

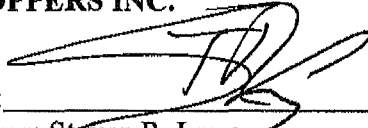


These restrictions are hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the Property (or any portion thereof) whether by descent, devise, purchase, or otherwise. These restrictions inure to the benefit of and are enforceable by all of the following (including by their respective successors and assigns), any (and all) of which may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages or to seek any other suitable relief available at law or in equity for such violation: (i) Douglas County, Wisconsin, a corporation duly organized under the constitution and laws of the State of Wisconsin; (ii) Beazer East, Inc., a Delaware corporation; and (iii) declarant Koppers Inc., a Pennsylvania corporation.

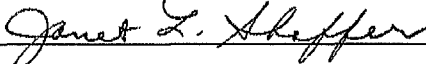
Any person who is or becomes owner of the property described above may request that the WDNR or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. If the Department determines that the restrictions can be extinguished or modified, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

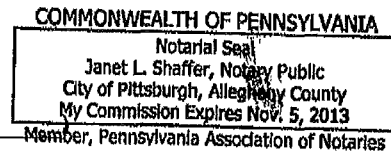
By signing this document, Steven R. Lacy asserts that he is duly authorized to sign this document on behalf of Koppers Inc.

KOPPERS INC.

By:   
Name: Steven R. Lacy  
Its: Senior VP, General Counsel & Secretary

Personally came before me on the 14th day of September, 2012, the above-named Steven R. Lacy, the Senior VP, General Counsel & Secretary of KOPPERS INC., to me known to be the person who executed the foregoing instrument in such capacity, and acknowledged the same.

  
Print Name: JANET L. SHAFFER  
Notary Public, State of Pennsylvania  
My Commission (is permanent) (expires \_\_\_\_\_)



This instrument drafted by:

Thomas P. McElligott  
Quarles & Brady LLP

ATTACHMENT 1**LEGAL DESCRIPTION OF PROPERTY**

All those certain tracts of or parcels of land situate, lying and being in the County of Douglas, State of Wisconsin, to wit:

**PARCEL NO. 1.**

Part of the SE-SW of Section 12, Township 48 North, Range 14 West, Town of Superior, lying southeasterly of the right of way of the Burlington Northern Railroad, described as follows:

Commencing at the south one-quarter (S. 1/4) corner of said section 12 which is marked with a railroad spike driven into the bituminous surface; thence N. 00 degrees 43 minutes 16 seconds E. along the east line of said SE-SW for a distance of 644.57' to the southerly right of way line of the Burlington Northern Railway Company; thence S. 61 degrees 44 minutes 00 seconds W. along said right of way line for a distance of 1317.58' to the south line of said Section 12; thence S. 88 degrees 58 minutes 44 seconds E. along the south line of said section 12 for a distance of 1152.54' to the place of beginning.

Above described parcel contains 8.53 acres more or less.

**PARCEL NO. 2.**

All of the east one half ( E. 1/2 ) of the northwest (NW) one quarter of Section 13, Township 48 North, Range 14 West, Town of Superior, described as follows:

Commencing at the north one quarter ( N. 1/4 ) corner of said Section 13 which is marked with a railroad spike driven into the bituminous surface; thence N. 88 degrees 58 minutes 44 seconds W. along the north line of said Section 13 for a distance of 1331.50' to the northwest ( NW ) corner of the NE-NW; thence S. 00 degrees 24 minutes 58 seconds W. along the west line of said NE-NW for a distance of 1312.98' to the southwest (SW) corner of the NE-NW; thence continuing S. 00 degrees 24 minutes 58 seconds W. along the west line of the SE-NW for a distance of 914.85' to the easterly right of way of the the Soo Line Railroad; thence S. 15 degrees 36 minutes 27 seconds E. along said right of way for a distance of 436.07' to the South line of the SE-NW; thence S. 89 degrees 07 minutes 30 seconds E. along the south line of said SE-NW for a distance of 1320.00 to the southeast (SE) corner of said SE-NW; thence N. 00 degrees 40 minutes 00 seconds E. along the east line of said SE-NW for a distance of 1311.26' to the northeast corner of said SE-NW; thence continuing N. 00 degrees 40 minutes 00 seconds E. along the east line of the NE-NW for a distance of 1311.26' to the place of beginning.

