

Document Number

Legal Description of the Property:

Commencing at the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 29, Township 27 North, Range 14 East; Thence Southeasterly along the South line of Leopolis Road 17 Rods, There shall be the place of beginning; thence Southwesterly at Right Angle to Highway 7 Rods; Thence Southeasterly parallel to Highway 5 Rods; Thence Northeasterly Parallel with the First line 7 Rods; Thence Northwesterly along the South line of Highway 5 Rods to the Place of Beginning.

As described in Vol. 532, Page 683, Shawano County Register of Deeds Less the following tract of land:

Beginning at the Northwest corner of said Section 29; thence N01°30'48"W along the west line of th SW ¼ of Section 20, T27N, R14E, 483.84 feet; thence N88°48'15"E 24.75 feet to the east existing right of way line of Leopolis Road; thence S14°02'46"E 253.62 feet; thence S86°04'40"E 329.41 feet; thence S88°43'33"E 1519.65 feet; thence S87°19'20"E 693.41 feet to the East line of the SW ¼ of said Section 20; thence S0°43'21"E along said east line, 86.13 feet to the South ¼ corner of said Section 20; thence S01°00'02"E along the east line of the NW ¼ of said Section 29, 136.77 feet; thence N88°01'26"W 1561.66 feet to the south existing right of way line of STH 29; thence N01°23'02"W 45.24 feet to the north line of the NW ¼ of said Section 29; thence S88°36'58"W along said north line, 1056.04 feet to the point of beginning. Said parcel of land contains 0.26 acre of land already in use for highway purposes and 0.04 acre of additional land.

As described in Vol. 831, Page 552, Shawano County Register of Deeds

STATE OF WISCONSIN)
)
COUNTY OF SHAWANO) ss

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

- 1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (hereinafter "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. This affidavit is filed as a correction to the previous affidavit concerning this matter, filed on June 8, 2000, which was not notarized.
4. The Department has determined that petroleum related contaminants discharged to the Schwartz Auto Salvage property, which is located at N893 Highway 29, Town of Herman, Shawano County, Wisconsin, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is listed as owned by Ruben Schwartz and Esther Schwartz, husband and wife, on the most recent deed at the Shawano County Register of Deeds.

REGISTERS OFFICE SHAWANO COUNTY, WI SS

Received for Record this 25th day of July A.D. 2000 at 8:45 o'clock A.M. AND Recorded in Vol. 946 of Records Pages 792-793
M. Register
REGISTERS OFFICE

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
8:45AM \$12.00

024 292 200 010
Parcel Identification Number (PIN)



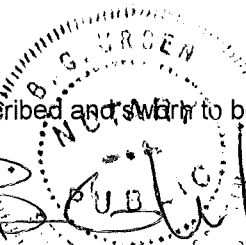
In Re: Property Located in the
Town of Herman, Shawano County,
Described above:

- 5. 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.
- 6. On February 26, 1992, the Department sent a letter to Ruben Schwartz, advising him of the statutory requirement to restore the environment at that location. The Department received an inadequate response to that letter.
- 7. On March 12, 1992 and April 16, 1992, the Department made attempts by letter to contact Ruben Schwartz concerning his responsibility to address the contamination. The Department also sent a Notice of Violation to Ruben Schwartz on June 22, 1992. Mr. Schwartz 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.
- 8. On September 17, 1992, Ruben Schwartz was notified by letter by Daniel R. Helf, Environmental Enforcement Coordinator, that the Department did not receive an adequate response to our enforcement conference agreements about the hiring of a consultant to perform a Site Investigation.
- 9. On January 20, 1993, the Department issued an order requiring Ruben Schwartz to take the actions necessary to investigate and remediate the discharge of petroleum related contaminants at the Schwartz Sales and Service site, N892 State Highway 29, Shawano, WI.
- 10. On September 29, 1993, Department personnel were on site to retrieve soil samples in order to establish whether or not petroleum contamination exists on the property. Based on the results of the sampling event, the Department has determined that there are petroleum contaminated soils and impacted groundwater at the Schwartz Sales and Service site.
- 11. On April 18, 1996, the Department met with Ruben Schwartz and conducted a second enforcement conference at which financial programs were explained as well as the deed affidavit process. Since there was no response to the conference, the Department construes Mr. Schwartz's failure to proceed with the investigation and remediation as failure to take appropriate action.
- 12. On April 17, 2000, the Department sent Ruben and Esther Schwartz a certified letter advising that the Department would record an affidavit on the property deed.
- 13. As the Department of Natural Resources believes that the petroleum related contamination 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 20th day of July, 2000.



Notary Public, State of Wisconsin

My commission expires on: 2/22/2004