



**Agenda for the Planning and Zoning Board Regular Meeting
Tuesday, January 6, 2026, at 5:30 PM
Council Chambers at City Hall 101 West Gold Street Kings Mountain, NC 28086**

1. Call to Order and Determination of a Quorum – Chairman Ron Humphries
2. Invocation
3. Pledge of Allegiance
4. Adoption of the Proposed Agenda
5. Adoption of the December 2, 2025 Regular Meeting Minutes
6. Election for 2026 Officers
 - A. Elect new Chairperson
 - B. Elect new Vice-Chairperson
 - C. Confirm Secretary-Madeline Grigg
7. New Business
 - A. Planning and Zoning Board Discussion
 - B. Case Z-25-14 Consider an Amendment to the City of Kings Mountain Zoning Map Changing Parcel 49416 from Suburban Residential (SR) to Light Industrial (LI).
 - C. Case Z-25-15 Consider an Amendment to the City of Kings Mountain Zoning Map Changing Parcels 10007 and 64645 from Auto-Urban Commercial (AU) to Mixed Use (MU).
 - D. Mineral Extraction District Discussion
8. Motion to Adjourn

Oath of Office for New 2026 Planning and Zoning Board Member, Sean Hickman, administered prior to the beginning of the meeting



PLANNING AND ZONING BOARD MEETING OF DECEMBER 2, 2025 *minutes*

Acting Chairman Chris Jolly called the meeting to order at approximately 5:30 pm and Keith Bradley led the invocation. Chris Jolly led the Pledge of Allegiance and welcomed the participants in today's meeting. The Planning and Zoning Board members who were present included: Edy Bergstrom, Chris Jolly, Shaun Grier, Keith Bradley, and Adrienne Woods. Chairman Ron Humphries and Vice-Chairman James Holmes were absent due to family matters.

Chris Jolly entertained a motion to approve the Agenda for tonight's meeting. Edy Bergstrom made a motion to approve the adoption of the Agenda, Keith Bradley seconded the motion and it passed unanimously.

Chris Jolly entertained a motion to approve the minutes from the August 5, 2025 meeting. Adrienne Woods made a motion to approve the adoption of the minutes, Shaun Grier seconded the motion, and it passed unanimously.

Case Z-25-13 Consider an Amendment to the City of Kings Mountain Zoning Map Changing Parcel 7884 from Suburban Commercial (SC) to Semi-Urban Residential (SU).

Chris Jolly introduced the case and asked for a staff report. Henry Earle, Planning Director, presented this case advising the board that the current zoning district, Suburban Commercial (SC), permits office and limited retail uses that serve the daily needs of nearby residents. He explained that the requested zoning district, Semi-Urban Residential (SU), permits multi and single-family residential uses on smaller lots while acting as a transitional zone between SR and commercial districts. After discussion of the area and reviewing maps, Henry advised that staff supports the rezoning requests of this parcel due to the elimination of a spot zone, compatibility with surrounding uses, and being consistent with the Future Land Use (FLU) map.

The Board discussed the existing building being vacant, the property might be a tough sell as residential property, that the building had previously been upfitted for a salon and had parking in the rear of the building. The question was asked about changing the zoning back to commercial and staff advised that yes, the property could be rezoned in the future, but staff would probably not support the change back to Suburban Commercial (SC) since the surrounding properties are Semi-Urban Residential (SU). After discussion, the Chair called for a motion.

Keith Bradley made a motion to recommend approval of the rezoning request for 104 Dilling Street, parcel 7884, from zoning district Suburban Commercial (SC) to Semi-Urban Residential (SU) as the change is reasonable and consistent with the Future Land Use (FLU) map. Adrienne Woods seconded the motion and the vote was unanimous.

2026 Meeting Schedule

Chris Jolly introduced the next item, the 2026 Meeting Schedule. Henry Earle advised that the board had copies of the proposed schedule in front of them and noted that the meetings would continue on the first Tuesday of each month except for September due to the Labor Day holiday and November due to Election Day. Those meetings would be on the first Thursday of the month. Chris Jolly called for a motion.

Edy Bergstrom made a motion to adopt the 2026 Schedule as presented, Shaun Grier seconded and the vote was unanimous.

At this time, Henry Earle called the board's attention to a small gift for them from staff and recognized their dedication and hard work. He also noted that Chris Jolly was rotating off the board, expressed his appreciation for the six years he served, and presented Chris with a small gift for his service. Then, Henry reminded the board that at the January meeting, they would need to elect a new Chair and Vice-Chair. Ron Humphries would not be able to be re-elected as he has currently served two terms as the Chairman. Chris thanked staff for the gifts and the big task of getting the board prepared for meetings and hearing cases. He advised that he was honored to serve and enjoyed his time with the board.

With no other matters to discuss, Chris Jolly entertained a motion to adjourn.

Shaun made a motion to adjourn, Adrienne Woods seconded and the vote was unanimous.

Chairperson

Madeline Grigg, Secretary



KINGS MOUNTAIN
— NORTH CAROLINA —

**RULES OF PROCEDURE
CITY OF KINGS MOUNTAIN
PLANNING BOARD
AS AMENDED
November 7, 2024**

ARTICLE I: PLANNING BOARD

- 1-1 The official name of the Planning Board shall be the City of Kings Mountain Planning Board, hereafter referred to as the Planning Board.

ARTICLE II: OBJECTIVE AND PURPOSE

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing cooperative planning program to benefit the people of the City of Kings Mountain.
- 2-2 The purposes of the Planning Board are:
- (a) Make studies of the area within its jurisdiction and surrounding areas;
 - (b) Determine objectives to be sought in the development of the study area;
 - (c) Prepare and adopt plans for achieving these objectives;
 - (d) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - (e) Advise the council concerning the use and amendment of means for carrying out plans;
 - (f) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct and;
 - (g) Perform any other related duties that the council may direct.

ARTICLE III: MEMBERSHIP

- 3-1 The board shall consist of nine (9) members with six (6) of said members being

residents of the City of Kings Mountain, two (2) of said members being a resident of the extraterritorial area lying in Cleveland County and one (1) a resident of the extraterritorial area lying in Gaston County.

