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* also licensed in Minnesota

November 22, 2017

Sent Via Email

Ms. Molly Schmidt
Ms. Darsi Foss
Wisconsin Department of Natural Resources

Re: Estate of Gerald Kuehl
BRRTS#: 02-46-560212 (“**BRRTS Site**”)

Dear Molly and Darsi:

This is to follow up on our phone conversation of November 16, 2017 regarding my September 26, 2017 letter requesting Clarification on Susan Kuehl’s responsibility.

I was disappointed in your interpretation of Wisconsin Law regarding responsibility for clean up at the BRRTS Site. Susan Kuehl, as Personal Representative of the Estate of Gerald Kuehl, continued to investigate the above BRRTS Site and as such under Wis. Stat. § 292.19, did not possess or control the property; therefore, Wis. Stat. § 292.21 is not applicable.

Please explain the basis upon which you take the position that the Personal Representative must disclaim any beneficial interest in any interest of the Estate to not be responsible.

During our phone conference I asked if the DNR had a Claim against the Estate and Darsi indicated that the Responsible Party Letter (“**RP Letter**”) constituted the DNR’s Claim. Please provide me a copy of the RP Letter, which I believe was written March 18, 2013 to Gerald Kuehl.

Attached is the Probate Court’s Notice to Creditors that requires Claims to be filed by August 31, 2015.

As we discussed, Mr. Kuehl died on April 10, 2015; however, the RP Letter was written to Mr. Kuehl on March 18, 2013, before Mr. Kuehl died. Please provide me with the legal basis upon which the DNR takes the position that it has a Claim against the Estate.

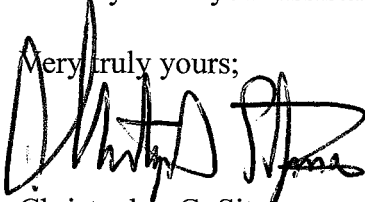
The DNR did not file a Claim against the Estate and I am not aware of any legal authority supporting the position that the RP Letter can be considered a Notice of Claim. The DNR was notified that Mr. Kuehl had passed, and his Estate was being Probated, yet the WDNR has failed to file any Claim with the Probate Court.

The Probate is being handled by Attorney Brian Borkowicz and he filed the attached Petition on November 17, 2017. The Court has set a January 2, 2018 Hearing on the Petition.

I would appreciate the DNR's response prior to the Hearing on the Petition. I understand you will ask Attorney Mark Herman for his opinion, but were not able to estimate when we would hear back.

Thank you for your assistance. I look forward to hearing from you.

Very truly yours;

A handwritten signature in black ink, appearing to read "Christopher G. Sitzmann". The signature is stylized and somewhat cursive, with a large initial "C" and "S".

Christopher G. Sitzmann
CGS/lb

Attachments

cc: Mr. Brian Borkowicz (Sent Via Email)
Ms. Susan Kuehl (Sent Via Email)
Attorney Mark Herman (Sent Via Email)

STATE OF WISCONSIN, CIRCUIT COURT, WASHINGTON

COUNTY

For Official Use

IN THE MATTER OF THE ESTATE OF

Amended

GERALD A. KUEHL

Notice to Creditors
(Informal Administration)

FILED

MAY 28 2015

Case No. 15PR87

CLERK OF CIRCUIT COURT
WASHINGTON CO., WI 53095

PLEASE TAKE NOTICE:

1. An application for informal administration was filed.

2. The decedent, with date of birth January 21, 1940 and date of death April 10, 2015,
was domiciled in Washington County, State of Wisconsin
with a mailing address of 5350 Cascade Dr. West Bend, WI 53095

3. All interested persons waived notice.

4. The deadline for filing a claim against the decedent's estate is (Date) August 31, 2015.

5. A claim may be filed at the Washington County Courthouse,
West Bend, Wisconsin, Room 3135 Justice Center

Patricia L. Schaller

Deputy Probate Registrar

Patricia L. Schaller

Name Printed or Typed

May 28, 2015

Date

Form completed by: (Name) Brian Borkowicz	
Address 1797 Barton Ave. West Bend, WI 53090	
Telephone 262-335-2605	Bar Number (If any) 1056646

DO NOT PRINT the following text when publishing this notice.

