

L-4

DOC# 643281

AFFIDAVIT

Document Number

Recorded
June 03, 2008 AT 11:08:48AM
AMY DILLENBURG
REGISTER OF DEEDS
SHAWANO COUNTY WI

In Re: A parcel of property specifically described as follows:

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 Leopolis Road 17 rods. There shall be the place of beginning; thence Southeasterly at a right angle to Highway 7 rods. Thence southeasterly parallel to Highway 9 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 described tract of land:

Beginning at the Norwest Corner of said sec. 29,; thence North 01°30'48" West along the west line of the Southwest quarter of section 20, Township 27 North, Range 14 East, 483.84 feet; thence North 88°48'15" East 243.75 feet to the east existing right of way line of Leopolis Road; thence South 14°02'46" East 253.62 feet; thence South 86°04'40" East 329.41 feet; thence South 88°43'33" East 1519.65; thence South 87°19;20" East 693.41 feet to the East line of the Southwest quarter (SW¼) of said section 20; thence South 00°43'21" East along said east line, 86.13 feet to the South quarter corner of said section 20, thence South 01°00'02" East along the East line of the Northwest quarter (NW¼) of said section 29, 136.77 feet; thence North 88°01'26" West 1561.66 feet to the South existing right of way line of State Highway 29; Thence North 01°23'02" 45.24 feet to the north line of the Northwest quarter of said section 29; thence South 88°35'58" West along said north line, 1056.04 feet to the point of beginning.

Fee Amount: \$17.00



Recording Area

Name and Return Address

Tom Sturm
Department of Natural Resources
647 Lakeland Avenue
Shawano, WI 54166
\$17.00
cash

024 292 200 010
Parcel Identification Number (PIN)

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

IN THE MATTER OF THE SUPERSEDING OF A DEED AFFIDAVIT

STATE OF WISCONSIN)
) ss
COUNTY OF SHAWANO)

Thomas Sturm, being first duly sworn, on oath deposes and says:

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Shawano Office, 647 Lakeland Road, Shawano, WI 54166.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. That a Deed Affidavit dated July 20, 2000 recorded at the Shawano County Register of Deeds office as Document No.534401, verifying that as the Department believed that petroleum contamination found in the soil on the property with the legal description provided above, had not been addressed and would continue to discharge into the environment. It was therefore necessary to notify subsequent purchasers of the property of the existence of the contamination and that they could be held responsible for investigation and clean-up costs under s. 292.11(3), Wisconsin Statutes.
4. That the Reuben Schwartz Estate, property owner, has remediated, removed or treated the petroleum contaminated soil, and/or groundwater previously found on the above-described property.
5. That the Department issued a closure letter dated March 27, 2008, (Exhibit A, hereby attached and made a part of this affidavit), that indicates that the petroleum contamination identified as remaining on the property in Document No.534401, was addressed and the previous affidavit is no longer necessary for the above-described property and can be superseded.

6. This affidavit also confirms that residual contamination exceeding state standards may remain on the property that is inaccessible or otherwise impracticable to remediate at this time. If the soil is removed in the areas identified in the closure letter in the future, said soil must be sampled and analyzed to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.

7. That this Affidavit is recorded for the purpose of superseding the preceding Affidavit, Doc. No.534401 and confirms that the petroleum contamination previously existing on the property has been remediated and addressed to the satisfaction of the Department.

Signature: Thomas Storm

Printed Name: Thomas Storm

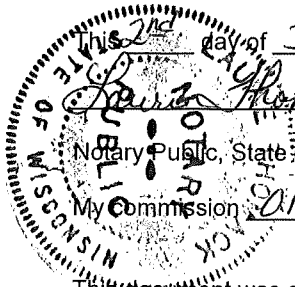
Subscribed and sworn to before me

This 2nd day of June, 2008.

Robert Thomack

Notary Public, State of WI

My Commission: 01/02/2011



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



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Shawano Office
647 Lakeland Rd.
Shawano, Wisconsin 54166
Telephone 715-524-2183
FAX 715-524-3214
TTY Access via relay - 711

March 27, 2008

*Exhibit A
Page 1 of 2*

Rueben Schwartz Estate
c/o Steve Daney – Guardian
N5628 Leopolis Rd.
Leopolis, WI 54948

SUBJECT: Final Case Closure
Former Schwartz Sales and Service, N5693 Leopolis Rd., Town of Herman, Shawano County,
WI
WDNR BRRTS Activity #: 02-59-000311

Dear Mr. Daney:

On March 12, 2008, the Department's Northeast Region Closure Committee reviewed your request for closure of the case described above. The Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wisconsin Administrative Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

Remaining Residual Soil Contamination

Residual soil contamination remains at SB-1 and SB-2 as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.

Deed Affidavit


On July 25, 2000, the Department of Natural Resources filed an affidavit on the property deed under s. NR 728.11(2), Wisconsin Administrative Code (WAC), indicating that petroleum contamination was present on the property and that removal or treatment of the contamination is required under s 292.11, Wisconsin Statutes. Because you have addressed the petroleum contamination on the property, the Department intends to file a second affidavit on the property deed as identified under s. NR 728.11(3)

Exhibit A page 2 of 2

WAC that will supersede the affidavit previously filed. I have enclosed a draft copy of the affidavit we intend to file. Please review this document for accuracy of property description and other information and contact me with any corrections. I will file the affidavit after I hear back from you or after 30 days. This letter will be attached the deed affidavit.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact me at 715-526-4230.

Sincerely,



Tom Sturm
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Nicole LaPlant – Robert e. Lee and Associates, 4664 Golden Pond Park Court, Oneida, WI 54155