- 3-2 The six (6) members residing within the City shall be appointed by the City Council to serve three (3) year staggered terms. The City Council shall initially designate terms of one year for three members, two years for three members, and three years for one member in order to provide staggered terms. Thereafter, all members shall serve three-year terms unless removed by a majority vote of the City Council.
- 3-3 The extraterritorial members shall be appointed for three (3) year terms, with one member being appointed by the Board of Commissioners for Gaston County, and two members being appointed by the Board of Commissioners for Cleveland County in accordance with Section 160A-362 of the North Carolina General Statutes. The extraterritorial members shall sit as voting members concerning all matters within both the extraterritorial jurisdiction and the corporate limits of the City. City Council may recommend candidates to the County Commissioners for the extraterritorial members.
- 3-4 Vacancies of City members occurring for reasons other than expiration of terms shall be filled by appointment of the City Council for the period of the unexpired term. Vacancies of extraterritorial members occurring for reasons other than expiration of terms shall be filled by appointment of the Board of County Commissioners having jurisdiction over the extraterritorial area represented.

ARTICLE IV: ELECTIONS OF OFFICERS

- 4-1 The Board shall elect each year, at the first meeting of each calendar, a Chairman, Vice-Chairman, and other officers deemed necessary. The term of the Chairman and other officers shall be one year. The Board shall adopt by-laws and rules for transaction of business and shall keep record of its members' attendance, discussions, findings, and recommendations, which record shall be a public record.
- 4-2 The Board shall elect a Chairman and Vice-Chairman who shall serve for a one (1) year term and may be elected by the Board membership for one additional term of the same office, for a maximum of two (2) consecutive one-year terms.
- 4-3 The Chairman shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairman shall have the privilege of discussing all matters before the Planning Board.
- 4-4 In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the members present may elect a temporary Chairman for that meeting and proceed with the order of business.

ARTICLE V: MEETINGS

- 5-1 Regular meetings of the Planning Board shall be held on the first Tuesday of each month at 5:30 P.M. Each member shall be notified by electronic mail of each regular

meeting by the Planning Director.

- 5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours notice of time of such meeting shall be given to each member by the Planning Director.
- 5-3 A majority of seated members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-4 Unless otherwise stated herein, the Board shall operate according to Robert's Rules of Order. An acceptable version is Suggested Rules of Procedures for Small Local Government Boards by A. Fleming Bell, II. The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at the time.
- 5-5 All regular and special meetings of the Planning Board shall be open to the public. Public notice of all regular meetings shall be made by posting a Planning Board agenda in a conspicuous location accessible to the general public at City Hall at least five (5) days prior to the meeting. The notice shall remain posted until the meeting has been concluded. Notice of any special meeting shall be posted at least forty-eight (48) hours prior to that meeting in the same manner.
- 5-6 Members of the Planning Board shall not commit themselves on any questions scheduled to be considered by the Board prior to the consideration of the matter at a duly authorized meeting. No member of the Planning Board shall discuss any case with any parties thereto prior to the meeting at which that case is to be reviewed. Planning Board members may receive and/or seek information pertaining to the case from any other Planning Board member or City Staff/Consultants prior to said Planning Board meeting.
- 5-7 The Planning Director, or such other person as the Council may designate, shall keep record of the proceedings and attendance of members. The Board shall hold at least one (1) meeting monthly and all meetings shall comply with Chapter 143, Section 318 of the General Statutes of North Carolina having to do with open meetings. All meetings are deemed to be open meetings, and only those items of business meeting the statutory exemptions shall be discussed in executive session.

ARTICLE VI: ATTENDANCE

- 6-1 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. Attendance responsibilities include both attending a majority of the meetings and attending consecutive meetings.
- 6-2 Any member failing to attend at least sixty (60%) of all meetings of the Board in any calendar year or in a rolling twelve (12) month period, or who misses three consecutive regular meetings without valid reason, shall be subject to dismissal by the City Council (for City residents) and by the County Board of Commissioners (for ETJ residents).

6-3 All members shall attend all meetings; however any member may be excused from attendance of a meeting during the twelve month period for which attendance is counted due to illness, death of family members or other similar situations. The request must be made to the Chairman of the Planning and Zoning Board who will have sole discretion in the decision to excuse the member. Regardless, excused and unexcused absences are still counted as absences.

6-4 After a member has been recognized as part of the meeting quorum that member may be excused by the Planning and Zoning Board Members from participating in voting on specific items due to conflict of interest or prejudice. Members having left a meeting without being excused by the Planning and Zoning Board shall still be counted for the purpose of voting and the meeting record shall reflect such.

ARTICLE VII: ORDER OF BUSINESS

7-1 The order of business shall be as follows:

- (a) Roll Call and Determination of Quorum
- (b) Approval of Previous Minutes
- (c) Approval of Agenda
- (d) Old Business
- (e) New Business
- (f) Adjournment

7-2 Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall have been presented to the Planning Director at least fourteen (14) days prior to the regular meeting.

ARTICLE VIII: CONFLICT OF INTEREST

8-1 No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest. In applying this rule the following procedure shall govern:

- (a) A Board member who determines a conflict of interest exists shall declare the existence of a conflict and shall abstain himself, as a Planning Board member, from any deliberation or voting on the matter. Said member; however, may seat himself in the audience and shall be granted full privileges conferred upon other citizens in voicing his opinions or concerns regarding this matter.
- (b) A Board member who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Board. A majority vote of the remaining Board members shall determine whether or not a conflict of interest exists.

8-2 A challenge of the existence of a conflict of interest or a challenge of any undisclosed

conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for a review of the finding of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.

- 8-3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

ARTICLE IX: RECORDS

- 9-1 The Planning Board shall keep a record of its recommendations, transactions, findings and determinations. Said records shall be public and filed with the Secretary.

ARTICLE X: ACTION BY BOARD

- 10-1 All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present before a vote can be taken.
- 10-2 Voting shall be done by a show of hands. The chairman shall vote only in case of a tie and instances where there are only five (5) other unexcused voting members present. Only members present at the time a vote is taken shall be eligible to vote.
- 10-3 All members of the Planning Board must vote on all matters except as specified in Article VIII.

ARTICLE XI: ADOPTION AND AMENDMENT

- 11-1 These Rules of Procedure may be adopted by majority vote of the Planning Board membership.
- 11-2 The Rules and Procedures, within the limits set by law, may be amended by an affirmative vote of a majority of the membership present at a regular meeting.
- 11-3 Annually, at the regular meeting of the Planning Board held in the month of August, these Rules of Procedure shall be reviewed and proposals for updates and amendments be presented.

