

Document Number

AFFIDAVIT

DOC# 800314

Recorded  
SEP. 12, 2003 AT 02:02PM

Legal Description of the Property:

That part of the Northwest 1/4 Southwest 1/4 of Section 4, Township 13 North, Range 19 East, Town of Auburn, Fond du Lac County, Wisconsin, described as follows:

Beginning at a cross mark cut in the concrete paving slab, at the intersection of the center line of USH "45", with the center line of State Trunk Highway No. 67, said point being over the center of a culvert, and at the Southern end of the curve joining said Highway 67 with said USH "45", said point being also 767.80 feet South of the West quarter post of said Section 4; thence assuming the West line of said Northwest quarter of the Southwest quarter (NW 1/4 SW 1/4) as a North and South base line and referring all courses to said base line by a transit vernier measurement of angles; running thence North 63 degrees 32 minutes East 83.30 feet to an iron stake; thence North 29 degrees 32 minutes East 200 feet to an iron stake; thence North 48 degrees 42 minutes West 83 feet to the center line of said Highway 67, and meeting said center line at right angles; thence Southwesterly and Southerly along said center line to the place of beginning.

Exception therefrom that portion conveyed to Fond du Lac County by deed recorded in Volume 411 of Deeds on Page 230.

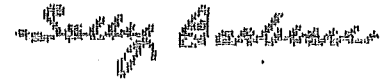
As described in Document No. 681225, Volume 1477, pages 148-149, Fond du Lac County Register of Deeds.

STATE OF WISCONSIN )  
COUNTY OF Winnebago )

T03-13-19-04-10-007  
Parcel Identification Number (PIN)

I, Pamela J. Pillar, 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, 625 E. County Rd Y, Suite 700, 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 property which is located at N2271 State Highway 45 in the town of Auburn, County of Fond du Lac, and which has the above captioned legal description, (the "Property"), has contaminated soil in the vicinity. The Property is listed as owned by William L. and Tracy R. Ostrander, on the most recent deed at the Fond du Lac County Register of Deeds.
4. On April 26, 2000, the Department received a report from the Wisconsin Department of Transportation, which stated that petroleum related contamination exists in the soil at the Property.
5. 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.
6. On March 5, 2002, the Department sent a letter to William L. and Tracy R. Ostrander, which advised them of the statutory requirement to restore the environment at the Property. The Department received no response to that letter. The Department sent a second letter on April 18, 2002, which again advised the Ostrandersons of the legal requirement to restore the environment at the Property.

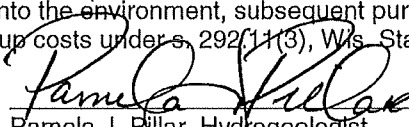


SALLY BARBEAU  
REGISTER OF DEEDS  
FOND DU LAC COUNTY  
Fee Amount: \$13.00

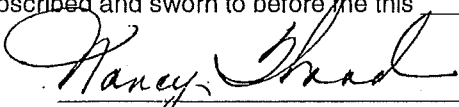
Recording Area

Name and Return Address:  
Pamela J. Pillar  
WI Department of Natural Resources  
625 E. CTY Y, Suite 700  
Oshkosh, WI 54901-9731

7. On May 20, 2002, the Department received a letter from the William L. and Tracy R. Ostrander stating their inability to pay for an environmental investigation or cleanup at the Property. On December 4, 2002, the Department sent a Notice of Violation to William L. and Tracy R. Ostrander concerning their responsibility to address the contamination and lack of a response to the Department's request to cleanup the Property. This letter also provided them the opportunity to demonstrate their inability to pay for the investigation and cleanup of the Property via submittal of financial documentation.
8. On January 7, 2003, the Ostrander's submitted to the Department the necessary financial information concerning their inability to pay. On February 12, 2003, the Department sent a certified letter to William L. and Tracy R. Ostrander, which advised that the Department determined that the Ostrandrs were financially unable to proceed with the necessary site remediation and that an affidavit of contamination would be recorded on the Property if satisfactory action to restore the environment did not commence. That letter requested a written response by February 28, 2003 and provided the Ostrandrs the opportunity to meet to discuss this determination prior to filing the deed affidavit. The Department received a phone call from Tracy R. Ostrander during the week of February 19, 2003 informing the Department that the Ostrandrs were declining the opportunity to attend a meeting. Department records indicate that no investigation or cleanup of the petroleum contamination has occurred at the Property as a result of these activities.
9. On July 25, 2003, the Department sent a certified letter to William L. and Tracy R. Ostrander advising that the Department would record an affidavit of contamination on the Property deed.
10. As the Department believes that petroleum contamination 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), Wis. Stats.

  
Pamela J. Pillar, Hydrogeologist

Subscribed and sworn to before me this 12 day of Sept, 2003.

  
Notary Public, State of Wisconsin

My commission expires on: 2-27-07

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