



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

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Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
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March 7, 2002

FILE COPY

Walter Nickel Trust
761 N400W
Logan, Utah 84321

Scott B. Fleming
Weiss, Berzowski & Brady, LLP
Attorney for Ronald Nickel
700 N. Water St.
Milwaukee, WI 53202-4273

Subject: Sanitary Transfer and Landfill, Delafield, WI; Notice of Lien

To Whom It May Concern:

The Department of Natural Resources (Department) sent a letter to you, dated December 21, 2001, to notify you that the Department has incurred costs of \$1,852,037.52, as of November 30, 2001, related to the Sanitary Transfer and Landfill property. Those costs were incurred after you refused to fulfill your responsibilities related to investigating and cleaning up the property. The costs were incurred in order to contract for the installation, operation and maintenance of the groundwater extraction system, soil and groundwater monitoring, leachate removal, and installation of monitoring wells to continue evaluation of the contaminant plume, and for the Department's costs, such as salary, fringe benefits and indirect costs. A summary of these costs was enclosed with the letter dated December 21, 2001.

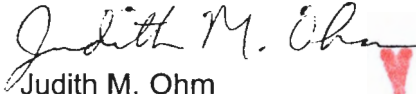
The December 21 letter asked you to reimburse the Department for its costs incurred to date and notified you that unless you reimbursed the Department within sixty (60) days, the Department would file a lien on the property with the Register of Deeds in Waukesha County. You have not submitted any written response to the December 21 letter nor have you offered to reimburse the Department for any of its expenses incurred for this property.

This is to notify you that the Department filed the enclosed Notice of Lien on the property specifically identified in the enclosed legal description, with the Register of Deeds in Waukesha County, on March 7, 2002. The purpose of the lien is to provide a mechanism for the Department to recover the money expended to date for the costs incurred by the Department in investigating and remediating the contamination on the property. After the lien is filed, it will remain on the property until the funds are recovered.

As mentioned in the December 21 letter, the Department estimates that additional funds will need to be expended at this property as well. The additional costs are substantial, as detailed

in the previous letter. Since you have not responded to multiple requests from the Department to do this work or reimburse the Department for doing it, the Department plans to proceed with this additional work. The Department will be working with the Department of Justice to obtain cost recovery from you for past work at this property and for future work, as costs are incurred.

Sincerely,



Judith M. Ohm
Attorney
Bureau of Legal Services
(608)266-9972

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cc: Thomas Wentland—SER Annex
Lorraine Stoltzfus—DOJ
Bob Strous—RR/3

Steve Streck, Attorney for Walter Nickel
Axley Brynerson LLP
P.O. Box 1767
Madison, WI 53701-1767

Under the authority of s. 292.11(7) (a), Wis. Stats. the Department of Natural Resources (" the Department") has expended funds to investigate and remediate hazardous substances on the following property, owned by Walter Nickel Trust:

See Exhibit A, Legal Description and Sketch of Lands, which is attached to this Notice of Lien

(NOTE: The Department reserves the right to amend this Legal Description, if necessary, since the Department has conflicting information regarding the Legal Description for the property)

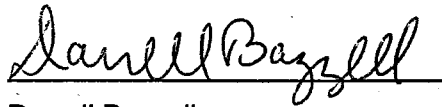
Under s. 292.81 (3), Wis. Stats., when the Department expends funds to investigate and remediate hazardous substance contamination, the Department may file a lien for the amount expended for such purposes with the Register of Deeds in the county where the contaminated property is located.

The amount expended by the Department in this case as of November 30, 2001, is \$1,852,037.32. The Department expects to expend additional funds for the remediation of this property in the future. Another Notice of Lien will be filed when the amount of the additional funds expended is known. The property remains subject to this lien until the amount owed is paid in full. This lien is superior to all other liens that are or have been filed against the property, except that if the property is residential property, as defined in s. 895.52 (1) (i), Wis. Stats., the lien does not affect any valid prior lien, as defined in s. 292.81 (1), Wis. Stats., on that residential property.

The Department certifies that to the best of its knowledge and belief, all information contained in this Lien is correct, and this lien represents a legal encumbrance upon the property. Based on the above information and the authority of s. 292.81 (3), Wis. Stats., the Department claims a lien against the interest which the owners have in the above-described property in the amount of \$1,852,037.32.

Department of Natural Resources

By:



Darrell Bazzell,
Secretary

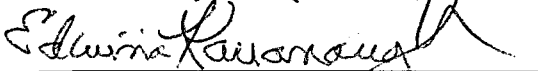
Recording Area

Name and Return Address

Parcel Identification Number (PIN)

AUTHENTICATION OR ACKNOWLEDGEMENT

Signed and sworn to before me this
4th day of March, 2002.



State of Wisconsin, County of Dane
My Commission is permanent.

This document was drafted by the Department of Natural Resources

Project No. 1178
May 24, 1990.