Adopted this 7th day of November, 2024

Ron Humphries, Chairman

Madeline Grigg, Secretary



STAFF REPORT

For the Kings Mountain Planning and Zoning Board Meeting on January 6th, 2026

DATE: December 29, 2025

CASE: Z-25-14

TO: Kings Mountain Planning and Zoning Board

FROM: Development Services

PREPARED BY: Jaylon M. Smallwood, Planner II

TITLE

Consider an Amendment to the City of Kings Mountain Zoning Map Changing Parcel 49416 from Suburban Residential (SR) to Light Industrial (LI)

PURPOSE:

To consider the applicant's request to change the zoning district on parcel 49416 located at 186 Gage Rd, from Suburban Residential (SR) to Light Industrial (LI).

BACKGROUND AND FINDINGS:

Parcel 49416 is a 78.3-acre tract, located at 186 Gage Rd. The current zoning district is Suburban Residential (SR), which permits single-family detached residential development alongside civic and institutional uses. The requested zoning district is Light Industrial (LI), which permits light industrial uses located away from residential areas that may include fabrication and assembly that do not meet the standard of heavy industry and warehousing with both indoor and outdoor storage.

The parcel is bound by Interstate 85 to the northwest and Galilee Church Road to the southwest. Kings Mountain Energy Center (Carolina Power Partnership) is on the property to the southwest and to the northeast is property owned by Albemarle. According to the Future Land Use (FLU) map, parcel 49416 is split between Future Auto Urban and Future Suburban. Future Auto Urban aligns with the requested use of LI. If rezoned, the FLU would be amended to reflect the whole parcel as Future Auto Urban.

FINANCIAL IMPACTS:

This rezoning would allow for increased development of the site and allow for additional commercial tax revenue for the city.

RECOMMENDATION:

Development Services staff support the rezoning request because it aligns with existing industrial parcels to the southwest and northeast, and corresponds with the Future Land Use (FLU) map designation of Future Auto Urban.

ALTERNATIVES:

The Planning and Zoning Board can recommend denial of the requested rezoning map amendment as proposed by staff.

ATTACHMENTS:

- 1.) Z-25-13 Aerial Map
- 2.) Z-25-13 Current Zoning Map
- 3.) Z-25-13 Proposed Zoning Map
- 4.) Z-25-13 Future Land Use Map

Department Head Signature: Henry Earle

Record No:
Z-25-14

Application for
Rezoning or Text
Amendment

Status: Active

Submitted On:
12/5/2025

Primary Location

166 Gage Rd
Kings Mountain, NC
28086

Owner

HB2K LLC
Gage Rd 166 Kings
Mountain, NC
28086-1534

Applicant

 Tommy Register
 919-815-1417
 tregister@tgsengineers.com
 201 W. Marion St.
Suite 200
Shelby, NC 28150

General Information

Type of Application* 

Rezoning

Is the Applicant the property owner?*

yes

Applicant's comments

The applicant requests that approximately 70–80 acres currently zoned **Suburban Residential (SR)** be rezoned to **Light Industrial (LI)** to allow development of an AI Data Center Campus (approximately 500,000+/- square feet of data center buildings and associated infrastructure, with an ultimate electrical capacity of up to 150 megawatts).

The existing SR designation is out of step with the site's actual context. The property is **surrounded on multiple sides by Light Industrial (LI) and Heavy Industrial (HI) zoning districts and fronts directly on Interstate 85**, in an area that is functionally part of the City's industrial/employment corridor rather than a low-density residential neighborhood. Rezoning to LI will **extend and regularize the existing industrial corridor** and is consistent with prior map amendments where SR parcels were rezoned to LI to better match surrounding conditions and support employment uses.

Rezoning

Company/Corporate Name 

HB2K LLC

Acreage* 

78.3

Current Zoning* 

Suburban Residential (SR)

Proposed Zoning* 

Light Industrial (LI)

Are you rezoning an entire parcel(s)?* 

Parcel Number(s)*

Yes

49416

Current Use* 

Zoned SR, the site is currently unoccupied.

I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a rezoning permit. Any information given that is incorrect will cause this application to become null and void. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. *

 Tommy Register

Dec 5, 2025

BK 1946 PG 1275 - 1276 (2) DOC# 200113745
This Document eRecorded: 05/14/2025 09:07:55 AM
Fee: \$26.00 Tax: \$0.00
Cleveland County, North Carolina
Betsy S. Harnage, Register of Deeds

Prepared by & return to: Terry L. Pack

NORTH CAROLINA

CLEVELAND COUNTY

THIS INSTRUMENT OF COMBINATION, made this the 7th day of May, 2025, by HB2K, LLC, whose address is 401 Ryland Street, Suite 200-A, Reno, Nevada 89502.

THAT WHEREAS, the maker of this Instrument of Combination own Cleveland County Tax Parcels # 12876, 49416, 97104, 62394, 63295, 12877 & 67668; and being described as follows:

Being the full contents of that 78.300-acre tract as shown on that plat recorded in Plat Book 50, Page 145 of the Cleveland County Registry and reference is hereby made to said plat for a full description as if fully set out herein.

WHEREAS, said owner wishes to combine the above mentioned lots into a single tract of land which is described by one description for the purpose of complying with all applicable provisions of the Cleveland County Zoning and Subdivision Ordinance;

WHEREAS, this is a limited special purpose instrument for the purposes specified above and is not a conveyance and it does not change or modify in any manner the ownership interests in the above-referenced property; and,

WHEREAS, upon execution and recordation of this Instrument of Combination, the above-referenced properties are hereby combined.

IN WITNESS WHEREOF, the makers have hereunto set his hand and seal, the day and year first above written.

INTERNET

HB2K, LLC

By [Signature] (SEAL)

STATE OF Florida

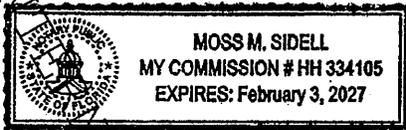
COUNTY OF Palm Beach

I, Moss M. Sidell, Notary Public of said County and State, do hereby certify that John G. Rizzo Manager of HB2K, LLC appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 7th day of May, 2025.

