

Received 08-07-07
BERTS # 03-38-231379

DOC. #: 710872

MELANIE I HUENPFNER
MARINETTE COUNTY
REGISTER OF DEEDS
JULY 20, 2007 AT 09:25:07AM
Fee Amount: \$15.00

Document Number

DRAFT AFFIDAVIT

Legal Description of the Property:

That part of the North-East Quarter of the North-West Quarter (NE1/4 NW1/4) of Section 28, Township 31 North, Range 20 East, described as: Commencing at a point on the North line of said North-East Quarter of the North-West Quarter (NE1/4 NW1/4) at the intersection of the East line of the right-of-way of the C.M.St.P. & P.Ry. and running East along said North line 40 feet; thence running South at right angles to said North line, 133.5 feet; thence running Southwesterly, 104.8 feet to the said East right-of-way line; thence running Northerly along said right-of-way line, 211.4 feet to the place of beginning, however, excepting therefrom all lands heretofore sold or given and now in use for a public highway.

ALSO

That part of the North-East Quarter of the North-West Quarter (NE1/4 NW1/4) of Section 28, Township 31 North, Range 20 East, described as: Commencing at a point 40 feet East of the intersection of the South line of highway along the North line of said Section 28 and the East line of the right-of-way of the C.M.St.P. & P. Ry.Co.; thence running East along said South line of highway 138 feet; thence South, 50 feet; thence running Southwesterly 161.5 feet to a point South of the place of beginning; thence running North 135.5 feet to the place of beginning, however, excepting therefrom that part heretofore sold under date of January 10, 1956, and which Warranty Deed is recorded in the office of the Register of Deeds for Marinette County on date of January 11, 1956, and recorded in Volume 225 Deeds page 487, #281546, and excepting all lands heretofore sold or given and now in use for public highway.

Being Outlot 20 and part of Outlot 21, Assessors Plat #1, Town of Beaver.

STATE OF WISCONSIN)

COUNTY OF MARINETTE)

I, Kristin I. DuFresne, being first duly sworn, state that:

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Northeast Region Headquarters Office, 2984 Shawano Avenue, City of Green Bay, Brown County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum product discharged to the property which is located at W8317 County Road P, in the Town of Beaver, County of Marinette, and which has the above captioned legal description (the "Property"), has contaminated soil in the vicinity. The Property is listed as owned by Dennis J. Kopatz on the most recent deed at the Marinette County Register of Deeds.
4. On September 29, 1999, the Department received notification from Key Engineering Group Ltd. that a release of petroleum products at W8317 County Road P, Beaver, Marinette County, Wisconsin was

Recording Area

Name and Return Address:
Kristin DuFresne
WI Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

006-01559-000
Parcel Identification Number (PIN)

15-

In Re: Property Located in the
Town of Beaver, Marinette County
Described above.

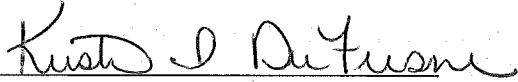
discovered during a tank closure assessment completed on September 9, 1999.

5. The Department believes that removal or treatment of the contaminated soil, and potentially groundwater, are required on the Property under the authority of s. 292.11(3), Wisconsin Statutes.
6. On October 8, 1999, the Department sent a letter to Dennis Kopatz and Kathy Cronce, which advised them of the statutory requirement to restore the environment at the Property.
7. On February 10, 2000, Key Engineering Group Ltd. submitted a report to the Department which confirmed that petroleum related contamination exists in the soil at the Property.
8. On June 11, 2002, the Department sent Dennis Kopatz and Kathy Cronce a request for status update letter. On June 12, 2002, Kathy Cronce informed the Department that the Property had been Quit Claimed to Dennis Kopatz. On June 24, 2002, Dennis Kopatz met with Department staff to discuss property ownership and responsibility under s. 292.11(3), Wisconsin Statutes. Department staff provided Dennis Kopatz with a list of environmental consultants and information regarding the Department of Commerce's Petroleum Environmental Cleanup Fund (PECFA) Program.
9. On February 10, 2003, the Department sent Dennis Kopatz and Kathy Cronce a request for status update letter. On February 13, 2003, Kathy Cronce contacted the Department to see what steps needed to be completed. Department staff told Kathy Cronce to provide a copy of the current deed indicating Kathy Cronce no longer owns the Property. The Department received a copy of the deed on February 19, 2003.
10. On November 24, 2003 and October 28, 2004, the Department sent Dennis Kopatz a request for status update letters. The Department received no response to either of these letters.
11. On May 5, 2005, the Department sent Dennis Kopatz a Notice of Noncompliance for failure to take action to restore the environment at the Property. The Department received no response to that letter.
12. On June 7, 2006, the Department sent Dennis Kopatz a Notice of Violation and scheduled an enforcement conference for June 21, 2006. Dennis Kopatz and his son Craig Kopatz attended the enforcement conference.
13. On July 5, 2006, the Department sent Dennis Kopatz a letter summarizing the enforcement conference. Within this letter Dennis Kopatz was informed to provide the Department with the name of his consultant by July 31, 2006 and a site investigation work plan by September 1, 2006.
14. On July 12, 2006, NRP Consultants informed the Department that they were assisting Dennis Kopatz in securing financing. At that time, NRP Consultants was also preparing a PECFA deductible waiver application.
15. On September 6, 2006, the Department sent Dennis Kopatz a request for status update letter. On September 15, 2006, NRP Consultants informed the Department that the PECFA paperwork for declaring financial hardship and waiver of deductible was submitted to the Department of Commerce. NRP Consultants stated they would not proceed with the project until financing was secured.
16. On October 26, 2006, the Department of Commerce approved Dennis Kopatz's request to waive the PECFA deductible.
17. On January 5, 2007, the Department sent Dennis Kopatz a request for status update letter. On January 12, 2007, NRP Consultants informed the Department that they had not heard from Dennis or


re: Property Located in the
Town of Beaver, Marinette County
Described above.

Craig Kopatz.

- 18. On January 19, 2007, NRP Consultants informed the Department that the local bank had rejected Dennis Kopatz's request for PECFA financing.
- 19. On February 1, 2007, Craig Kopatz contacted the Department on behalf of his father Dennis Kopatz. Craig Kopatz stated Dennis Kopatz was still trying to obtain financing.
- 20. On April 10, 2007, the Department sent an email NRP Consultants requesting a status update. NRP Consultants responded by saying Dennis Kopatz is unable to secure financing.
- 21. On May 15, 2007, the Department sent a letter, by certified mail, to Dennis Kopatz advising that a notice of contamination would be recorded if satisfactory action to restore the environment did not commence.
- 22. On June 12, 2007, the Department sent a letter, by certified mail, to Dennis Kopatz advising that the Department has made the decision to record a notice of contamination for the above-described Property at the Marinette County Register of Deeds office.
- 23. As the Department believes that petroleum contamination currently found in the soil 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 s. 292.11(3), Wisconsin Statutes.


 Kristin I. DuFresne, Hydrogeologist

Subscribed and sworn to before me this 19th day of July, 2007.


 Bruce G. Urben
 Notary Public, State of Wisconsin
 Department of Natural Resources

My commission expires on: 2/17/2008

This document was drafted by the Wisconsin Department of Natural Resources.