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Duty to Record

Within 30 days after the date, any real property subject to the provisions of the Responsible Property Transfer Act of 1988 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:

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY 1/

37

Seller (Mortgagor): Archibald Candy Corporation
Buyer (Mortgagee): Wilmington Trust Company and William J. Wade,
as Trustees

Document No: _____

92702274

Property Identification:

A. Address of property 18101 S. Halsted Homewood Thornton
Street City or Village Township

Permanent Real Estate Index No _____

29-33-301-014

B. Legal Description:
Section 33 Township 36 Range 14

Enter current legal description in this area:

A tract of land comprising part of the West 1/2 of the Southwest 1/4 of Section 33, Township 36 North, Range 14 East of the third principal meridian, excepting therefrom the property taken in condemnation proceedings 86L proceeding 86L 05120 East of the third principal meridian, said tract of land being described as follows:

Beginning at a point 1753.50 Feet North of the South line and 82.25 Feet East of the West line of said Section 33 (as measured along a line parallel with the West line and South line of said section) said point being on the East line of Halsted Street as established by plat of Hazelwood cemetery, recorded June 17, 1926 as Document 9311633; and running thence easterly perpendicular to said East line of Halsted Street, a distance of 150 Feet; thence North parallel with said East line of Halsted Street a distance of 281.34 Feet to an intersection with the southerly line of Homewood-Thornton Road, said southerly line being 33 Feet southerly of the center line of said road; thence southwesterly along said southerly line of Homewood-Thornton Road a distance of 166.58 feet to said East line

1/ NA = Not applicable.

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of Halsted Street as established by plat of Hazelwood cemetery;
Thence southerly along said east line a distance of 208.88 Feet, to
the point of beginning all in Cook County, Illinois.

Prepared by: Name Mr. Adam E. Max, Vice President
Company Archibald Candy Corporation
Address 1137 W. Jackson Boulevard
City Chicago State IL Zip 60607

Return to: Spengler, Carlson, Gubar, Brodsky
& Frischling
520 Madison Avenue
New York, NY 10022
Attn: Herbert B. Max, Esq.

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

I. 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 cleanup costs whether or not they
caused or contributed to the presence of environmental problems
associated with the property.

A. Property Characteristics:

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)

II. Nature of Transfer

- A. (1) Is this a transfer by deed or other instrument of
conveyance?
Yes _____ No X
- (2) Is this a transfer by assignment of over 25% of
beneficial interest of an Illinois land trust?
Yes _____ No X
- (3) A lease exceeding a term of 40 years?
Yes _____ No X
- (4) A mortgage or collateral assignment of beneficial
interest?
Yes X No _____

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- B. (1) Identify Transferor (Mortgagor):
Archibald Candy Corporation

Name and Current Address of Transferor (Mortgagor):
Archibald Candy Corporation
1137 West Jackson Blvd.
Chicago, Illinois 60607

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 Mr. Adam E. Max, Vice President
Company Archibald Candy Corporation
Address 1137 W. Jackson Boulevard
City Chicago, State IL Zip 60607
(312) 243-2700

Name, Position (if any) and Address Telephone No.

- C. Identify Transferee (Mortgagee):
Wilmington Trust Company and William J. Wade, as
Trustee
Name and Current Address of Transferee:
Wilmington Trust Co. and William J. Wade, as Trustee
Richards, Layton & Finger, P.A.
c/o Mr. William J. Wade, Trustee
1 Rodney Square, P.O. Box 551
Wilmington, Delaware 19899

III. Notification

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

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

"Notwithstanding any other provision 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 release of a hazardous substance:

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(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of a 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 is 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 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 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, 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."

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Chicago, Illinois, this _____ day of _____, 20__.

Clerk of Cook County

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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 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?

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

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Transfer Stations	Yes	_____	No	<u>X</u>
Waste Recycling Operations	Yes	_____	No	<u>X</u>
Waste Treatment Detoxification	Yes	_____	No	<u>X</u>
Other Land Disposal Area	Yes	_____	No	<u>X</u>

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 wastewater to waters of the State.

Yes _____ No N/A

b. Permits for emissions to the atmosphere.

Yes _____ No N/A

c. Permits for any waste storage, waste treatment or waste disposal operations.

Yes _____ No N/A

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 N/A

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 N/A

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

Yes _____ No N/A

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8. Has the transfer 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 ___ No X

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 N/A

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 X

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?
Yes ___ No X

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?
Yes ___ No N/A

___ 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

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- ___ 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 reaching 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 X

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 persons the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name Owned by Shell Oil Co. until 6/05/80

Type of business/or property usage Former service station

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: (No knowledge except as indicated)

Landfill	Yes ___	No ___
Surface Impoundment	Yes ___	No ___
Land Treatment	Yes ___	No ___
Waste Pile	Yes ___	No ___
Incinerator	Yes ___	No ___
Storage Tank (Above Ground)	Yes ___	No ___
Storage Tank (Underground)	Yes <u>X</u>	No ___
Container Storage Area	Yes ___	No ___
Injection Wells	Yes ___	No ___

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Wastewater Treatment Units	Yes	___	No	___
Septic Tanks	Yes	___	No	___
Transfer Stations	Yes	___	No	___
Waste Recycling Operations	Yes	___	No	___
Waste Treatment Detoxification	Yes	___	No	___
Other Land Disposal Area	Yes	___	No	___

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 correct.

Adam E. Max

Signature(s)

Adam E. Max for
Archibald Candy Corporation

Transferor (Mortgagor) (Please
type) (on or behalf of Transferor)

B. This form was delivered to me with all elements
completed on 9/18, 1992.

William J. Wade

Signature(s)

William J. Wade for
Wilmington Trust Company and
William J. Wade, as Trustee

Transferee (Mortgagee) (Please
type) (on or behalf of Transferee)

C. This form was delivered to me with all elements
completed on _____, 1992.

Signature(s)

(Same as Transferee/Mortgagee)
Lender

Lender Representative (Please Type)

Title

6045L(1)

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