

AFFIDAVIT

Name and Return Address

1. I am employed by the Wisconsin Department of Natural Resources, serving as a Hydrogeologist in the Remediation and Redevelopment Bureau, working in the Dodgeville Service Center.
2. The Department of Natural Resources determined that fuel oil contaminants discharged to the property referenced above, which is owned by Mr. Kenneth L. Duncan, and is located at 25450 Hwy Y, Richland Center, Wisconsin, contaminated the soil and/or groundwater in the vicinity.
3. The Department of Natural Resources believed that removal of the fuel oil contaminated soil, and/or groundwater monitoring and/or treatment, was required on the property under the authority of s. 292.11, Wis. Stats.
4. On April 1, 1993, the Department of Natural Resources advised Mr. Kenneth L. Duncan of the statutory requirement to restore the environment at that location. Mr. Kenneth L. Duncan agreed to allow the filing of a deed affidavit for the above stated property due to his inability to proceed with the cleanup of the contamination on the property. This deed affidavit, dated July 29, 1998, was recorded at the Richland County Register of Deeds office as Document Number 229794, which identified that contamination existed on the property.
5. On September 27, 2000, it was determined administrative authority for this site belonged to the Wisconsin Department of Commerce, based upon site investigation information, as provided in s. Comm 46.04(1)(b), Wis. Adm. Code.
6. On November 13, 2000, Mr. Kenneth L. Duncan was notified by the Wisconsin Department of Commerce, that he had fulfilled his responsibility to restore the environment as required under s. 292.11, Wis. Stats. The Department of Commerce determined the site described above was remediated to a level that is protective of human health and the environment, the site meets environmental standards, and no further action is necessary at this time.
7. That the Wisconsin Department of Natural Resources issued a written determination dated September 21, 2000, (Exhibit A, hereby attached and made a part of this affidavit), that indicates that the contamination on the above referenced property has been addressed to the satisfaction of the Department of Natural Resources and the notice established in Document No. 229794, is no longer binding on the above-described property and can be extinguished.

8. That this affidavit made for the purpose of extinguishing the notice identified in the Deed Notice dated July 29, 1998, and recorded in the Richland County Register of Deeds office on July 29, 1998, as Document No. 229794, for the above-described property, and in compliance with s. NR 728.11(3), Wis. Adm. Code.

Signature: _____

Printed Name: _____

Subscribed and sworn to before me

This _____ day of _____, 2000.

Notary Public, State of _____

My commission ends _____

241837

AFFIDAVIT

Document Number

VOL 330 PAGE 778

RECORDED

AT 11:59 O'CLOCK A.M.

DEC 19 2000

VOL 330 OF RECORDS PAGE 778-780

REGISTER OF DEEDS

RICHLAND COUNTY, WISCONSIN

BY Marian Yrigoyen

Recording Area

In Re: A part of the Southwest quarter (SW ¼) of the Northwest quarter (NW ¼) of Section Twenty (20), Township Ten (10) North, Range One (1) East, Richland County, Wisconsin described as follows:

Beginning at a point on the West line of County Trunk Highway "Y," which point is South, 85 degrees, 40 minutes West, 396.7 feet, North 231 feet and North, 45 degrees, 33 minutes East, 16.5 feet from the Southeast corner of said forty; thence Northwesterly, at right angles to said highway, 149 feet 3 inches; thence Southwesterly, parallel to said highway, 77 feet 8 inches to land owned by Eudora Schmitz; thence Southeasterly, along the Eudora Schmitz line, 149 feet 3 inches to beginning.

IN THE MATTER OF THE EXTINGUISHING OF A DEED NOTICE

STATE OF WISCONSIN

)

ss

COUNTY OF RICHLAND

)

Name and Return Address

Linda Hanefeld

WI DNR

1500 N. Johns St.

Dodgeville, WI 53533

Linda Hanefeld, being first duly sworn, on oath deposes and says:

Parcel Identification Number (PIN)

1. I am employed by the Wisconsin Department of Natural Resources, serving as a Hydrogeologist in the Remediation and Redevelopment Bureau, working in the Dodgeville Service Center.

2. The Department of Natural Resources determined that fuel oil contaminants discharged to the property referenced above, which is owned by Mr. Kenneth L. Duncan, and is located at 25450 Hwy Y, Richland Center, Wisconsin, contaminated the soil and/or groundwater in the vicinity.

3. The Department of Natural Resources believed that removal of the fuel oil contaminated soil, and/or groundwater monitoring and/or treatment, was required on the property under the authority of s. 292.11, Wis. Stats.

4. On April 1, 1993, the Department of Natural Resources advised Mr. Kenneth L. Duncan of the statutory requirement to restore the environment at that location. Mr. Kenneth L. Duncan agreed to allow the filing of a deed affidavit for the above stated property due to his inability to proceed with the cleanup of the contamination on the property. This deed affidavit, dated July 29, 1998, was recorded at the Richland County Register of Deeds office as Document Number 229794, which identified that contamination existed on the property.

5. On September 27, 2000, it was determined administrative authority for this site belonged to the Wisconsin Department of Commerce, based upon site investigation information, as provided in s. Comm 46.04(1)(b), Wis. Adm. Code.

6. On November 13, 2000, Mr. Kenneth L. Duncan was notified by the Wisconsin Department of Commerce, that he had fulfilled his responsibility to restore the environment as required under s. 292.11, Wis. Stats. The Department of Commerce determined the site described above was remediated to a level that is protective of human health and the environment, the site meets environmental standards, and no further action is necessary at this time.

7. That the Wisconsin Department of Natural Resources issued a written determination dated November 16, 2000, (Exhibit A, hereby attached and made a part of this affidavit), that indicates that the contamination on the above referenced property has been addressed to the satisfaction of the Department of Natural Resources and the notice established in Document No. 229794, is no longer binding on the above-described property and can be extinguished.

8. That this affidavit made for the purpose of extinguishing the notice identified in the Deed Notice dated July 29, 1998, and recorded in the Richland County Register of Deeds office on July 29, 1998, as Document No. 229794, for the above-described property, and in compliance with s. NR 728.11(3), Wis. Adm. Code.

Signature: Linda Hanefeld

Printed Name: Linda Hanefeld

Subscribed and sworn to before me

This 19th day of December, 2000.

Judith E. Heth

Notary Public, State of Wisconsin

My commission ends 2/24/02

This instrument drafted by Linda Hanefeld, Hydrogeologist, Department of Natural Resources.