



WC2774972-003

Notice of Lien

Under the authority of s. 292.11(7) (a), Wis. Stats. the Department of Natural Resources ("the Department") has expended funds to investigate and remediate hazardous substances on the following property, owned by Walter Nickel Trust:

See Exhibit A, Legal Description and Sketch of Lands, which is attached to this Notice of Lien

(NOTE: The Department reserves the right to amend this Legal Description, if necessary, since the Department has conflicting information regarding the Legal Description for the property)

Under s. 292.81 (3), Wis. Stats., when the Department expends funds to investigate and remediate hazardous substance contamination, the Department may file a lien for the amount expended for such purposes with the Register of Deeds in the county where the contaminated property is located.

The amount expended by the Department in this case as of November 30, 2001, is \$1,852,037.32. The Department expects to expend additional funds for the remediation of this property in the future. Another Notice of Lien will be filed when the amount of the additional funds expended is known. The property remains subject to this lien until the amount owed is paid in full. This lien is superior to all other liens that are or have been filed against the property, except that if the property is residential property, as defined in s. 895.52 (1) (i), Wis. Stats., the lien does not affect any valid prior lien, as defined in s. 292.81 (1), Wis. Stats., on that residential property.

The Department certifies that to the best of its knowledge and belief, all information contained in this Lien is correct, and this lien represents a legal encumbrance upon the property. Based on the above information and the authority of s. 292.81 (3), Wis. Stats., the Department claims a lien against the interest which the owners have in the above-described property in the amount of \$1,852,037.32.

Department of Natural Resources

By:

Darrell Bazzell,
Secretary

AUTHENTICATION OR ACKNOWLEDGEMENT

Signed and sworn to before me this
4th day of March, 2002.

State of Wisconsin, County of Dane
My Commission is permanent.

This document was drafted by the Department of Natural Resources

001030 MAR 02
2774972

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

03-08-2002 12:18 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 8.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 3

Recording Area

Name and Return Address
DEPARTMENT OF NATURAL
RESOURCES
THOMAS A. WENTLAND
P.O. BOX 12436
MILWAUKEE, WI 53212

Parcel Identification Number (PIN)

ped
15/3

001059 MAR-88
Project No. 1178

May 24, 1990

LEGAL DESCRIPTION:

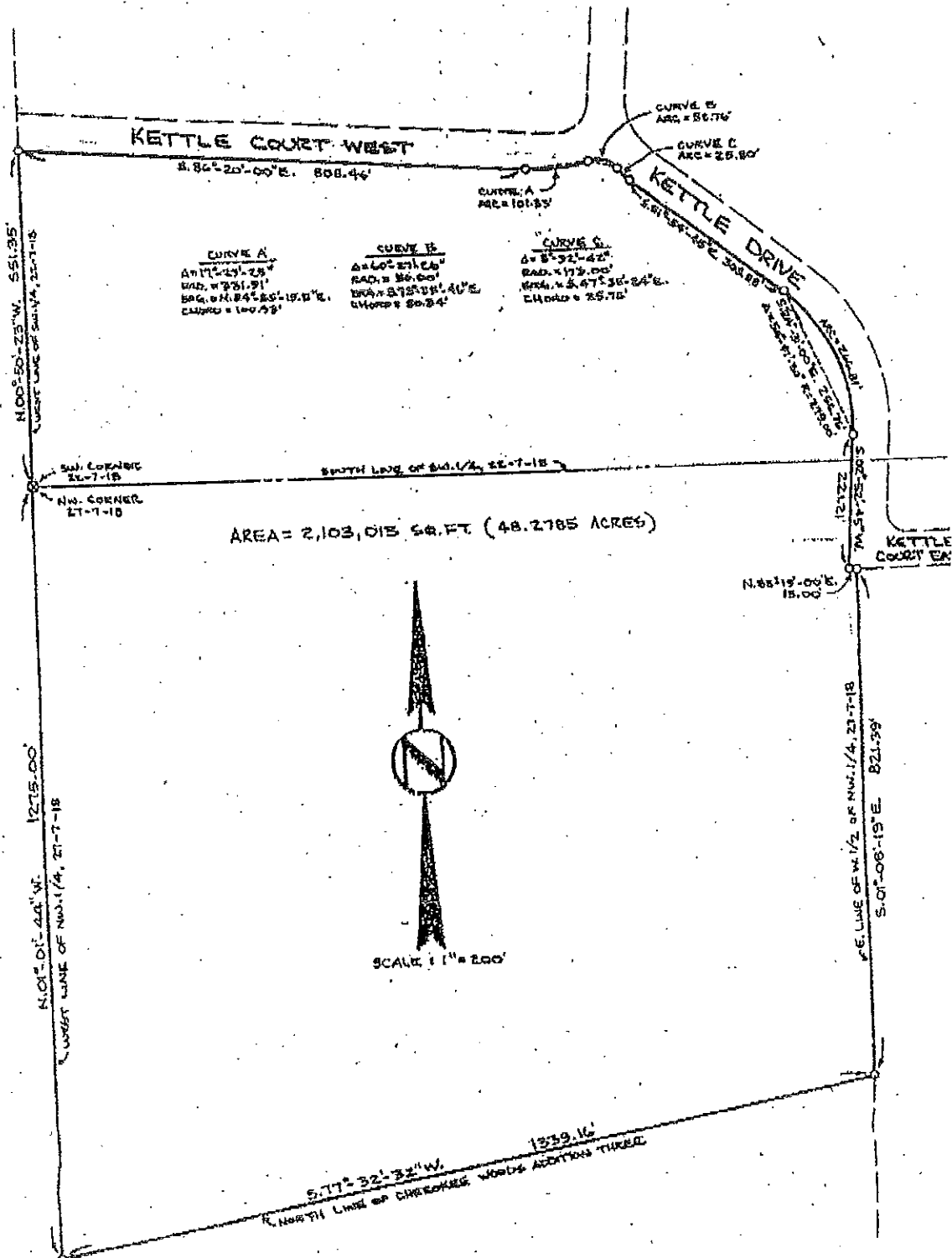
Being a part of the SW 1/4 of the SW 1/4 of Section 22, and a part of the NW 1/4 of the NW 1/4 of Section 27, all in T7N, R18E, City of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Beginning at the SW corner of said Section 22; thence N.00°-50'-23"W., along the West line of said SW 1/4, 551.35 feet to a point being at the SW corner of Kettle Court West, a 60 foot wide public road; thence S.86°-20'-00"E., along the southerly right-of-way line of Kettle Court West, 808.46 feet to a point of curvature; thence continuing along said southerly right-of-way line, 101.33 feet along the arc of a curve to the left with a radius of 331.91 feet, whose chord bears N.84°-55'-15.5"E., 100.93 feet to a point of reverse curvature; thence continuing along said southerly right-of-way line 52.76 feet along the arc of a curve to the right with a radius of 50.00 feet, whose chord bears S.73°-35'-46"E., 50.34 feet to a point of reverse curvature, said point being on the westerly right-of-way line of Kettle Drive, a 60 foot wide public road; thence along said westerly right-of-way line, 25.80 feet along the arc of a curve to the left with a radius of 173.00 feet, whose chord bears S.47°-38'-24"E., 25.78 feet to a point of tangency; thence continuing along said westerly right-of-way line S.51°-54'-45"E., 303.88 feet to a point of curvature; thence continuing along the westerly right-of-way line of Kettle Drive, 266.81 feet along the arc of a curve to the right, with a radius of 279.00 feet, whose chord bears S.24°-31'-00"E., 256.76 feet to a point of tangency; thence continuing along said westerly right-of-way line S.02°-52'-45"W., 221.21 feet to a point; thence N.88°-19'-00"E., along the southerly right-of-way line of Kettle Court East, a 60 foot wide public road, 13.00 feet to the East line of the West 1/2 of the NW 1/4 of said Section 27; thence S.01°-08'-19"E., along the East line of the West 1/2 of said NW 1/4, 821.39 feet to a point being on the North line of Cherokee Woods Addition No. Three, a recorded subdivision; thence S.77°-32'-32"W., along said North line, 1339.16 feet to a point being on the West line of the NW 1/4 of said Section 27; thence N.01°-01'-44"W., along said West line, 1275.00 feet to the SW corner of Section 22, and place of beginning. Said lands containing 2,103,013 square feet (48.2785 acres).