[Signature]
Notary Public

My commission expires:



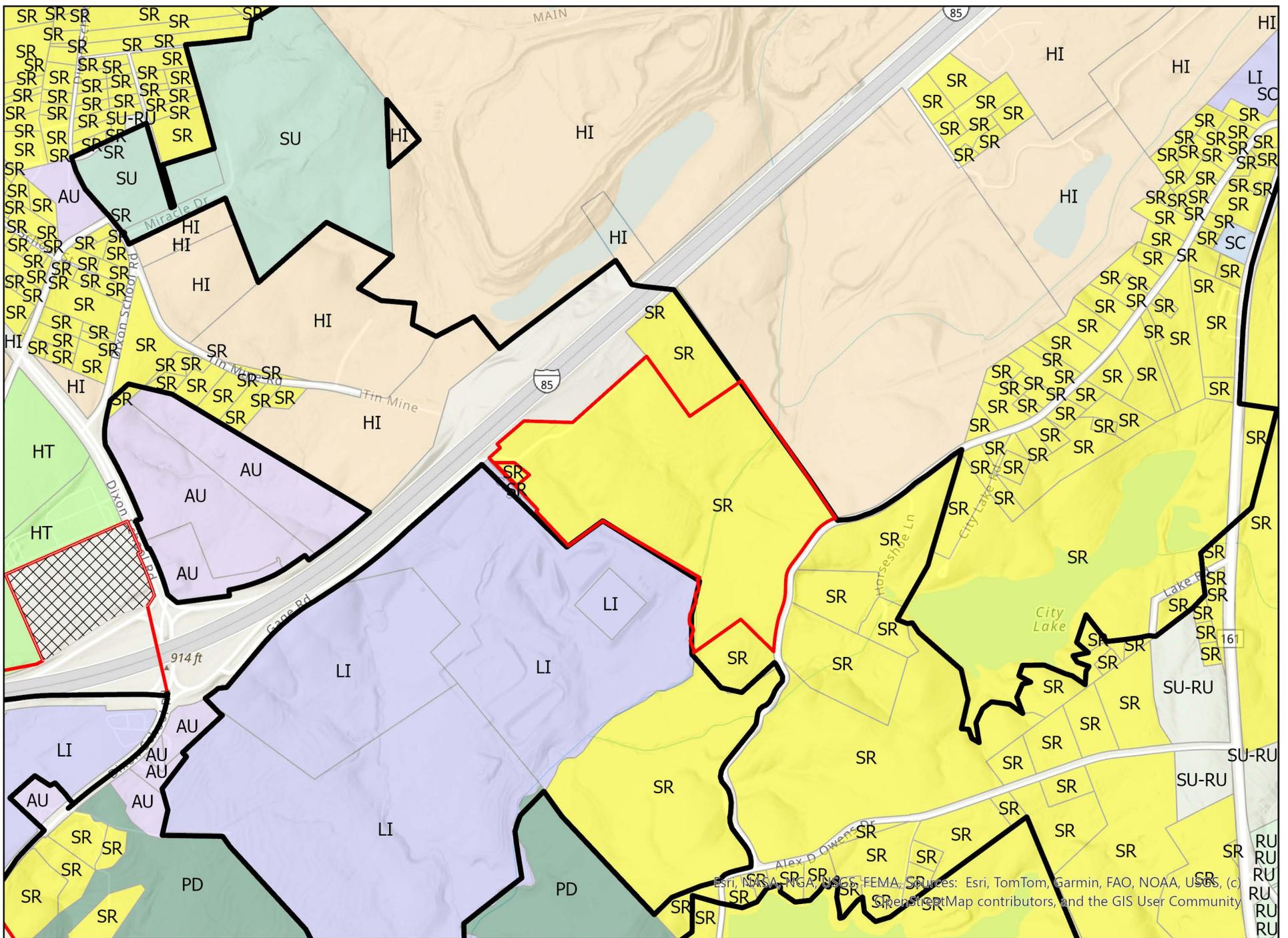
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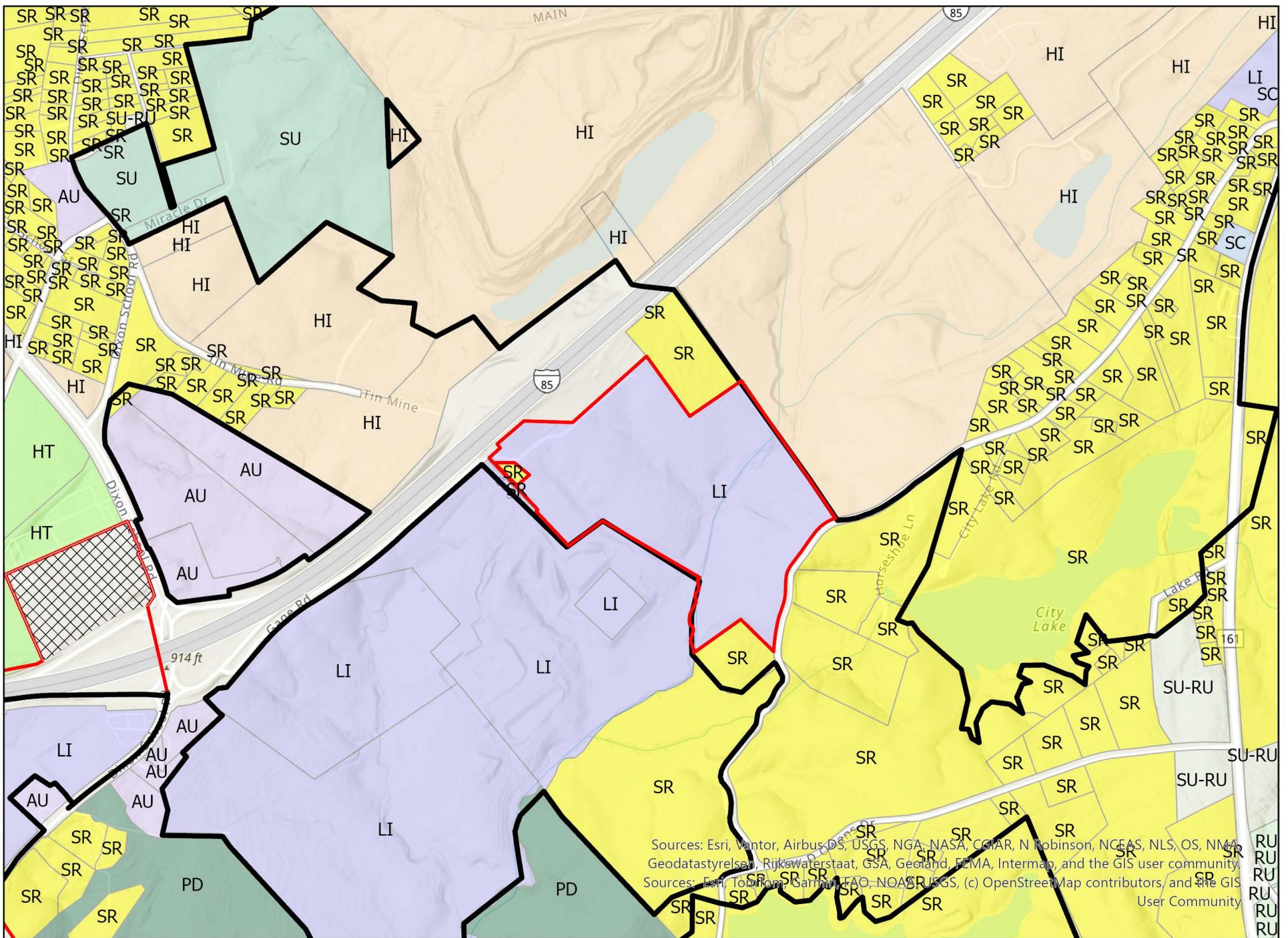