Above described parcel contains 79.23 acres more or less.

**PARCEL NO. 3**

All that part of the SW-NE of Section 13, Township 48 North, Range 14 West, Town of Superior, lying westerly of what was formerly the easterly line of the right of way of the Northwestern Coal Company, described as follows:

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Commencing at the center 1/4 (C.1/4) corner of said section 13 which is marked with a railroad spike driven into the bituminous surface; thence S. 89 degrees 07 minutes 30 seconds E. 33.00' to the east right of way line of C.T.H. "A"; thence N. 00 degrees 40 minutes 00 seconds E. along the east right of way line of C.T.H. "A" for a distance of 24.33' to the easterly right of way line of the Northwestern Coal Railway Company and the place of beginning; thence N. 00 degrees 40 minutes 00 seconds E. along the right of way of C.T.H. "A" for a distance of 1286.89' to the north line of said SW-NE; thence S. 89 degrees 03 minutes 06 seconds E. along the north line of said SW-NE 468.12' to the easterly right of way line of the Northwestern Coal Company; thence S. 20 degrees 41 minutes 20 seconds W. along said right of way for a distance of 1367.22' to the place of beginning.

Above described parcel contains 7.91 acres more or less.

**PARCEL NO. 4**

All those parts or parcels of the N. 1/2 of the NE-SW of Section 13, Township 48 North, Range 14 West, Town of Superior, described as follows:

Commencing at the center one quarter corner ( C. 1/4 ) of said section 13 which is marked with a railroad spike driven into the bituminous surface; thence N. 89 degrees 07 minutes 30 seconds W. along the north line of said NE-SW for a distance of 1196.83' to the easterly right of way line of the Soo Line Railway; thence S. 15 degrees 36 minutes 27 seconds E. along said right of way for a distance of 383.26' to the northerly right of way line of the Duluth, Missabe & Iron Range Railway, thence N. 86 degrees 20 minutes 30 seconds E. along said right of way for a distance of 1092.53' to the east line of said NE-SW; thence N. 00 degrees 40 minutes 00 seconds E. along said east line for a distance of 283.77' to the place of beginning.

Above described parcel contains 8.56 acres more or less.

AND

Commencing at the center one quarter corner of said Section 13; thence N. 89 degrees 07 minutes 30 seconds W along the north line of said NE-SW for a distance of 1196.83' to the easterly right of way line of the Soo Line Rail Road; thence continuing N. 89 degrees 07 minutes 30 seconds W. for a distance of 104.29' to the westerly line of the Soo Line Railroad and the place of beginning; thence continuing N. 89 degrees 07 minutes 30 seconds W. for a distance of 18.88' to the northwest corner (NW) of said NE-SW; thence S. 00 degrees 47 minutes 59 seconds W. along the west line of said NE-SW for a distance of 385.86' to the northerly right of way line of the Duluth, Missabe & Iron Range Railway; thence N. 86 degrees 20 minutes 30" E. along said right of way for a distance of 129.92' to the westerly right of way line of the Soo Line Railroad; thence N. 15 degrees 36 minutes 27 seconds W. along said right of way for a distance of 391.68' to the place of beginning.

Above described parcel contains 0.65 acres more or less.

AND

Commencing at the center one quarter corner of said section 13; thence S. 00 degrees 40 minutes 00 seconds W. along the west line of said NE-SW for a distance of 662.25' to the south line of said N. 1/2-NE-SW; thence N. 89 degrees 07 minutes 42 seconds W. along said south line of said N.1/2- NE-SW for a distance of 1003.27' to the easterly right of way line of the Soo Line

Railroad; thence N. 15 degrees 36 minutes 27 seconds W. along said right of way for a distance of 205.21' to the southerly right of way line of the Duluth, Missabe & Iron Range Railroad ;thence N. 86 degrees 20 minutes 30 seconds E. along said right of way for a distance of 1063.80' to the east line of said NE-SW; thence S.00 degrees 40 minutes 00 seconds W. along said east line for a distance of 280.81' to the place of beginning. Above described parcel contains 9.90 acres more or less.

