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AFFIDAVIT

RECORDED

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Document Number

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Legal Description of the Property:

A parcel of land in the Southeast Quarter of the Southwest Quarter (SE¼, SW¼) of Section 27, Town 33 North, Range 20 East, that is also known as Jack's Service & Mini Mart, HWY 141, Middle Inlet, Wisconsin, more particularly described follows: Commencing at the South quarter corner; thence South 88 ° 11' 20" West along South line, 81.88 feet to West line of Highway 141; thence North 0° 04' 40" West along right-of-way, 302 feet to one and one-quarter inch iron pipe and place of beginning; thence South 88° 11' 20" West, 246.26 feet to a one and one-quarter inch iron pipe on East line of railway right-of-way; thence North 01° 34' 45" West along right-of-way, 165.75 feet to a one and one-quarter inch iron pipe; thence north 88° 11' 20" East, 250.61 feet to a one and one-quarter inch iron pipe on highway right-of-way; thence South 0° 04' 40" East along right-of-way, 165.83 feet to the place of beginning.

As described in Vol. 476, Page 388, Marinette County Register of Deeds

Melvin J. Klump
REGISTER OF DEEDS
OF MARINETTE COUNTY, WIS.

Recording Area

Name and Return Address:

Michael J. Netzer
WI Department of Natural Resources
Peshtigo Service Center
101 North Ogden Road
Peshtigo, WI 54157

12.00

STATE OF WISCONSIN)

COUNTY OF MARINETTE)

018.00287.003

Parcel Identification Number (PIN)

I, Michael J. Netzer, 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 Peshtigo Service Center, 101 North Ogden Road, City of Peshtigo, Marinette 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 gasoline contaminants discharged to Jack's Service & Mini Mart, which is located on HWY 141, in the Town of Middle Inlet, County of Marinette, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is listed as owned by Alvin J. Kapalczynski and Judith A. Kapalczynski on the most recent deed at the Marinette County Register of Deeds.
4. The Department believes that removal or treatment of the gasoline contaminated soil, and groundwater monitoring and/or treatment, are required on the property under the authority of s. 292.11, Wisconsin Statutes.
5. On September 18, 1991, the Department sent a letter to Mr. Kapalczynski, d/b/a Jack's Service & Mini Mart, advising him of the statutory requirement to restore the environment at that location. An inadequate response to that letter was received by the Department.
6. On April 20, 1992, the Department sent a second letter to Mr. Kapalczynski concerning his responsibility to address the contamination. The Department also sent a July 19, 1993, Notice of Violation to Alvin J. Kapalczynski and Judith A. Kapalczynski. Mr. and Mrs. Kapalczynski failed to attend the scheduled enforcement conference. Department records indicate that no investigation or cleanup of the contaminated soil occurred as a result of these activities.

Town of Middle Inlet, Marinette County,
Described above:

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- 7. On May 2, 1996, the Department sent a certified letter to Mr. Kapalczynski, 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 June 2, 1996. On June 10, 1996, Mr. Kapalczynski met with the Department and indicated that he was financially unable to proceed with the investigation and/or remediation of the gasoline contaminated soil and groundwater on the property.
- 8. On October 16, 1996, the Department sent a certified letter to Alvin J. and Judith A. Kapalczynski advising that the Department would record an affidavit on the property deed.
- 9. Because the Department of Natural Resources believes that gasoline contaminants 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 s. 292.11, Wisconsin Statutes.

Michael J. Netzer
 Michael J. Netzer

Subscribed and sworn to before me this 25th day of August, 1999.

Marianne Christian

 Notary Public, State of Wisconsin

My commission expires on: January 1, 2001

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

Michael J. Netzer
 REGISTER OF DEEDS
 OF MARINETTE COUNTY, WIS.

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