

AFFIDAVIT

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Document Number

VOL 805 PAGE 661

RECORDED

AT 11:30 O'CLOCK A M

JUN 8 2000

LORALEE LASLEY
REGISTER OF DEEDS
OCONTO COUNTY, WI

Legal Description of the Property:

Commencing at the Northwest corner of the Southwest quarter of the Southwest quarter section Twenty-six (26), Township Twenty-six (26), Range Twenty East (20), Then South sixteen Rods (16), Then East ten Rods (10), Then North Sixteen Rods (16), Then West Ten Rods (10) to a place of beginning, containing about one acre of land. As described in Vol. 215, Page 180, Oconto County Register of Deeds

Less the following tract of land:

Commencing at the Southwest corner of said Section 26; thence North 87°54'41" East along the South line of the Southwest one-quarter (SW¼) of said Section 26, 33.00 feet to the point of beginning; thence North 02°20'44" West 24.75 feet to a point on the existing North right-of-way line of Bramschreiber Road and the existing East right-of-way line of USH 41-141; thence North 02°20'47" W, along said existing East line, 2628.91 feet to a point on the East-West one-quarter line of said Section 26; thence North 86°57'53" East along said one-quarter line, 16.11 feet to a point on the proposed Easterly right-of-way line of a frontage road; thence South 02°18'46" East along said line, 1149.08 feet; thence South 18°53'27" East 129.93 feet; thence South 02°18'46" East 721.80 feet, to a point hereinafter known as point 4293; thence South 06°07'36" East 197.28 feet; thence South 01°35'24" West 410.75 feet; thence South 73°17'37" East 84.46 feet to said existing North right-of-way line of Bramschreiber Road; thence South 02°05'19" East 24.75 feet to the South line of the Southwest one-quarter (SW ¼) of said Section 26; thence South 87°54'41" East along said South line, 116.55 feet to the point of beginning. As described in Vol. 769, Pages 876-877, Oconto County Register of Deeds.

Recording Area

Name and Return Address:

Scott C. Miller
WI Department of Natural Resources
1125 North Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448

024-202602133B

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF OCONTO)

I, Scott C. Miller, being first duly sworn, state that:

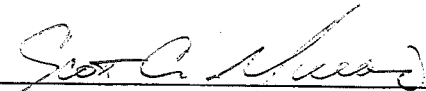
1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Green Bay Service Center, 1125 North Military Avenue, City of Green Bay, Brown County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that gasoline contaminants, dichlorodiphenal trichloroehane (DDT), dichlorodiphenyldichloroehylene (DDE), 1,1-bis(4-chlorophenyl)-2,2-dichloroehthane (DDD), arsenic, and lead were discharged to the Marie Race Property, which is located at 584 HWY 141 & 41, Little Suamico, Oconto County, Wisconsin, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is owned by Marie Race.
4. The Department believes that removal or treatment of the contaminated soil, and groundwater monitoring and/or treatment, are required on the property under the authority of s. 292.11, Wisconsin Statutes.



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In Re: Property Located in the
Town of Little Suamico, Oconto County,
Described above:

5. On August 12, 1994, the Department sent a letter to Marie Race, advising her of the statutory requirement to restore the environment at that location. The Department has received an inadequate response to that letter.
6. During 1994, 1995, and 1996, the Department made numerous written attempts to contact Marie Race concerning the responsibility to address the contamination at the property. The Department also sent a September 24, 1996, Notice of Violation to Marie Race. Ms. Race 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.
7. On September 8, 1999, the Department sent a certified letter to Marie Race, 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 September 24, 1999. The Department received no response from Ms. Race. The Department concluded that Ms. Race was unwilling or unable to proceed with the investigation and remediation of the contaminated soil and groundwater on the property; therefore the Department proceeded with the affidavit process.
8. On March 20, 2000, the Department sent a certified letter to Ms. Marie Race advising that the Department would record an affidavit on the property deed.
9. As the Department of Natural Resources believes that gasoline, dichlorodiphenal trichloroehane (DDT), dichlorodiphenyldichloroehylene (DDE), 1,1-bis(4-chlorophenyl)-2,2-dichloroehthane (DDD), arsenic, and lead 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, Wisconsin Statutes.



Scott C. Miller

Subscribed and sworn to before me this 8th day of June, 2000



Notary Public, State of Wisconsin

My commission expires on: January 14, 2001

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