AND

Commencing at the center one quarter corner of said section 13 thence S. 00 degrees 40 minutes 00 seconds W. along the north-south quarter line for a distance of 662.25' to the south line of said N.1/2-NE-SW; thence N. 89 degrees 07 minutes 42 seconds W. along the south line of the N. 1/2 of the NE-SW for a distance of 1003.27' to the easterly right of way line of the Soo Line Railroad ; thence continuing N. 89 degrees 07 minutes 42 seconds, W. along the south line of said N.1/2-NE-SW for a distance of 104.29' to the westerly right of way line of the Soo Line Railroad and the place of beginning; thence continuing N. 89 degrees 07 minutes 42 seconds W. along the south line of said N.1/2-NE-SW for a distance of 213.98' to the west line of said NE-SW; thence N. 00 degrees 47 minutes 59 seconds E. along said west line for a distance of 176.16' to the south right of way line of the Duluth Missabe & Iron Range Railroad; thence N. 86 degrees 20 minutes 30 seconds E. along said right of way for a distance of 158.88' to the westerly right of way line of the Soo Line Railroad; thence S. 15 degrees 36 minutes 27 seconds W. along said right of way for a distance of 196.79' to the place of beginning. Above described parcel contains 0.78 acres more or less.

**PARCEL NO. 5**

Part of the S. 1/2 of the NE-SW of Section 13, Township 48 North, Range 14 West described as follows, to wit:

Commencing at the center one quarter corner ( C. 1/4 ) of said section 13 which is marked with a railroad spike driven into the bituminous surface; thence S. 00 degrees 40 minutes 00 seconds W. along the north-south one quarter line for distance of 662.25' to the north east corner ( NE ) of said S. 1/2-NE-SW; thence N. 89 degrees 07 minutes 42 seconds W. along said north line for a distance of 411.53' to the place of beginning; thence continuing N. 89 degrees 07 minutes 42 seconds W. for a distance of 591.74' to the easterly right of way line of the Soo Line Railroad; thence S.15 degrees 36 minutes 27 seconds E. along said right of way for a distance of 895.88' to the south line of said NE-SW; thence S. 89 degrees 07 minutes 54 seconds E. along said south line for a distance of 35.77' to a point on a 8 degree 36 minute 04 second degree curve concave northwesterly; (long chord is 513.94' and bears N. 27 degrees 12 minutes 28 seconds E.); thence along the arc of said curve for a distance of 527.11'; thence N. 49 degrees 52 minutes 33 seconds E. for a distance of 307.45' to the north line of the S.1/2-NE-SW and the place of beginning.

Above described parcel is also identified as parcels D and E respectively, on plat annexed to deed to National Lumber & Cresoting Company dated March 12,1928, recorded in the office of the Register of Deeds for said Douglas County, in Book 171 of Deeds on page 208.

Above described parcel contains 3.27 acres more or less.

Being the same property as that described in the survey dated July 19-23, 1988, prepared by Hugh C. McDonald.

EXCEPTING THEREFROM, that part of the above-described Parcel No. 4 described as follows:

That certain parcel of land situated in the North One-half of the Northeast Quarter of the Southwest Quarter (N 1/2 of NE 1/4 of SW 1/4) of Section Thirteen (13), Township Forty-eight (48) North, Range Fourteen (14) West, in the Town of Superior, in Douglas County, Wisconsin, which is situated between the Southerly boundary line of the 100 foot right of way of the Interstate Branch of the Duluth, Missabe and Iron Range Railway Company and the Northerly boundary line of the right of way, heretofore conveyed by Herman Gasser and J. Lillie Gasser, his wife, to the Northwestern Coal Railway Company, by that certain Deed dated August 22, 1907 and recorded on September 16, 1907 at 9:00 a.m., in Volume 99 of Deeds, page 538, as Document #166118A.