LEGAL DESCRIPTION:

Being a part of the SW 1/4 of the SW 1/4 of Section 22, and a part of the NW 1/4 of the NW 1/4 of Section 27, all in T7N, R18E, City of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Beginning at the SW corner of said Section 22; thence N.00°-50'-23"W., along the West line of said SW 1/4, 551.35 feet to a point being at the SW corner of Kettle Court West, a 60 foot wide public road; thence S.86°-20'-00"E., along the southerly right-of-way line of Kettle Court West, 808.46 feet to a point of curvature; thence continuing along said southerly right-of-way line, 101.33 feet along the arc of a curve to the left with a radius of 331.91 feet, whose chord bears N.84°-55'-15.5"E., 100.93 feet to a point of reverse curvature; thence continuing along said southerly right-of-way line 52.76 feet along the arc of a curve to the right with a radius of 50.00 feet, whose chord bears S.73°-35'-46"E., 50.34 feet to a point of reverse curvature, said point being on the westerly right-of-way line of Kettle Drive, a 60 foot wide public road; thence along said westerly right-of-way line, 25.80 feet along the arc of a curve to the left with a radius of 173.00 feet, whose chord bears S.47°-38'-24"E., 25.78 feet to a point of tangency; thence continuing along said westerly right-of-way line S.51°-54'-45"E., 303.88 feet to a point of curvature; thence continuing along the westerly right-of-way line of Kettle Drive, 266.81 feet along the arc of a curve to the right, with a radius of 279.00 feet, whose chord bears S.24°-31'-00"E., 256.76 feet to a point of tangency; thence continuing along said westerly right-of-way line S.02°-52'-45"W., 221.21 feet to a point; thence N.88°-19'-00"E., along the southerly right-of-way line of Kettle Court East, a 60 foot wide public road, 13.00 feet to the East line of the West 1/2 of the NW 1/4 of said Section 27; thence S.01°-08'-19"E., along the East line of the West 1/2 of said NW 1/4, 821.39 feet to a point being on the North line of Cherokee Woods Addition No. Three, a recorded subdivision; thence S.77°-32'-32"W., along said North line, 1339.16 feet to a point being on the West line of the NW 1/4 of said Section 27; thence N.01°-01'-44"W., along said West line, 1275.00 feet to the SW corner of Section 22, and place of beginning. Said lands containing 2,103,013 square feet (48.2785 acres).

SKETCH OF LANDS

BEING A PART OF THE SW. 1/4 OF THE SW. 1/4 OF SECTION 22, AND A PART OF THE NW. 1/4 OF THE NW. 1/4 OF SECTION 27, ALL IN T. 7 N., R. 10 E., CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

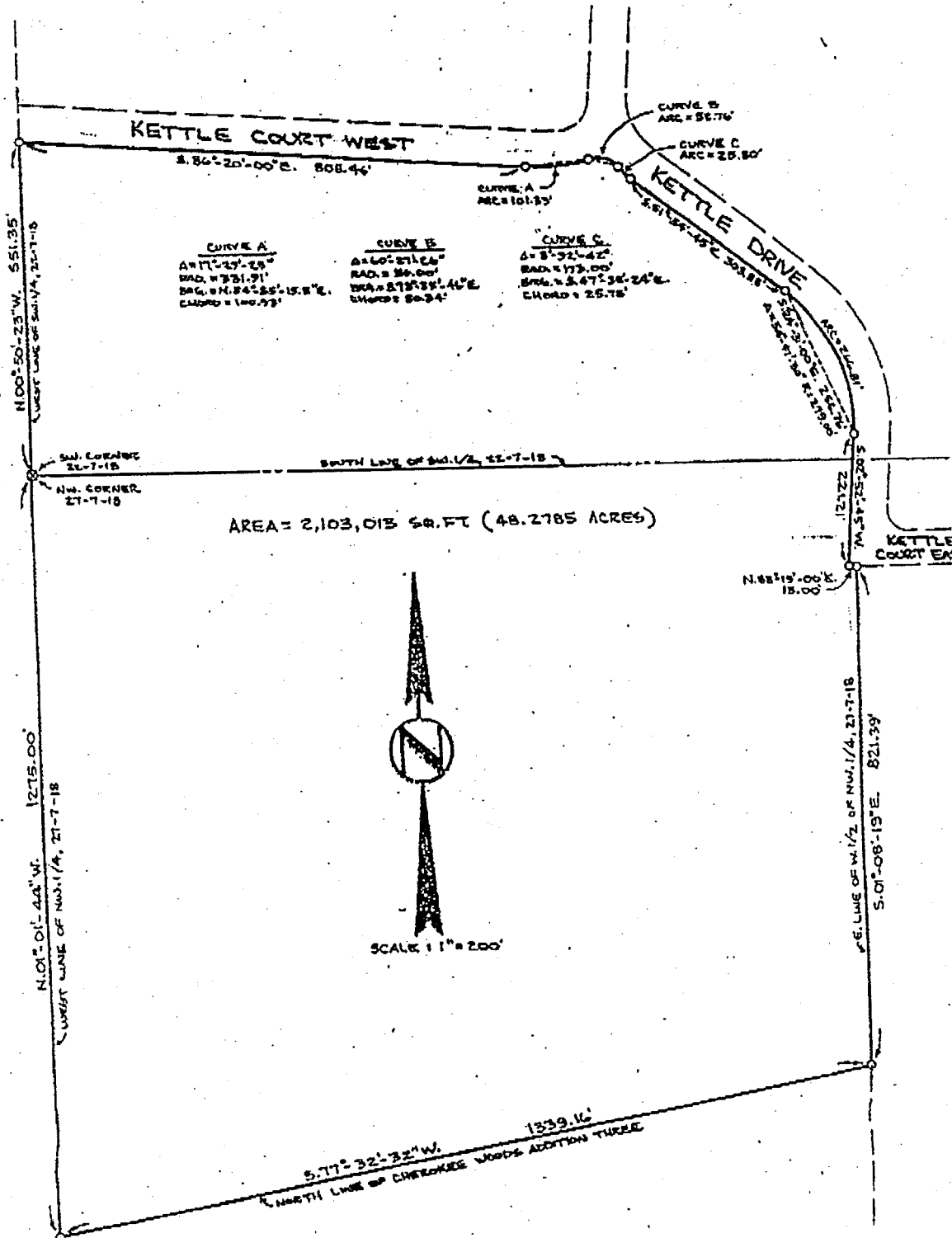


EXHIBIT A