NC CGIA, Vantor

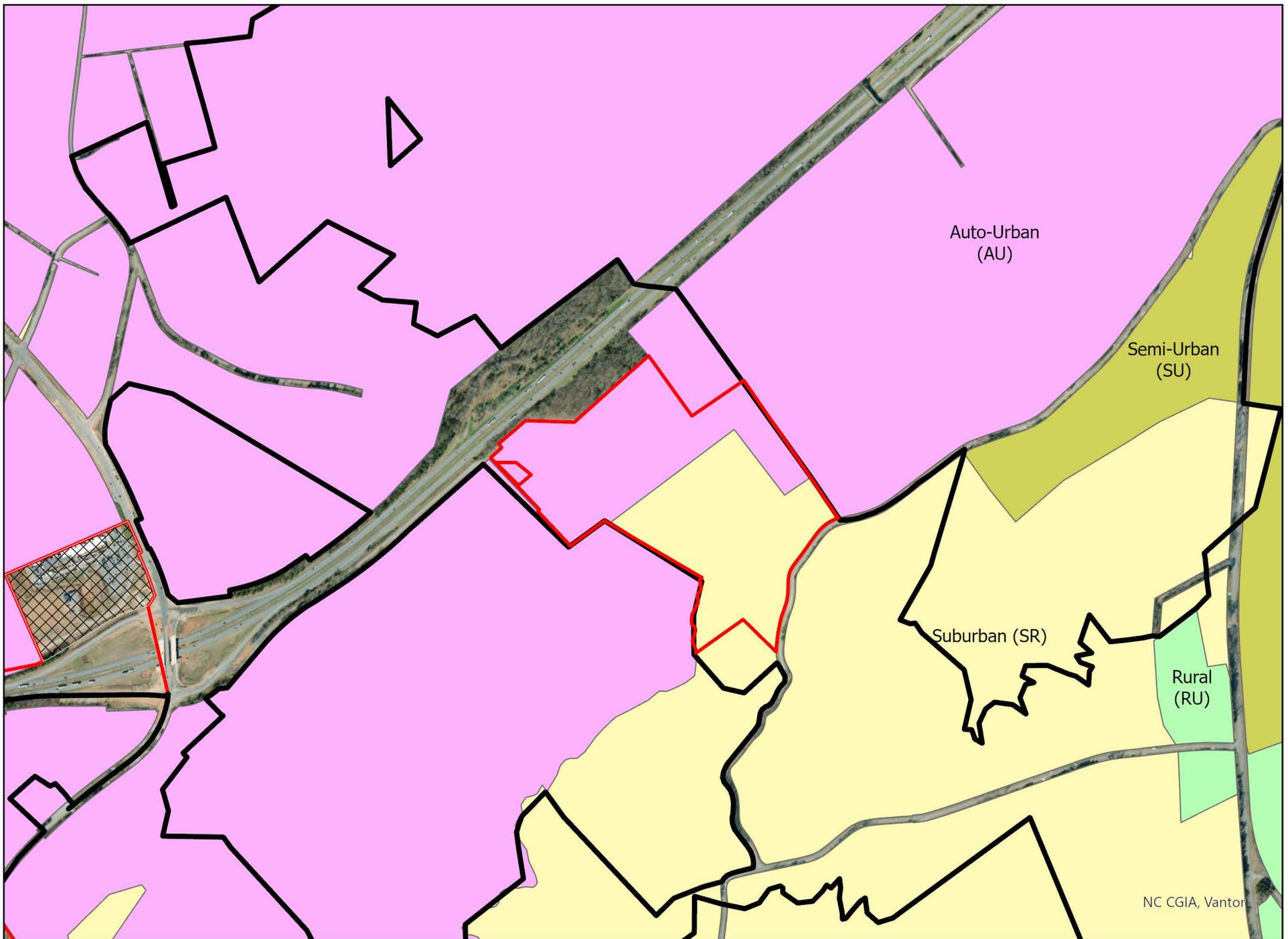
Z-25-14 Aerial Map



Z-25-14 Current Zoning Map



Z-25-14 Proposed Zoning Map



Z-25-14 Future Land Use Map



STAFF REPORT

For the Kings Mountain Planning and Zoning Board Meeting on January 6th, 2026

DATE: December 29, 2025

CASE: Z-25-15

TO: Kings Mountain Planning and Zoning Board

FROM: Development Services

PREPARED BY: Jaylon M. Smallwood, Planner II

TITLE

Consider an Amendment to the City of Kings Mountain Zoning Map Changing Parcels 10007 and 62645 from Auto Urban Commercial (AU) to Mixed Use (MU)

PURPOSE:

To consider the applicant's request to change the zoning district on parcels 10007 and 62645 located at 1000 W Gold Street Ext, from Auto Urban Commercial (AU) to Mixed Use (MU).

BACKGROUND AND FINDINGS:

Parcels 10007 and 62645 form a 4.03-acre combined tract, located at 1000 W Gold Street Ext. The current zoning district is Auto Urban Commercial (AU), which permits a broad range of single-use and multi-tenant purposes, in addition to various entertainment, retail services, and office uses. The requested zoning district is Mixed Use (MU), which permits a combination of residential and/or retail/commercial and/or light industrial within a walkable area, with a required 10,000 gross sqft of commercial/retail for the first 100 units of residential, with an additional 5000 sqft for each successive 100 units of residential.

