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ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

5702/0062 05 001 Page 1 of 4
2000-08-29 11:14:29
Cook County Recorder 51.00

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Seller: 2101 GARDNER, LLC
Buyer: B&J, L.L.C.
Document No.: _____

Recorder's Office



County

Date

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

DZMS
7876061

I. PROPERTY IDENTIFICATION:

A. Address of property: 2101-2125 Gardner Road Broadview Proviso
Street City or Village Township
Permanent Real Estate Index No.: 15-16-420-004 & 15-16-420-005

B. Legal Description:

Section 16 Township 39 N Range 12

Enter or attach current legal description in this area:

THAT PART OF LOT 16 LYING WEST OF THE WEST RIGHT OF WAY LINE OF INDIANA HARBOR BELT RAILROAD COMPANY (EXCEPT THAT PART TAKEN FOR ROOSEVELT ROAD) IN SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Prepared by: Deborah A. Faktor, Esq.
Polsky & Associates, Ltd.
name
205 N. Michigan Ave., Ste. 3909, Chicago, IL 60601
address

Return to: Deborah A. Faktor, Esq.
Polsky & Associates, Ltd.
name
205 N. Michigan Ave., Ste. 3909, Chicago, IL 60601
address

LIABILITY DISCLOSURE

Transferees and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

C. Property Characteristics:

Lot Size _____ Acreage 10,893

Check- all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
- Industrial building
- Commercial apartment (over 6 units)
- Farm, with buildings
- Store, office, commercial building
- Other, specify _____

11. NATURE OF TRANSFER:

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) Is this a transfer by assignment of over 25 % of beneficial interest of an Illinois land trust? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) A mortgage or collateral assignment of beneficial interest? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

BOX 333-CT1

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B. (1) Identify Transferor:

2101 Gardner, LLC 134 N. LaSalle Street, Suite 1654, Chicago, IL 60601

Name and Current Address of Transferor

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

Trust No.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

John M. Daley, Managing Member

312-683-3100

Name, Position (if any), and address

Telephone No.

C. Identify Transferee: B&J, L.L.C.

Name and Current Address of Transferee

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2 (f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (f) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2 (f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule of law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of Such text.

IV ENVIRONMENTAL INFORMATION

Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances" as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumers sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes _____ No

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes _____ No

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3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes ___ No

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	___	<input checked="" type="checkbox"/>	Injection Wells	___	<input checked="" type="checkbox"/>
Surface Impoundment	___	<input checked="" type="checkbox"/>	Wastewater Treatment Units	___	<input checked="" type="checkbox"/>
Land Treatment	___	<input checked="" type="checkbox"/>	Septic Tanks	___	<input checked="" type="checkbox"/>
Waste Pile	___	<input checked="" type="checkbox"/>	Transfer Stations	___	<input checked="" type="checkbox"/>
Incinerator	___	<input checked="" type="checkbox"/>	Waste Recycling Operations	___	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	___	<input checked="" type="checkbox"/>	Waste Treatment Detoxification	___	<input checked="" type="checkbox"/>
Storage Tank (Underground)	___	<input checked="" type="checkbox"/>	Other Land Disposal Area	___	<input checked="" type="checkbox"/>
Container Storage Area	___	<input checked="" type="checkbox"/>			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency Along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?

- a. Permits for discharges of waste water to waters of the State. Yes ___ No
- b. Permits for emissions to the atmosphere. Yes ___ No
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes ___ No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? Yes ___ No

- 7. Has the transferor taken any of the following actions relative to this property?
 - a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes ___ No
 - b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes ___ No
 - c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes ___ No

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination or emanating from the property. Yes No ___
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes ___ No
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes ___ No ___

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes ___ No
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes ___ No
- c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

- ___ Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- ___ Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- ___ Designation, by the IEPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act
- ___ Sampling and analysis of soils
- ___ Temporary or more long-term monitoring of groundwater at or near the site
- ___ Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- ___ Coping with fumes from subsurface storm drains or inside basements, etc.
- ___ Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board? Yes ___ No

11. Is there any explanation needed for clarification of any of the above answers or responses? Transferor has owned the property for approximately one year. Transferor does not conduct operations on the property but is only a landlord. Transferee is a tenant on the property and has conducted operations on the property for several years. Transferor's responses are based on a review of previously recorded disclosure documents.

B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: B. L. Downey Co., Inc., Metal Ventures, LLC, Alabama Metal Industries Corporation, First Industrial, L.P.

Type of business/ Industrial
or property usage _____

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

	YES	NO		YES	NO
Landfill	___	<u>X</u>	Injection Wells	___	<u>X</u>
Surface Impoundment	___	<u>X</u>	Wastewater Treatment Units	<u>X</u>	___
Land Treatment	___	<u>X</u>	Septic Tanks	___	<u>X</u>
Waste Pile	___	<u>X</u>	Transfer Stations	___	<u>X</u>
Incinerator	___	<u>X</u>	Waste Recycling Operations	___	<u>X</u>
Storage Tank (Above Ground)	___	<u>X</u>	Waste Treatment Detoxification	___	<u>X</u>
Storage Tank (Underground)	<u>X</u>	___	Other Land Disposal Area	___	<u>X</u>
Container Storage Area	___	<u>X</u>			

V CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

2101GARDNER L.L.C., an Illinois limited liability company

By: Chicago Industrial Partners L.L.C., a Delaware limited liability company, its Manager

By: PADI, L.L.C., a Delaware limited liability company, its Manager

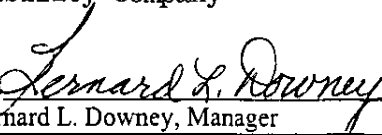
By: 
John M. Daley, Manager
type or print name

B. This form was delivered to me with all elements completed on

July 19 2000

TRANSFEEE OR TRANSFEEES (or on behalf of Transferee;

B & J, L.L.C., an Illinois limited liability company

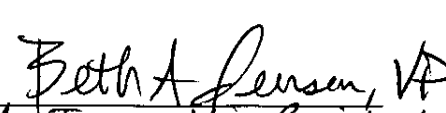
By: 
Bernard L. Downey, Manager
type or print name

C. This form was delivered to me with all elements completed on

Aug 24 2000

LENDER

Merrill Lynch Business Financial Services, Inc.

By: 
Beth A. Jensen, Vice President
type or print name