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Document Number

AFFIDAVIT

VOL 1256 PAGE 494

RECORDED

2:25 O'CLOCK P.M.

APR 18 2007

LORALEE LASLEY
REGISTER OF DEEDS
OCONTO COUNTY, WI

Legal Description of the Property:

Parcel 1: Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 15, Township 28 North, Range 18 East; thence Easterly 782.4 feet along the North line of State Trunk Highway 22 and 32, this shall be the point of beginning: Thence North 322.5 feet; thence East 225.00 feet, plus or minus; thence South 322.5 feet; thence West along the State Highway 22 and 32 to the point of beginning.

Parcel 2: Part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 15, Township 28 North, Range 18 East, described as follows: Commencing at the Southwest corner of the SE 1/4 of SE 1/4; thence Easterly 513 feet, to the place of beginning: Thence North 104 feet; thence West 156 feet; thence North 218.5 feet; thence East 425.4 feet; thence South 322.5 feet; thence West along State Trunk Highway 22 and 32 to the place of beginning.

As described in Document No. 475843, Volume 722, page 152, Oconto County Register of Deeds.

STATE OF WISCONSIN)
COUNTY OF OCONTO)

Recording Area

Name and Return Address: 13.00
Kristin DuFresne
WI Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

016-151504544M 016-151503744B
Parcel Identification Number (PIN)

RECEIVED

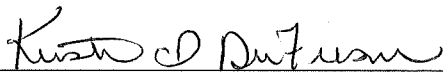
JAN 08 2010

ERS DIVISION

I, Kristin I. DuFresne, 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 Northeast Region Headquarters Office, 2984 Shawano Avenue, City of Green Bay, Brown 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 10552 Highway 22, City of Gillett, County of Oconto, and which has the above captioned legal description, (the "Property"), has contaminated soil in the vicinity. The Property is listed as owned by Bryan Jones a/k/a Bryan W. Jones on the most recent deed at the Oconto County Register of Deeds.
4. On January 6, 1995, the Department received a report from Tarlton Construction, 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 August 30, 1994, the Department sent a letter to Bryan Jones, which advised him of the statutory requirement to restore the environment at the Property.
7. On July 17, 2002, the Department sent Bryan Jones a Notice of Noncompliance for failure to take action to restore the environment at the Property.
8. On April 20, 2005, the Department sent Bryan Jones a second Notice of Noncompliance for failure to take action to restore the environment at the Property.
9. On April 27, 2006, the Department sent Bryan Jones a Notice of Violation and scheduled an enforcement conference for May 11, 2006. Bryan Jones failed to attend the enforcement conference.

10. On May 16, 2006, the Department sent Bryan Jones a letter requesting a written response by May 29, 2006. The written response was to detail the steps Bryan Jones had taken to investigate and remediate the petroleum release. On June 1, 2006, the Department received a response from Bryan Jones but it did not identify the steps taken to investigate and remediate the petroleum release.
11. On October 5, 2006, Department staff met with Bryan Jones on the Property. The purpose of the meeting was to discuss options for addressing the reported contamination found on the Property.
12. On October 9, 2006, the Department sent Bryan Jones a letter summarizing the October 5, 2006 meeting. This letter asked Bryan Jones to sign and return an access agreement that would allow the Department to perform soil and groundwater sampling activities on the Property. The Department received no response to this letter.
13. On December 13, 2006, the Department sent Bryan Jones a letter requesting Department access to the Property for the purpose of collecting soil and groundwater samples. Bryan Jones was to respond by January 1, 2007 or the Department would pursue filing an affidavit of contamination on the Property. The Department received no response.
14. 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.



Kristin I. DuFresne, Hydrogeologist

Subscribed and sworn to before me this 10th day of April, 2007.



Notary Public, State of Wisconsin

My commission expires on: 2-17-08

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