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# EXHIBIT ATTACHED UNOFFICIAL COPY



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COOK COUNTY  
RECORDER  
IMPRINT  
CORRECTION  
BY R. IS 1998

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COOK COUNTY RECORDER

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## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY LOCATED IN ILLINOIS

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

**Duty to Record**  
Within 30 days after the date, any real property subject to the provisions of the Responsible Property Transfer Act of 1985 is transferred, this completed document must be filed in the office of the recorder of the county in which such property is located and filed with the Illinois Environmental Protection Agency.

For Use By County  
Recorder's Office  
County  
Date  
Doc. No.  
Vol.  
Page  
Rec'd by:

Seller: PDV Midwest Refining, LLC

Purchaser: STANDARD Bank and Trust Company

Document No.: Trust # 15817, dated December 15, 1997

### I. PROPERTY IDENTIFICATION:

A. Address of property: 802 West Palatine Road, Palatine, IL  
Street City or Village Township

Permanent Real Estate Index No.: See Attachment A.

### B. Legal Description:

Section \_\_\_ Township \_\_\_ Range \_\_\_

Enter or attach current legal description in this area:

See Attachment A.

BOX 333-CTI

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Prepared by:

Name: George Naydol  
Company: The UNO-VEN Company  
Address: 3850 North Wilke Road  
City: Arlington Heights State: IL Zip: 60004

Return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## LIABILITY DISCLOSURE

Transferors 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: See Attachment A.

Lot Size \_\_\_\_\_ Acreage \_\_\_\_\_

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

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

## II. NATURE OF TRANSFER:

		Yes	No
A.	1.		
		Is this a transfer by deed or other instrument of conveyance?	
		<u>X</u>	_____
	2.		
		Is this a transfer by assignment of over 25 % of beneficial interest of an Illinois Land Trust?	
		_____	<u>X</u>
	3.		
		A lease exceeding a term of 40 years?	
		_____	<u>X</u>
	4.		
		A mortgage or collateral assignment of beneficial interest?	
		_____	<u>X</u>

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B. 1. Identify Transferor:

PDU Midwest Refining, LLC

Name and Current Address of Transferor:

Box 22072

Tulsa, Ok

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:

Name, Position (if any), and address:

Telephone No.:

George Naydo

(847) 818-7246

The UNO-VEN Company

3850 North Wilke Road

Arlington Heights, Illinois 60004

C. Identify Transferee:

Standard Bank & Trust Company  
Trust # 15817, dated 12/15/97  
Name and Current Address of Transferee:

7800 West 95<sup>th</sup> Street  
Hickory Hills, IL 60457

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## III. NOTIFICATION

Under the Illinois Environmental Protection Act<sup>1</sup> 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<sup>2</sup> states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) 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 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 from which 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<sup>3</sup> 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."

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<sup>1</sup> Chapter 111½ ¶ 1001 et seq.

<sup>2</sup> Chapter 111½ ¶ 1022.2.

<sup>3</sup> Chapter 111-1/2 , ¶ 1004.

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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 damages 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<sup>4</sup> states:

"Notwithstanding any other provision or rule or 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

### A. 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

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<sup>4</sup> Chapter 111-1/2, § 1022.18.

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does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refurbishing, servicing, or cleaning operations on the property.

Yes \_\_\_\_\_

No  X

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  X

The property contains a gasoline service station.

No \_\_\_\_\_

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  X

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?

	<u>Yes</u>	<u>No</u>
Landfill	_____	<u> X </u>
Surface Impoundment	_____	<u> X </u>
Land Treatment	_____	<u> X </u>
Waste Pile	_____	<u> X </u>
Incinerator	_____	<u> X </u>
Storage Tank (Above Ground)	_____	<u> X </u>
Storage Tank (Underground)	<u> X </u>	_____
Container Storage Area	_____	<u> X </u>
Injection Wells	_____	<u> X </u>
Wastewater Treatment Units	_____	<u> X </u>
Septic Tanks	_____	<u> X </u>
Transfer Stations	_____	<u> X </u>
Waste Recycling Operations	_____	<u> X </u>

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Waste Treatment Detoxification \_\_\_\_\_ X  
Other Land Disposal Area \_\_\_\_\_ X

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. See Attachment C attached hereto and made a part hereof.

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

- (a) Permits for discharges of wastewater to waters of the State. Yes X No \_\_\_\_\_
- (b) Permits for emissions to the atmosphere. Yes X No \_\_\_\_\_
- (c) Permits for any waste storage, waste treatment or waste disposal operation. Yes \_\_\_\_\_ No X

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes \_\_\_\_\_  
No X

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 X
- (b) Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.<sup>5</sup> Yes X No \_\_\_\_\_

<sup>5</sup> 42 U.S.C.A. §11001 et seq.

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- (c) Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes \_\_\_ No X

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 on or emanating from the property.

Yes X 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 X

- (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 X No \_\_\_

- (b) Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes X 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?

X Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials.



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- 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?

\_\_\_\_\_  
\_\_\_\_\_

## 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: UNOCAL

Type of business  
or property usage: Service Station

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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:

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

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## 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.

X Ezra Hunt

TRANSFEROR

(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998.

\_\_\_\_\_  
TRANSFeree

(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998.

\_\_\_\_\_  
LENDER

P.A. 85-1228, § 5, eff. Nov. 1, 1989.

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## 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.

X Ezra Hunt  
TRANSFEROR  
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998

Robert M. Kelly  
TRANSFeree Vice President  
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998

STANDARD BANK & TRUST COMPANY  
LENDER

P.A. 85-1228, § 5, eff. Nov. 1, 1989.

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## 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.

X Eva Hunt  
TRANSFEROR  
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998.

X [Signature]  
TRANSFeree  
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on \_\_\_\_\_, 1998.

\_\_\_\_\_  
LENDER

P.A. 85-1228, § 5, eff. Nov. 1, 1989.

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Property of Cook County Clerk's Office

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## ATTACHMENT A TO ENVIRONMENTAL DISCLOSURE DOCUMENT

### Legal Description

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## EXHIBIT A

### Legal Description

LOT 5 (EXCEPT THAT PART THEREOF CONVEYED TO THE COUNTY OF COOK, A BODY POLITIC AND CORPORATE BY DEED RECORDED AUGUST 31, 1982 AS DOCUMENT 26337739) AND LOT 6 IN BLOCK 9 IN ARTHUR T. MCINTOSH AND COMPANY'S CHICAGO AVENUE FARMS, BEING A SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Address: 802 W. Palatine Rd., Palatine, Illinois

Tax Parcel Number: 02-16-412-013 and 02-16-412-014

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## ATTACHMENT B TO ENVIRONMENTAL DISCLOSURE DOCUMENT

Site Plan (attached)

Property of Cook County Clerk's Office

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