

712242

DOCUMENT NO. 712242  
RECORDED ON 08/05/1999 AT 08:00AM  
OFFICE OF REGISTER OF DEEDS  
DOUGLAS COUNTY, WISCONSIN  
KATHY F. HANSON  
REGISTER

**AFFIDAVIT**

In Re: Property Located in the  
Township of Dairyland, Douglas County,  
described as follows:

FEE AMOUNT \$12.00

A piece of land in the SE Quarter of the SE Quarter of the SE Quarter of Section 18,  
Township 44N, Range 14W, that is also known as the Moose Junction Lounge at 13195  
South State Highway 35, more particularly described as parcel number DA-010-00970-  
01:

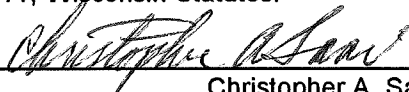
As found in Document No. 638270 recorded October 4, 1991, Volume No. 516, page no.  
179 of Records in the Office of the Douglas County Register of Deeds.

STATE OF WISCONSIN        )  
COUNTY OF DOUGLAS        )

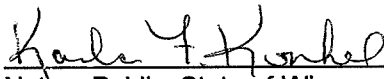
I, Christopher A. Saari, being first duly sworn, state that:

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources at its Brule Office.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department of Natural Resources has determined that petroleum products discharged at the Moose Junction Lounge, which is located at 13195 South State Highway 35, in the Township of Dairyland, County of Douglas, and which has the above captioned legal description, have contaminated soil and groundwater in the vicinity. The property is owned by Dale L. Schultz as indicated on the deed.
4. The Department of Natural Resources believes that removal, treatment, or monitoring of the contaminated soil and groundwater is required on the property under the authority of s. 292.11, Wisconsin Statutes.
5. On December 18, 1990, the Department of Natural Resources sent a letter to Chris Day. Subsequently on September 24, 1992 the Department of Natural Resources sent a Notice of Violation to Chris Day and Dale L. Schultz, d/b/a Moose Junction Lounge advising him/her of the statutory requirement to restore the environment at that location. The November 4, 1992 Enforcement Conference with both Chris Day and Dale L. Schultz and the November 24, 1992 Administrative Order specified required action for restoring the environment at the site. An inadequate response to the letters, conference, and Administrative Order has been determined by the Department.
6. On December 29, 1998, the Department of Natural Resources sent a certified letter to Dale L. Schultz advising that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by January 29, 1999, On February 2, 1999, Dale L. Schultz telephoned Enforcement Specialist Mary Bell Pratt to request that a meeting be set up. Subsequently, a meeting was scheduled for March 19, 1999, at 3:00 pm.

7. Dale L. Schultz attended the March 19, 1999 Enforcement Conference and agreed to a schedule of actions for continuing the remediation of the site. These actions were identified in the Enforcement summary letter sent to Mr. Schultz on April 22, 1999.
8. On July 2, 1999, the Department of Natural Resources reviewed the record and determined that the Department has received no evidence of actions 3c., 3d., and 3e. (consultant selection, re-sampling of the existing wells, submittal of remedial action plan) being completed as agreed to at the March 19, 1999 Enforcement Conference. The final activity related to the schedule was a meeting on May 25, 1999, with a potential buyer's attorney to discuss the contamination status of the site.
9. On July 2, 1999, the Department sent a certified letter to Dale L. Schultz advising that the Department would record an affidavit.
10. Because the Department of Natural Resources believes that petroleum products currently found in the soil and groundwater on the property with the above legal description will continue to discharge into the environment, subsequent purchasers of the property could be held responsible for investigation and clean-up costs under section 292.11, Wisconsin Statutes.

  
 \_\_\_\_\_  
 Christopher A. Saari

subscribed and sworn to before me this 29th day of July, 1999.

  
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 Notary Public, State of Wisconsin  
 My commission expires on: 9.29.2002

This document was drafted by the Department of Natural Resources Enforcement Specialist Mary Bell Pratt. After filing with deed, please return document for case record to:

Mary Bell Pratt  
 Wisconsin DNR  
 810 West Maple  
 Spooner, WI 54871

\$12.00 Chg.

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