



8 0 7 1 8 9 8  
Tx:4050426

1102032

KATHRYN A. CHRISTENSON  
EAU CLAIRE COUNTY, WI  
REGISTER OF DEEDS

RECORDED ON  
07/11/2014 1:04 PM

REC FEE: 30.00  
TRANSFER FEE:  
EXEMPT #  
PAGES: 3

Recording Area

Name and Return Address:

Connie Antonuk  
Wisconsin DNR  
107 Sutliff Ave  
Rhineland, WI 54501

180182250090122020002

**Parcel Identification Number (PIN)**

Document Number

NOTICE OF CONTAMINATION

Legal Description of the Property:

LOT 3 BLOCK 4 ORIGINAL PLAT OF CLEGHORN TOWN OF PLEASANT VALLEY

STATE OF WISCONSIN

COUNTY OF EAU CLAIRE

I, Connie Antonuk, being first duly sworn, state that:

1. I am an Air, Waste and Remediation and Redevelopment Program Manager, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its regional office in Rhineland, WI.

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 unleaded gasoline present at Lot 3 Block 4 Original Plat of Cleghorn Town of Pleasant Valley, S10405 County Road HH/I, Eleva, Wisconsin and which has the above legal description, has contaminated soil and groundwater on the property. **See Exhibit A for a map of the property.**

4. The Department believes that a site investigation, 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 September 24<sup>th</sup>, 1997, the Department of Natural Resources (DNR) sent you a letter notifying you of your legal responsibility to investigate the degree and extent of contamination discovered during a tank inspection at the above described property.

6. On October 16<sup>th</sup>, 1997, you spoke with DNR Hydrogeologist Doug Joseph, who informed you of your responsibilities to define the degree and extent of contamination at this property.

7. On June 5<sup>th</sup>, 1998, Doug Joseph sent you a letter informing you that you have not been compliant with the Wisconsin Spills Law, and have not hired a consultant to define the degree and extent of contamination at your property.

8. On September 19<sup>th</sup>, 2012, DNR Hydrogeologist Doug Joseph sent you a letter asking for an update on what has been done at the subject property to investigate the contamination present on the subject property.

9. On August 9<sup>th</sup>, 2013, DNR Hydrogeologist Doug Joseph sent you a letter asking for an update on what has been done at the subject property to investigate the contamination present on the subject property.

10. On January 31<sup>st</sup>, 2014, DNR Hydrogeologist David Hon sent you a notice of noncompliance informing you that you have not been compliant with the Wisconsin Spills Law, and have not hired a consultant to define the degree and extent of contamination at your property.

11. On March 5<sup>th</sup>, 2014, DNR Hydrogeologist David Hon had spoken to you regarding your ability to pay. You had stated that you were unable to pay for the site investigation on your property, and it was not worth investing your time even if the site was PECFA eligible and you could waive the deductible.

**DEED AFFIDAVIT**

*In Re: Kitelinger Taxidermy  
S10405 County Road HH/I  
Eleva, WI*

12. On April 1<sup>st</sup>, 2014, DNR Hydrogeologist David Hon sent you a letter with instructions on how to prove your inability to pay for investigative work. Hon enclosed Ability to Pay forms and you were instructed in the letter to fill out the forms and return them to the Department by May 1<sup>st</sup>, 2014.

7. On May 14<sup>th</sup>, 2014, the Department sent a letter, by certified mail, to Mr. Kitelinger, advising that the Department has intent to file a deed affidavit if he does not move forward with a site investigation and remediation of the Property.

8. On June 25<sup>th</sup>, 2014 the Department sent a letter, by certified mail, to Mr. Kitelinger, 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. The 30 day response time set out in the letter has expired. The 15 day waiting period since that deadline, required by NR 728, Wis. Adm. Code, has passed without an acceptable response.

9. Because the Department believes that leaded gasoline contamination is currently found in the soil and groundwater on the property with the above legal description, and 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.

*Connie Antonuk*

**Connie Antonuk**

Subscribed and sworn to before me this 7<sup>th</sup> day of July, 2014.

*Micah Zeitler*

Notary Public, State of Wisconsin

My commission expires on: 12/09/2017 <sup>mz</sup>

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



**DEED AFFIDAVIT**

*In Re: Kitelinger Taxidermy  
S10405 County Road HH/I  
Eleva, WI*

**EXHIBIT A**

