading, or other disturbance of the soil;
- b. dumping or filling with any materials;
- c. erection of structures, either permanent or temporary;
- d. placement of pavements;
- e. destruction of plant life which would significantly alter the existing pattern of vegetation or contribute to site disturbance or erosion;
- f. any activity which would involve substantial alteration of the property such as burning or the application of herbicides; and
- g. vehicular movement or other activities which could result in ground compaction or disturbance of any buried Native American archaeological deposits.

2. Prior consultation and permission from the Historic Preservation Office is not required for normal property maintenance or pedestrian use, provided that the activities do not result in disturbance of, or alteration to, the existing characteristics of the soil or buried archaeological deposits that may be present. Normal property maintenance includes:

- a. existing farming operations;
- b. mowing of existing lawn or field areas;
- c. pruning of trees and shrubs;



- d. selective cutting of trees when not accompanied by the stump removal below the ground surface, and provided that erosion or ground disturbance does not result from the cutting;
- e. introduction of native plant species when this introduction would not result in ground disturbance; and
- f. maintenance of existing artificial features which would not result in ground disturbance.

3. In order to determine if a particular activity would require prior review and approval by the Historic Preservation Office, a letter of clarification may be requested from the Historic Preservation Office or any successor agency. Upon submission of adequate project or activity information, the Historic Preservation Office will make a determination within 30 days of receipt of the information. Projects and activities will be reviewed for their potential to impact archaeological remains that may be eligible for listing in the National Register of Historic Places;

- a. If it appears as the result of the review that degradation or destruction of archaeological resources may result from the project or activity, and it is not feasible and prudent to shift the project or activity location to an area which would not result in degradation or destruction, then the Historic Preservation Office may require archaeological survey or other historic preservation activities prior to implementation of the undertaking in an effort to identify archaeological resources in the area of the proposed project or activity and, if such resources are present, to assess their eligibility for listing in the National Register of Historic Places, and if eligible, to suggest measures for avoiding, minimizing, and/or mitigating adverse effects to them; and
- b. All archaeological survey and data recovery that may be required shall be conducted by an archaeologist meeting the National Park Service's Professional Qualifications Standards for Archaeology, contained in 36 CFR 61, and shall be in keeping with the "Guidelines for the Preparation of Cultural Resources Management Archaeological Reports Submitted to the Historic Preservation Office," and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

4. Should one or more human burials be discovered on the property, the New Jersey State Archaeologist should be contacted immediately at the New Jersey State Museum. The State Archaeologist will contact Native American representatives as appropriate.

5. Representatives of the Historic Preservation Office shall be permitted at all reasonable times to inspect the property in order to ascertain if the restrictions, stipulations, and conditions of this covenant are being observed.

6. This restriction should not be construed as preventing the undertaking of scientifically valid research on the property by an archaeologist meeting the National Park Service's Professional Qualifications Standards provided that:

- a. any such research is authorized by the written consent of Summit Ventures, LLC, or other owner of the property, said property including all archaeological deposits that may be present and their entire artifact contents;
- b. research designs for proposed archaeological investigations are reviewed and approved by the Historic Preservation Office;
- c. prospective researchers demonstrate the capability in personnel and facilities to carry the work to completion in a reasonable time period; and
- d. prospective researchers provide evidence to Summit Ventures, L.L.C., or other owners proof of General Liability Insurance in an amount generally acceptable to the owner; and
- e. professional reports of the work are prepared for review and approval by the Historic Preservation Office which meet Historic Preservation Office survey and report guidelines and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

7. Prior to construction, the Mews Area G site (28GL382) shall be protected from development impacts by the placement of substantial fencing around the site placed in a manner that minimizes subsurface disturbance.

IN WITNESS WHEREOF, the Declarant has hereunto set hand and seal, this 9th day of November, 2006.

GLOUCESTER NEW COMMUNITIES
COMPANY, INC.