Notice to Newspaper and Personal Representative:

Notice must be given by publication of this notice in the following newspaper: West Bend Daily News
once a week for three consecutive weeks; the first publication date must be within 15 days from the date of this notice.

The personal representative is responsible for providing the deadline for filing a claim against the decedent's estate to all known or reasonably ascertainable creditors.

NOV 17 2017

In the Estate of Gerald A. Kuehl

Case No. 15PR87

FILED
WASHINGTON CO
CLERK OF COURT

**PETITION TO PAY ADMINISTRATION EXPENSES, DISBURSE ESTATE
ASSETS, AND APPOINT GUARDIANS AD LITEM**

Background

The decedent passed away on April 10, 2015. His debts have all been paid and no claims have been filed. Among the decedent's assets is a commercial property located at 1226-1228 11th Avenue in Grafton. A portion of the property was previously used as a dry cleaning establishment and the property is contaminated with one or more chlorinated solvents. Testing and remediation efforts have been underway throughout the pendency of the estate and the estate does not have sufficient funds to pay for the remaining cleanup efforts on the property, the full extent of which are not yet known.

Administration Expenses

The estate requests an order permitting it to prioritize the payment of expenses pursuant to Wis. Stat. § 859.25. Expenses of administering the estate will include attorney's fees to the Law Office of John A. Best for the probate of the estate, Sitzmann Law Firm for environmental law work, and Robert E. Lee & Associates, an environmental engineering and natural resources consulting firm that has assisted with issues related to the Grafton Property. To date, the Wisconsin DNR has not filed a claim against the estate.

Disbursal of Estate Assets

The estate requests an order permitting it to disburse the remaining estate assets after the expenses have been paid. One of those assets is the contaminated Grafton property. The beneficiaries under the Will are Annmarie Kuehl Thompson, Patrick Kuehl, Susan Kuehl, and Kristin Kuehl. All beneficiaries under the Will intend to disclaim the Grafton property.

The decedent had one child, Jeffrey Kuehl, who is not a beneficiary under the Will. He would be next in the intestate line of succession and he is also expected to disclaim the Grafton property.

Appointment of Guardians Ad Litem

Pursuant to Wis. Stat. § 879.23(4), the Court can appoint either an attorney or a parent of a minor child to serve as guardian ad litem. The estate does not have sufficient funds to pay for attorneys to serve as guardians ad litem for all of the minor children expected to become heirs.

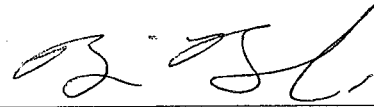
Patrick Kuehl has two minor children, NK (DOB 03/20/2000) and AK (DOB 04/09/2003). The Estate respectfully requests that the Court appoint Patrick Kuehl as guardian ad litem over his minor children for the purpose of determining whether the children will accept or disclaim the Grafton property.

Jeffrey Kuehl has a minor child, BKH, who lives with his mother and is not in contact with the Kuehl family. BKH and his mother were last known to be residing in the State of Georgia. The estate requests that the Court appoint Jeffrey Kuehl as guardian ad litem over his minor child for the purpose of determining whether the child will accept or disclaim the property.

If Jeffrey Kuehl and the beneficiaries under the Will disclaim for themselves and their minor children, the decedent's siblings and their issue would be next in the line of succession. That line contains eight minor children. If no heir has agreed to accept the property by that point, additional guardians ad litem will need to be appointed.

Dated: November 16, 2017.

Law Office of John A. Best



Brian Borkowicz
Attorney for the Estate
SBN: 1056646

1797 Barton Ave.
West Bend, WI 53090
(262) 335-2605