Parcel Identification Numbers:

T5-030-01340-00;  
T5-030-01353-00;  
T5-030-01356-00;  
T5-030-01360-00; and  
T5-030-01361-00

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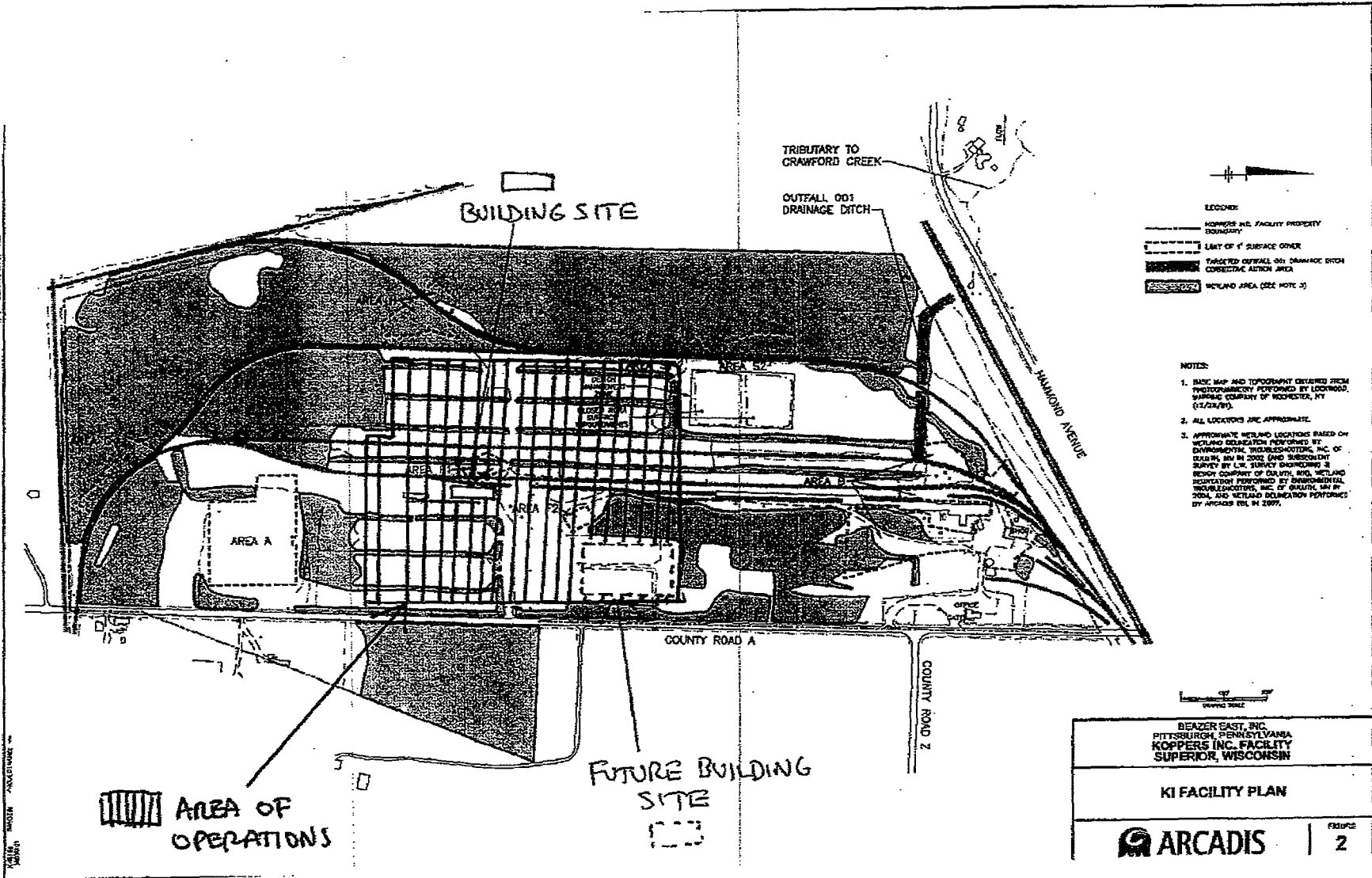


Figure 1