The combined parcels are bound by W Gold Street Ext to the north, Spring St to the west, an internal street for the neighboring business (Walmart) to the east, and an undeveloped right of way called Ironwood Pl to the south. Limited-service restaurants and retail store sit to the north of the property, with residential to the west and south. According to the Future Land Use (FLU) map, parcels 10007 and 62645 are designated as Future Auto Urban and align with the requested designation of Mixed Use (MU).

FINANCIAL IMPACTS:

This rezoning would enable increased development of the site and generate additional commercial and residential tax revenue for the city.

RECOMMENDATION:

Development Services staff support the rezoning request because it aligns with existing development to the north and east and corresponds with the Future Land Use (FLU) map designation of Future Auto Urban.

ALTERNATIVES:

The Planning and Zoning Board can recommend denial of the requested rezoning map amendment as proposed by staff.

ATTACHMENTS:

- 1.) Z-25-13 Aerial Map
- 2.) Z-25-13 Current Zoning Map
- 3.) Z-25-13 Proposed Zoning Map
- 4.) Z-25-13 Future Land Use Map

Department Head Signature: Henry Earle

**Record No: Z-
25-15**

Application for
Rezoning or Text
Amendment

Status: Active

Submitted On:
12/8/2025

Primary Location

1000 W GOLD ST EXT
KINGS MOUNTAIN, NC
28086

Owner

Caldwell Realty & IN
1839 Morganton Blvd
120 Rocky Mountain
Drive Lenoir, NC 28645

Applicant

 Vernon Baumrind
 704-643-6300
 vbaumrind@gmail.com
 6631 BUNKER HILL CIR
CHARLOTTE, NC 28210

General Information

Type of Application* 

Rezoning

Is the Applicant the property owner?*

no

Applicant's comments 

Applicant has property under contract. Property owner has agreed to support rezoning effort.

Owner Information

Name* 

Caldwell Realty

Address* 

1839 Morganton Blvd, Lenoir, NC
28645

Phone* 

919-818-7765 (Owner's agent)

Email

wblack@collettre.com

Rezoning

Company/Corporate Name 

Caldwell Realty & Investments

Acreage* 

3.69

Current Zoning* 

Auto-Urban Commercial (AU)

Proposed Zoning* 

Mixed Use (MU)

Are you rezoning an entire parcel(s)?* 

Yes

Parcel Number(s)*

10007, 62645 (vacant)

Current Use* 

Yamato Express Restaurant (Parcel 10007) Parcel 62624

I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a rezoning permit. Any information given that is incorrect will cause this application to become null and void. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. *

✓ Vernon E. Baumrind

Oct 23, 2025

FIRST AMENDMENT TO PURCHASE AND SALE CONTRACT

THIS FIRST AMENDMENT TO PURCHASE AND SALE CONTRACT (this "Amendment") is made effective as of December 2, 2025 ("Amendment Effective Date") by and between CALDWELL REALTY & INVESTMENT COMPANY, a North Carolina corporation ("Seller") and BVJ PROPERTIES, LLC, a North Carolina limited liability company ("Buyer", Seller and Buyer are each a "Party" and referred to collectively as the "Parties").

A. The Parties executed the Purchase and Sale Contract dated February 14, 2025 ("Contract") for the conveyance of approximately 4.044 acres in Cleveland County North Carolina, as more particularly described in the Contract.

B. The Parties seek to amend the Contract upon the terms and conditions contained herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements of the Parties, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. **Defined Terms.** Each capitalized term used, but not defined, herein has the meaning assigned to that term in the Contract.

2. **Closing Date.** The Closing Date is hereby extended to April 14, 2026.

3. **Purchase Price.** The Purchase Price is hereby reduced to \$375,000.00.

4. **Lease.** The following is added at the end of Section 5.3.3 of the Contract:

The provisions of this Section 5.3.3 shall not limit in any way the right of Seller to terminate the Lease and remove the tenant from the Property or obligate Seller to obtain Buyer's consent for such termination and removal.

5. **Conditions to Buyer's Obligations.** Section 6.4 is deleted in its entirety and replaced by the following:

6.4 Conditions to Buyer's Obligation. Buyer's obligation to close on the Property is subject to, unless waived or deemed waived pursuant to Section 5.1.2, (i) Seller's representations and warranties in Section 5.1.1 being true in all material respects at Closing; and (ii) the Lease having terminated and the tenant under the Lease having vacated the Property. If these conditions are not satisfied by Closing, then Buyer shall notify Seller and if Seller is not able to satisfy these conditions within 10 days following such notice, then Buyer may, on notice to Seller, either: (a) terminate this Contract, in which event all rights and obligations of Seller and Buyer under this Contract shall terminate (other than those that expressly survive termination of this Contract); except that if the unfulfilled condition is a result of Seller's default under this Contract, then, after the expiration of any applicable notice and cure period, Buyer may pursue any rights and remedies available to

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the Amendment Effective Date.

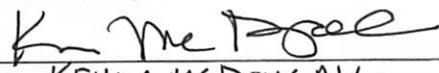
BUYER:

BVJ PROPERTIES, LLC,
a North Carolina limited liability company

By: 
Name: VERNON E. BAUMGARDNER
Title: Managing Partner BVJ Properties, LLC

SELLER:

CALDWELL REALTY & INVESTMENT COMPANY,
a North Carolina corporation

By: 
Name: KEVIN MCDUGALL
Title: VICE PRESIDENT

Buyer pursuant to Section 7.2; or (b) close the transaction and thereby waive the satisfaction of the condition. If Buyer terminates this Contract due to the failure of the condition in Section 6.4(i), then the Earnest Money shall be refunded to Buyer immediately upon request. If Buyer terminates this Contract due to the failure of the condition in Section 6.4(ii), then the Earnest Money shall be delivered to Seller immediately upon request.

If the condition in Section 6.4(ii) is satisfied by Closing, then Section 4.1.1(e), Section 5.1.1(i), Section 6.1.1(b), Section 6.1.1(i), Section 6.1.2(a), Section 6.1.2(d), and Section 6.2.1(c) shall each automatically be deleted in their entirety, Section 1.2.14 shall automatically be amended to remove "Lease" from the definition of "Property", and Section 5.1.1(h) shall automatically be amended to remove the phrase "the Lease and".