By: W B McGowan
W. Brian McGowan, President

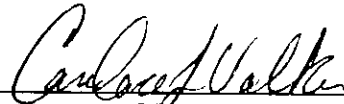
STATE OF MARYLAND:

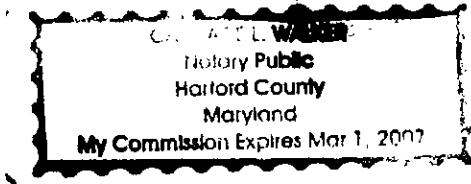
: SS.

COUNTY OF HOWARD:

I CERTIFY that on November 9, 2006, before me, the undersigned authority, personally appeared W. Brian McGowan, the President of Gloucester New Communities Company, Inc., a New Jersey corporation (the "Corporation"), who acknowledged under oath to my satisfaction that he personally signed and delivered the foregoing instrument, that he was duly authorized to execute the foregoing instrument on behalf of the Corporation,

and that he as such authorized officer executed the foregoing instrument as the voluntary act of the Corporation.


(Notary Public)



RECORD AND RETURN TO:

Attn: P.G. Wood
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
PLAZA 1000, SUITE 500
MAIN STREET
VOORHEES, NJ 08043-4636



consulting engineer services
Engineers, Planners, and Land Surveyors

James M. Colangelo, Jr., PE, PP, CME
Chief Executive Officer

Henry J. Haley, PE, PP, CME
President

Norman K. Rodgers, III, PE, PLS, CME
Vice President

Joseph T. Brickley, PE, CME
Vice President

Margaret Kulik, PLS
Associate

September 19, 2006

LEGAL DESCRIPTION
MEWS AREA G SITE
NJDEP HPO SITE 28-GL-382
OVER LOT 3, BLOCK 4

LANDS SITUATE

WOOLWICH TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY

Beginning at a point in the division line of Lots 2 & 3, Block 4, said point being located the following course from the Southeasterly right-of-way line of Auburn Road, county Route 551 (variable width), and extending; Thence

- a) Along the division line common to Lots 2 & 3, Block 4, South 39 Degrees 07 Minutes 56 Seconds East, a distance of 377.03 feet, to the point of beginning, and extending from said point of beginning; Thence
- 1) Along the division line common to Lots 2 & 3, Block 4, South 39 Degrees 07 Minutes 56 Seconds East, a distance of 143.21 feet, to a point; Thence
 - 2) Traversing within the bounds of Lot 3, Block 4, along a curve curving to the right having a radius of 80.20 feet, with a central angle of 63 Degrees 33 Minutes 13 Seconds, and an arc length of 88.96 feet, (Chord N 84° 01' 14" W, 84.47'), to a point of compound curve; Thence
 - 3) Continuing within said bounds, along a curve curving to the right having a radius of 114.85 feet, with a central angle of 24 Degrees 11 Minutes 02 Seconds, and an arc length of 48.48 feet, (Chord N 40° 20' 26" W, 48.12'), to a point of compound curve; Thence
 - 4) Continuing within said bounds, along a curve curving to the right having a radius of 47.89 feet, with a central angle of 94 Degrees 08 Minutes 08 Seconds, and an arc length of 78.69 feet, (Chord N 20° 41' 35" E, 70.13'), to the point and place of beginning.

Hereinabove described High Hill road site, NJDEP HPO site 28-GL-382, over Lot 3, Block 4, containing 7, 255 S.F. or 0.17 Ac.±, is graphically shown on the plan entitled: SITE LOCATION PLAN, NJDEP HPO SITES 28-GL-381 & 28-GL-382, as was prepared by Consulting Engineer Services, dated 09/19/06. CES Job # 1906-15. File # 1906-15-SITE LOCATION.dwg.

