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Document Number

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

JAN - 7 1999

AT 1:30 O'CLOCK A.M. P.M.
GRACE HERB
REGISTER OF DEEDS

Legal Description of the Property:

The East Seventy (70) Feet of the West One Hundred Forty (140) Feet of Lot Three (3), in Block Thirty Five (35), Addition to the Village of Hortonville, located on Alley #2, Village of Hortonville, Outagamie County, Wisconsin, as described in Volume 590, Page 345, of the Register of Deeds Office, Outagamie County, Wisconsin.

Recording Area

Name and Return Address:

Kevin McKnight
WI Department of Natural Resources
Oshkosh Service Center
PO Box 2565
Oshkosh, WI 54903

pd
12 00

STATE OF WISCONSIN)

COUNTY OF OUTAGAMIE)

Parcel Identification Number (PIN)

I, Kevin McKnight, being first duly sworn, state that:

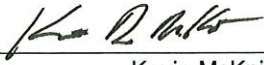
1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 905 Bayshore Drive, City of Oshkosh, Winnebago County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum product discharged to the Herbert J. and Dorothy A. Schwan property, which is located on Alley #2, in the Village of Hortonville, County of Outagamie, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is listed as owned by Herbert J. and Dorothy A. Schwan, (doing business as Schwan Oil Company of New London) on the most recent deed at the Outagamie County Register of Deeds.
4. The Department believes that removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the property under the authority of s. 292.11(3), Wisconsin Statutes.
5. On February 8, 1993, the Department sent a letter to Mr. Richard Schwan, and Schwan Oil Company, which advised of the statutory requirement to restore the environment at that location. The Department did not receive a response to this letter.
6. On September 20, 1994, the Department sent a second letter to Mr. Richard Schwan and Schwan Oil Company concerning the responsibility to address the contamination at the property. The Department also sent a November 7, 1994, Notice of Noncompliance and December 13, 1995, Notice of Violation to Mr. Richard Schwan and Schwan Oil Company. On January 9, 1996, and February 28, 1996, Department staff held enforcement conferences with Mr. Richard Schwan. Department records indicate that no investigation or cleanup of the petroleum contamination occurred as a result of these activities.
7. On March 14, 1996, the Department sent a certified letter Mr. Richard Schwan and Schwan Oil Company, which advised 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 April 14, 1996. The Department received an inadequate response to that letter.
8. On November 24, 1998 the Department sent a certified letter to Herbert J. and Dorothy A. Schwan and Schwan Oil Company which advised that the Department would record an affidavit on the property deed concerning the contamination.

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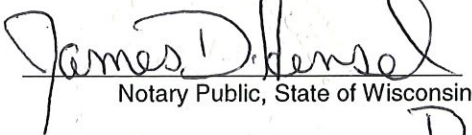
In Re: Property Located in the
Village of Hortonville, Outagamie County,
Described above:

9. As the Department believes that petroleum product 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.



Kevin McKnight

Subscribed and sworn to before me this 7 day of Jan., 1999



Notary Public, State of Wisconsin

My commission expires on: Dec. 16, 2001

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