

This Document Prepared by and mail to:

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1998-12-16 11:43:52
Cook County Recorder 35.50

Wabash Partners
1130 South Wabash
Suite 500
Chicago, Illinois 60605



08142962

ENVIRONMENTAL DISCLOSURE
DOCUMENT FOR TRANSFER OF
REAL PROPERTY

This space reserved for Recorder.

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

Seller: Wabash Partners

Buyer: SBY Wabash, L.L.C.

Documents No.: _____

I. PROPERTY IDENTIFICATION

A. Address of property: 1130 S. Wabash Chicago
Street City or Village Township
Permanent Real Estate Index No.: 7-15-308-019-0000

B. Legal Description:

Section: 15 Township 39 N Range 14 E

Enter or attach current legal description in this area: See attached Exhibit A.

Prepared by: Wabash Partners
name
1130 S. Wabash, Chicago, IL 60605
address

Return to: J. Little
name
75 E. Wacker (#200)
address
Chicago, IL 60601

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:

Lot Size 66.67' x 165.5' Acreage 0.237
Check all type of improvement and uses that pertain to the property:

 Apartment building (6 units or less) Commercial apartment (over 6 units)

Store, office, commercial building

Farm, with buildings

Industrial building

Other, specify

II. NATURE OF TRANSFER

YES NO

- A. (1) Is this a transfer by deed or other instrument of conveyance?
- (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?
- (3) A lease exceeding a term of 40 years?
- (4) A mortgage or collateral assignment of beneficial interest?

B. (1) Identify Transferor:

Wabash Partners 1130 S. Wabash, Chicago, Illinois 60605
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:

Caroline P. Rogers 1130 S. Wabash Chicago, Illinois 60605 312-663-6000
Name, Position (if any), and Address Telephone No.

C. Identify transferee: SBY Wabash, LLC
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 (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 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(f) 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 a 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 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, correction 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 consumer sized containers), finishing, refinishing, 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 _____ No X

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 X

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	_____	_____	Injection Wells	_____	_____
Surface Impoundment	_____	_____	Wastewater Treatment Units	_____	_____
Land Treatment	_____	_____	Septic Tanks	_____	_____
Waste Pile	_____	_____	Transfer Stations	_____	_____
Incinerator	_____	_____	Waste Recycling Operations	_____	_____
Storage Tank (Above Ground)	_____	_____	Waste Treatment Detoxification	_____	_____
Storage Tank (Underground)	_____	_____	Other Land Disposal Area	_____	_____

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Container Storage Area

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? | YES | NO |
| a. | Permits for discharges of wastewater to waters of the State. | _____ | <u>X</u> |
| b. | Permits for emissions to the atmosphere. | _____ | <u>X</u> |
| c. | Permits for any waste storage, waste treatment or waste disposal operation. | _____ | <u>X</u> |
| 6. | Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? | _____ | <u>X</u> |
| 7. | Has the transferor taken any of the following actions relative to this property? | _____ | <u>X</u> |
| a. | Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. | _____ | <u>X</u> |
| b. | Filed an Emergency Planning and Hazardous Chemical Inventory Form pursuant to the Community Right-to-Know Act of 1986 | _____ | <u>X</u> |
| c. | Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. | _____ | <u>X</u> |
| 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. | _____ | <u>X</u> |
| b. | Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. | _____ | <u>X</u> |
| 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. | <u>N/A</u> | _____ |
| 9. | Environmental Releases During Transferor's Ownership | | |
| a. | Has any situation occurred at this site which resulted in a reportable "release" on 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? | _____ | <u>X</u> |
| 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? | _____ | <u>X</u> |

A. 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: _____

Type of business/ _____
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>	(REMOVED)	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.

Dated: August, 1998

Wabash Partners

By: Joss Development Corporation

By: Caroline P. Rogers
signature

Caroline P. Rogers

type or print name

TRANSFEROR (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on _____, 19____

signature

SBY Wabash, L.L.C.

type or print name

TRANSFEEE (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on _____, 19____

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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: _____

Type of business/ _____
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>	(REMOVED)	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.

Dated: August, 1998

Wabash Partners
By: Joss Development Corporation

By: _____
signature

Caroline P. Rogers
type or print name
TRANSFEROR (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on _____, 19____

[Signature]
signature Su-Mei Yen Secretary/Treasurer

SBY Wabash, L.L.C.
type or print name
TRANSFeree (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on _____, 19____

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signature

Neil D. Freeman

type or print name

LENDER (or on behalf of Lender)

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Property of Cook County Clerk's Office

EXHIBIT A
LEGAL DESCRIPTION

Address: 1130 S. Wabash, Chicago, Illinois

P.I.N.: 17-15-308-019-0000

SUB-LOT 2 AND THE SOUTH 2/3 OF SUB-LOT 1 OF LOT 8 OF BLOCK 22 IN FRACTIONAL SECTION 15, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SUBJECT TO:

Covenants, conditions and restrictions of record; private, public and utility easements and roads and highways, if any; existing leases and tenancies; general taxes for the year 1997 and subsequent years.

Property of Cook County Clerk's Office