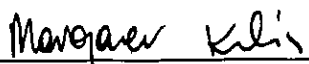

MARGARET KULIK
Professional Land Surveyor
New Jersey License No. 38943

EXHIBIT A

150 Delsea Drive, Suite 1, Sewell, NJ 08080
856-228-2200 Fax 856-232-2346 design@ces-1.com www.ces-1.com
NJ Certificate of Authorization #GA276725

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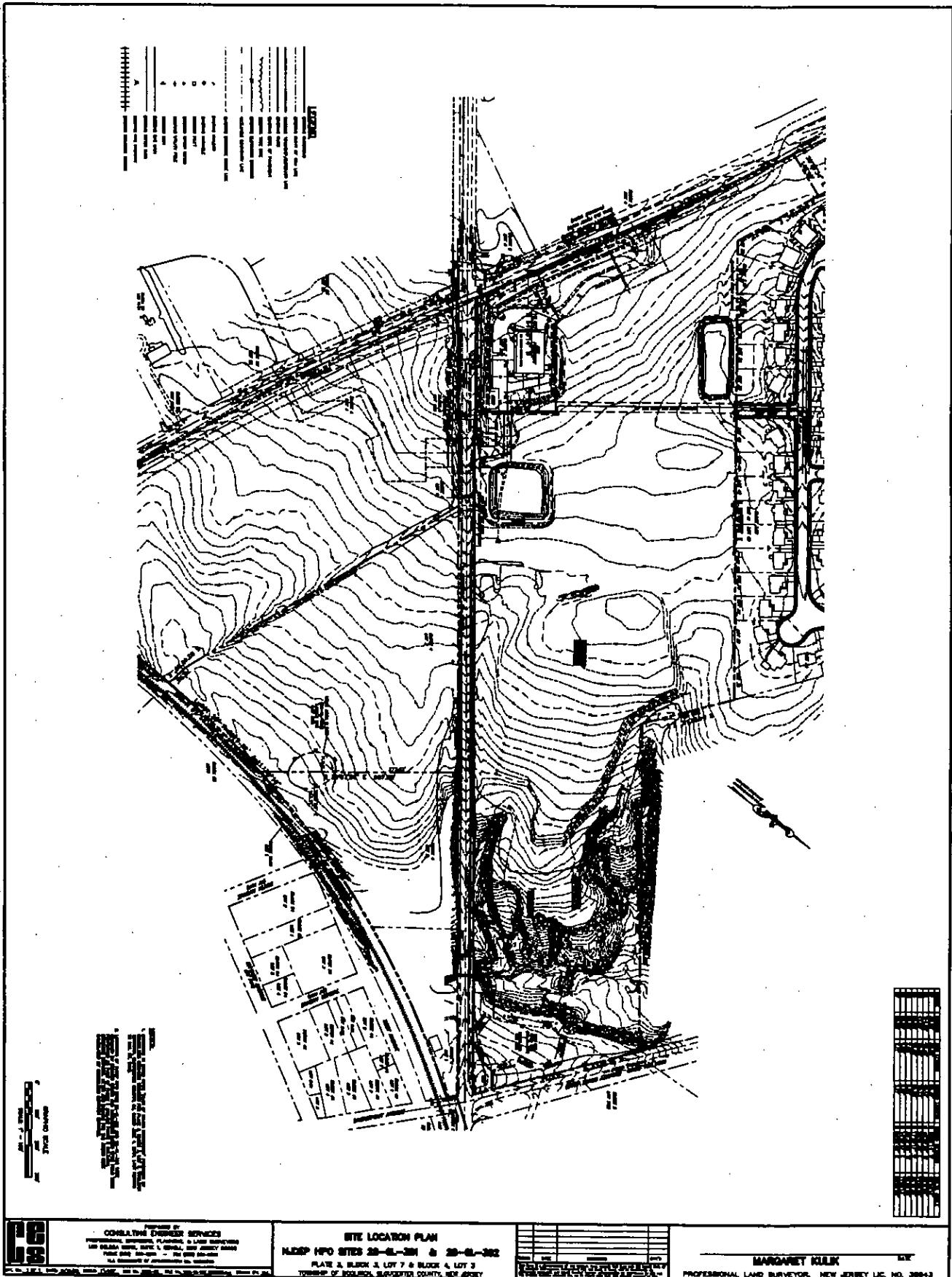


EXHIBIT B