6. Reaffirmation of Contract. The Contract, as modified by this Amendment, is hereby ratified in its entirety. Except as modified by this Amendment, the Contract shall remain unchanged. If there is any conflict between the terms of the Contract and this Amendment, then the terms of this Amendment shall control.

7. Governing Law. This Amendment shall be governed by, construed and enforced in accordance with, the laws of the State of North Carolina.

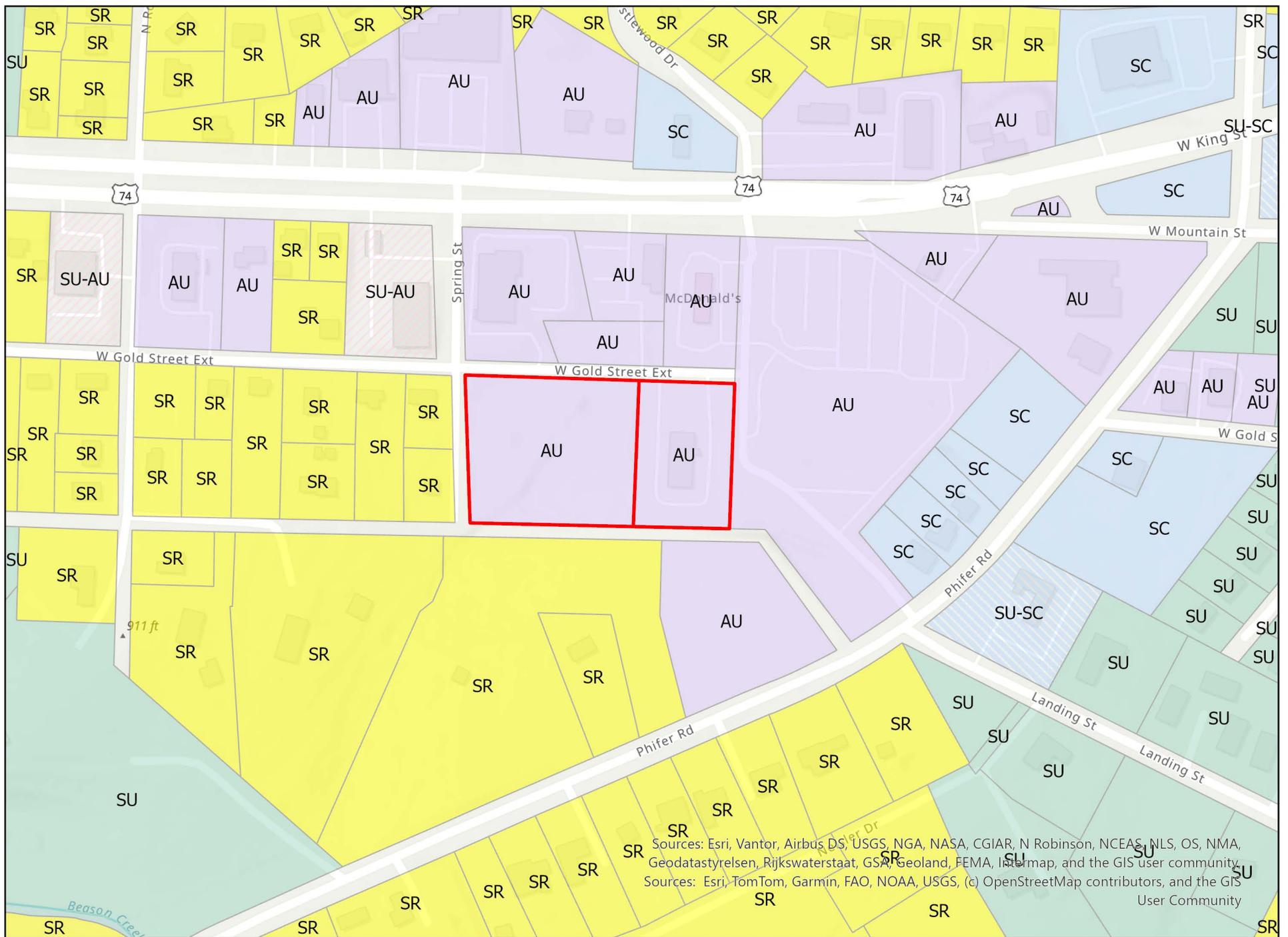
8. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be an original, but all of which shall constitute one agreement. This Amendment may be signed and/or transmitted by email of a .pdf document or using electronic signature technology (e.g., via DocuSign or similar electronic signature technology), and that such signed electronic record shall be valid and as effective to bind the Party so signing as a paper copy bearing such Party's hand written signature.

