

Document Number

AFFIDAVIT

GREEN LAKE COUNTY
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10:00 A.M.

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Vol. 671 Of Rec. Pg. 116

Sylvia R. Kesch
REGISTER OF DEEDS

Legal Description of the Property:

Commencing 40 feet East of the Northwest corner of Lot One (1), Block Sixty-one (61) of Van Horn's Addition to the City of Berlin, thence South 40 feet, thence West 2 feet, thence South 32 feet, thence East 28 feet, thence North 72 feet, thence West 26 feet to the place of beginning, and ALSO commencing 40 feet East of the Northeast corner of Lot Two (2), Block Sixty-one (61) of Van Horn's Addition to the City of Berlin, thence South 40 feet, thence West 2 feet, thence South 32 feet, thence West 40 feet, thence North 12 feet, thence West 10 feet, thence North 60 feet, thence East 52 feet to the place of beginning, together with all rights in and to that easement dated November 29, 1952 and recorded December 2, 1952 in Volume 8 of Miscellaneous on Page 159 to the North 5 feet, of the South 52 feet of Lot One (1), Block Sixty-one (61), Van Horn's Addition to the City of Berlin AND all rights to the South 3.54 feet of Broadway St. as vacated by Resolution dated November 13, 1962 by the Common Council of the City of Berlin, passed, adopted and approved January 8, 1963 and recorded January 15, 1963 in Volume 171 of Records on Page 371. Being part of Lots 5 & 6, Section 9, T 17 N., R 13 E. City of Berlin, Green Lake County and State of Wisconsin.

Recording Area Pa. \$13.00 CASHName and Return Address: 10:00 AM
Kevin D. McKnight
WI Department of Natural Resources
625 E. CTY Y, Suite 700
Oshkosh, WI 54901-9731

As described in Document No. 264702, Volume 409, page 649, Green Lake County Register of Deeds.

STATE OF WISCONSIN)

Parcel Identification Number (PIN)

COUNTY OF Winnebago)

I, Kevin D. McKnight, being first duly sworn, state that:

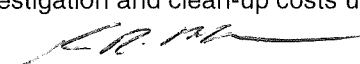
1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 625 E. County Rd Y, Suite 700, City of Oshkosh, Winnebago County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum product discharged to the property which is located at 280 Broadway in the City of Berlin, County of Green Lake, and which has the above captioned legal description, (the "Property"), has contaminated soil and groundwater in the vicinity. The Property is listed as owned by John Helmrick and Mary Jo Helmrick on the most recent deed at the Green Lake County Register of Deeds.
4. On November 3, 1998, the Department received a report from Fluid Management Inc., 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 November 19, 1998, the Department sent a letter to John Helmrick, which advised him of the statutory requirement to restore the environment at the Property. On June 1, 1999 the Department was informed that Mr. Helmrick had retained Envirogen to conduct a sub-surface site investigation. On September 8, 1999 the Department received a Site Investigation Workplan for the Property.
7. On June 26, 2001 the Department sent a letter to John Helmrick which requested a written status report for the site investigation at the Property. No response was received. On October 9, 2001 the Department sent a Notice of Noncompliance letter to Mr. Helmrick. On October 16, 2001 the Department received a Letter Report of

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In Re: Property Located in the
City of Berlin, Green Lake County,
Described above:

Preliminary Findings from Envirogen which indicated Mr. Helmrick had not authorized Envirogen to complete the Site Investigation. On December 7, 2001 the Department sent a second Notice of Noncompliance letter to Mr. Helmrick. The Department did not receive a satisfactory response to the Notice of Noncompliance.

8. On September 3, 2002, the Department sent a Notice of Violation to John Helmrick. On September 17, 2002 the Department conducted a telephone enforcement conference with Mr. Helmrick and representatives of Envirogen. Mr. Helmrick advised the Department of his inability to pay for additional environmental investigation or cleanup at the Property due to other financial obligations. On September 27, 2002, the Department sent a letter to Mr. Helmrick summarizing the September 17, 2002 enforcement conference.
9. On January 6, 2003, Mr. Helmrick submitted to the Department the necessary financial information concerning his inability to pay. On September 8, 2003, the Department sent a letter to John Helmrick, which advised that the Department determined that Mr. Helmrick was 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 September 22, 2003 and provided Mr. Helmrick the opportunity to meet to discuss this determination prior to filing the deed affidavit. The Department did not receive a response from Mr. Helmrick.
10. On January 5, 2004 the Department sent a certified letter to John and Mary Jo Helmrick advising that the Department would record an affidavit of contamination on the Property deed.
11. As the Department believes that petroleum contamination currently found in the soil and groundwater 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.


Kevin D. McKnight, Hydrogeologist

Subscribed and sworn to before me this 19th day of February, 2004


Notary Public, State of Wisconsin

My commission expires on: 2-26-07

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

