



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

May 14, 2013

Kurt B. Fryar
106 N. Water Street, Suite 100
Wilmington, NC 28401

No Review

Facility or Business: FMC Brunswick County
Project Description: Purchase of 98 Stone Chimney Road SE, Supply, NC
County: Brunswick
FID #: 070678

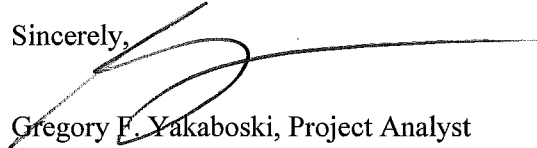
Dear Mr. Fryar:


The Certificate of Need Section (CON Section) received your letter of April 11, 2013 regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

Please contact the CON Section if you have any questions. Also, in all future correspondence you should reference the Facility I.D. # (FID) if the facility is licensed.

Sincerely,


Gregory F. Yakaboski, Project Analyst


Craig R. Smith, Chief
Certificate of Need Section

cc: Medical Facilities Planning Section, DHSR



Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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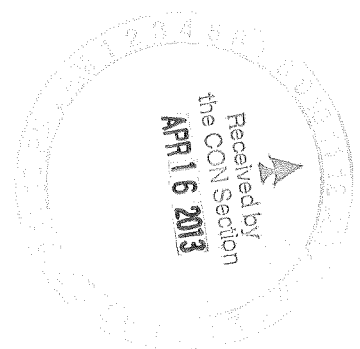
KURT B. FRYAR
Attorney at Law

106 N. Water Street, Suite 110
Wilmington, NC 28401
Phone: 910-763-8350

Mail: PO Box 1558
Wilmington, NC 28402
Fax: 910-763-8351

April 11, 2013

Craig R. Smith
Chief Certificate of Need Section
NCDHHS
2704 Mail Service Center
Raleigh, NC 27699-2704



Re: PennOne Financial, LLC
Purchase of 98 Stone Chimney Road SE, Supply, NC

Dear Mr. Smith:

I write to you as attorney for PennOne Financial, LLC. Pursuant to N.C.G.S. §131E-184(a)(8), this letter is to inform you that my client intends to purchase the real property, land and building, located at 98 Stone Chimney Road SE, Supply, NC. The current owner of this piece of real property is Bio-Medical Applications of North Carolina, Inc., d/b/a Fresenius Medical Care Brunswick County (hereinafter "Fresenius").

Fresenius currently operates and will continue to operate a dialysis facility at this piece of real property. My client will not own nor operate the dialysis center but will merely lease the real property, land and building, to Fresenius. My client hereby acknowledges that it will have no rights to the dialysis business other than the real estate in which the facility is operated nor will it have any ownership or rights in Fresenius' Certificate of Need.

My client signed an offer to purchase and contract this piece of real property on the 2nd day of March, 2013 and anticipates closing within 1 month. If you have any questions, please do not hesitate to give me a call.

Yours truly,

A handwritten signature in black ink that reads "Kurt B. Fryar". The signature is written in a cursive style.

Kurt B. Fryar

cc: Nancy Armitage, Esq.

Yakaboski, Greg

From: Kurt Fryar [fryarlaw@bellsouth.net]
Sent: Tuesday, May 14, 2013 4:26 PM
To: Yakaboski, Greg
Subject: contact info

here is my contact info. Regards,
Kurt

Kurt B. Fryar
Attorney at Law
106 N. Water St., Ste. 110
Wilmington, NC 28401
Telephone: (910) 763-8350
Fax: (910) 763-8351