Signature Page to Follow



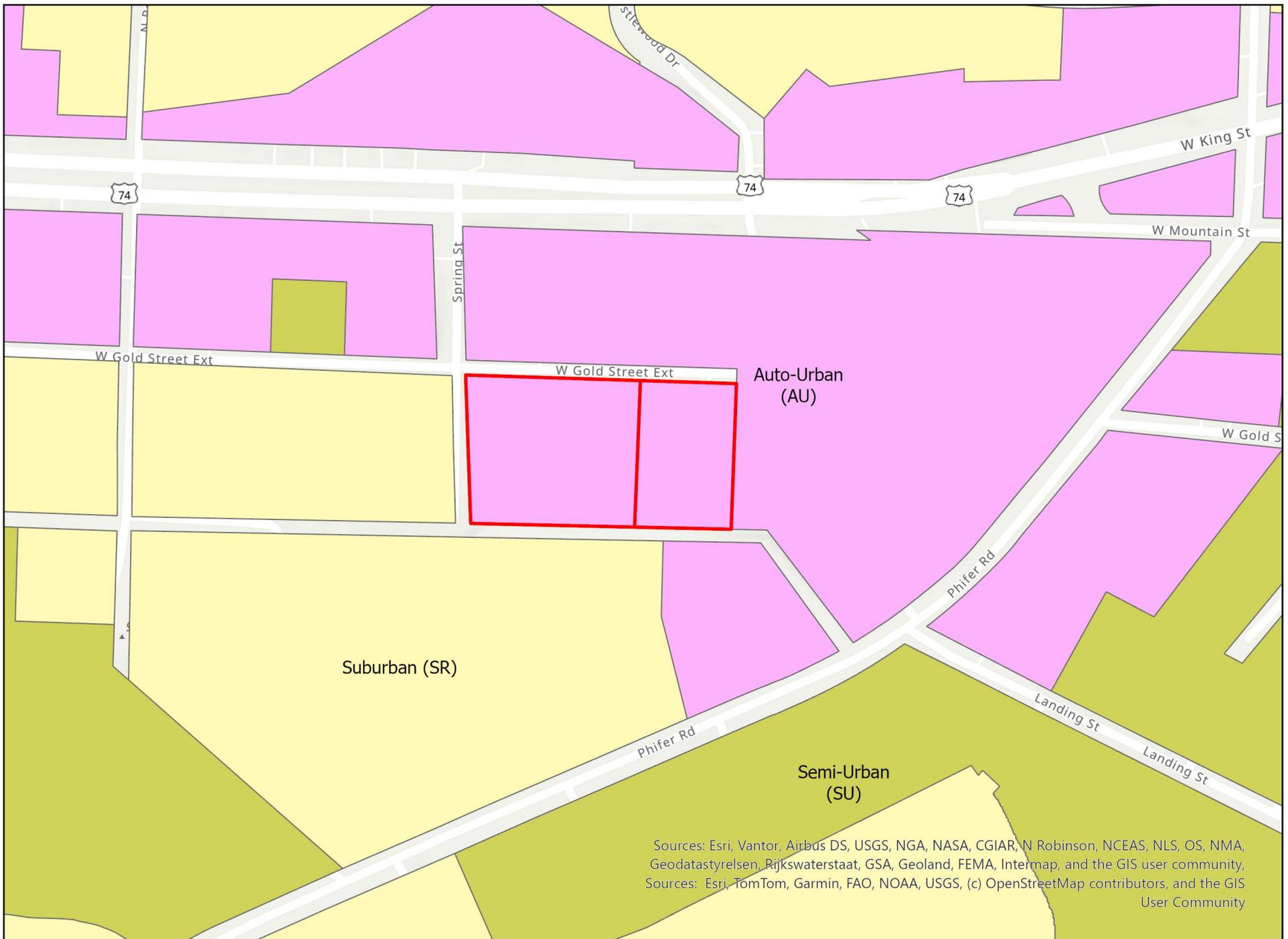
NC CGIA, Microsoft, Vantor

Z-25-15 Aerial Map

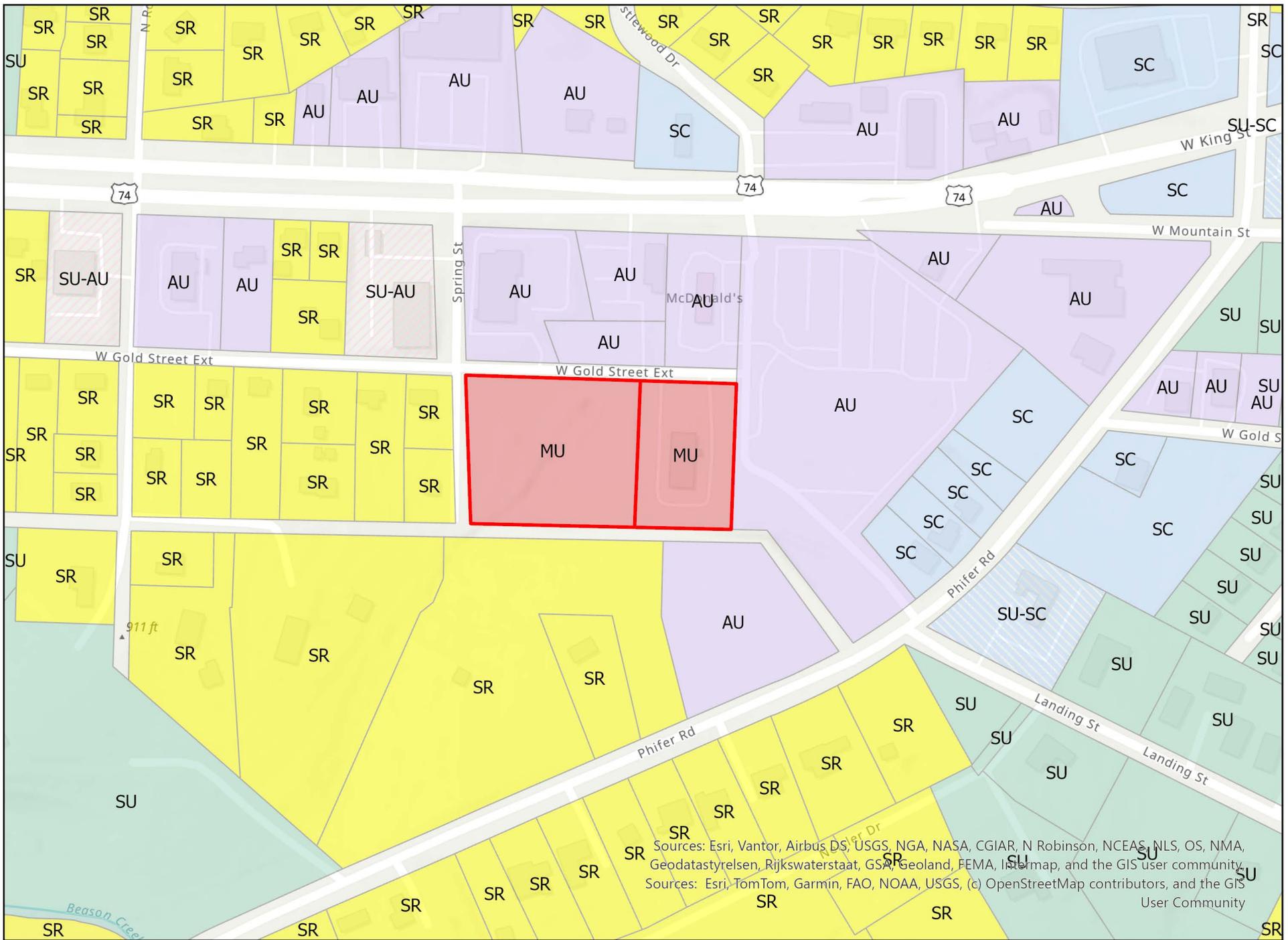


Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community.
 Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Z-25-15 Current Zoning Map



Z-25-15 Future Land Use Zoning Map



Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community.
 Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Z-25-15 Proposed Zoning Map