

1844353

Document Number

NOTICE OF CONTAMINATION

Recorded
July 27, 2009 AT 10:59AM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$13.00
Total Pages 2



Legal Description of the Property:

ALL OF LOT ONE (1) AND THE EAST 23 FEET OF LOT TWO (2), IN BLOCK THIRTY-ONE (31) IN SIXTH WARD PLAT, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY.

Recording Area

13.00
②

STATE OF WISCONSIN)
COUNTY OF WINNEBAGO)

Name and Return Address:

Jennifer Borski
WDNR
625 E County Rd Y, STE 700
Oshkosh, WI 54901-9731

ENVELOPE

I, Jennifer Borski, being first duly sworn, state that:

316093900

Parcel Identification Number (PIN)

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Oshkosh Service Center.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department of Natural Resources has determined that volatile organic compounds (hereinafter "VOCs") discharged to Sterling Enterprises of Wisconsin, Inc, which is located at 304 West Wisconsin Avenue, in the City of Appleton, County of Outagamie, and which has the above legal description, has contaminated soil and groundwater in the vicinity.
4. 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.
5. On August 14, 2008, the Department of Natural Resources sent a letter to Mr. Jae Cho and Sterling Enterprises of Wisconsin, Inc. advising of the statutory requirement to restore the environment at that location. An inadequate response to that letter has been received by the Department. Mr. Cho alleged he is not able to obtain financing to perform the actions necessary and provided written rejections from three financial institutions on May 15, 2009.
6. On May 21, 2009, the Department of Natural Resources sent a letter, by certified mail, to Mr. Jae Cho and Sterling Enterprises of Wisconsin, Inc. advising that a notice of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by June 8, 2009 (10 working days from receipt on May 23, 2009). An inadequate response to that letter has been received by the Department. Mr. Jae Cho was not able to secure financing to perform the actions necessary.
7. On June 15, 2009, the Department sent a letter, by certified mail, to Mr. Jae Cho and Sterling Enterprises of Wisconsin, Inc. advising that the Department has made the decision to record a notice of contamination for the above-described property at the county Register of Deeds office.
8. Because the Department believes that VOCs 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), Wisconsin Statutes.

Jennifer Borski, Hydrogeologist

AFFIDAVIT

In Re: Property Located in the
City of Appleton,
Outagamie County, Wisconsin
Described above.

Subscribed and sworn to before me this 13 day of July, 2009.

Cynthia Redow
Notary Public, State of Wisconsin

My commission expires on: 16 Aug 2009

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