001060 MAR-88

SKETCH OF LANDS

BEING A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 22, AND A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, ALL IN T.7N, R.10E., CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



CURVE A
 $\Delta = 171^\circ 27' 28''$
 RAD. = 7351.91'
 BEG. @ N. 84° 25' 19.0" E.
 CHORD = 100.93'

CURVE B
 $\Delta = 60^\circ 21' 04''$
 RAD. = 56.00'
 BEG. @ S. 75° 01' 40" E.
 CHORD = 20.34'

CURVE C
 $\Delta = 8^\circ 32' 42''$
 RAD. = 175.00'
 BEG. @ S. 47° 36' 24" E.
 CHORD = 35.70'

AREA = 2,103,015 SQ. FT. (48.2785 ACRES)

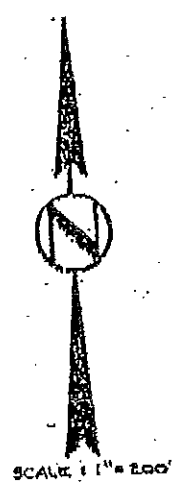


EXHIBIT A

Wentland, Thomas A - DNR

From: Stoltzfus, Lorraine C. [stoltzfuslc@DOJ.STATE.WI.US]
Sent: Tuesday, August 28, 2007 2:57 PM
To: Wentland, Thomas A - DNR
Subject: RE: CONFIDENTIAL

Tom,

Some time ago I sent an email to Debbie Roszak and Judy Ohm, and said that after looking into this, my sad conclusion was that my desire to help in this situation exceeded the extent of what the law could accomplish. Unfortunately, the Nickels did an excellent job (via their legal eagles) of insulating themselves personally from liability for the landfill. The operation was done in various layers of corporate bodies, and the Trust owns only the land on which the landfill was located. The other land that we have seen the Nickels grow rich from was all owned by them individually or other corporate entities that were not, at least on paper, involved with the landfill. I told Judy that she needed to be sure to put a lien on the land, and she has.

I know that this is incredibly frustrating for you, and it is for me also. I hate this kind of situation where we all KNOW who is the culprit and who ought to be paying, but the law doesn't reach that far or in that direction.


I'm really sorry.

Lorraine

From: Wentland, Thomas A - DNR
Sent: Thursday, August 23, 2007 12:15 PM
To: Stoltzfus, Lorraine C.
Subject:

Hello Lorraine, On December 19, 2002 then DNR Secretary Bazzell referred the Walter Nickel Trust and Ron Nickel case to the Attorney General's office for recovery of state funds. Could you tell me the status of the case? Did your investigation look into the Trust or Ron having insurance to cover our past costs?

Thanks

 *Thomas A. Wentland*

Waste Management Engineer
Bureau of Remediation and Redevelopment
Wisconsin Department of Natural Resources
1155 Pilgrim Road
Plymouth, WI 53073
(☎) phone: (920) 892-8756 Ex. 3028

09/24/2007