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 P. Yakoboski, 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  
An Equal Opportunity/ Affirmative Action Employer
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 Fesenius Medical Care Brunswick County (hereinafter “Fesenius”).

Fesenius 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 Fesenius. 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 Fesenius’ 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,

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
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