

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

94113288

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

359a

I. PROPERTY IDENTIFICATION:

A. Address of property:

1122 CENTRAL AVE
Street

WILMETTE IL. 60091 (NEW TWP)
City or Village Township

Permanent Real Estate Index No: 05-31-106-001-0000

B. Legal Description:

Section _____ Township NEW TWP Range _____

Enter or attach complete legal description in this area:

(SEE PLAT SURVEY)

SEE EXHIBIT "A" ATTACHED

MAIL TO:

COMERICA BANK
8700 N. WAUKEGAN RD.
MORTON GROVE, IL 60053

Prepared By: WILMETTE THEATER CORP Return To:

name

COMERICA BANK
8700 N. WAUKEGAN RD.
MORTON GROVE, IL 60053

1122 CENTRAL AVE WILMETTE IL
address 60091

ATTN: KAS KAITSON

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.

(SEE PLAT SURVEY)

C. 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) MOVIE THEATER

N/ OFFICES ABOVE

+ A RESTAURANT ON THE MAIN FLOOR,

BOX 333

94113288

3
74-76-0895
5820045

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COOK COUNTY, ILLINOIS
FILED FOR RECORD

II. NATURE OF TRANSFER:

91 FEB -3 AM 8:28

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- | | Yes | No |
|--|----------|----------|
| A. (1) ^{DNR} 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? | _____ | <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> | _____ |

B. (1) Identify Transferor:

WILMITE THEATRE CO. P.
Name 1122 CENTRAL AVE
WILMITE IL, 60091 OWNER
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:

Name _____ Position (if any) _____

Address _____ Telephone No. _____

C. Identify Transferee:

Name _____

Current Address of Transferee _____

III. NOTIFICATION

Under the Illinois Environmental Protection Act,² owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 23.2(f) of the Act³ 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:

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- (1) The owner and operator of a facility or vessel from which there is a release of 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 substance; 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 Act⁴ 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 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 Act⁵ 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.

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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 | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| b. Permits for emissions to the atmosphere. | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |

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 | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| b. Filed an Emergency and Hazardous Chemical Inventory form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. ⁶ | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |

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 | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| b. Filing an environment enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| 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 | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |

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

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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?

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- 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?

NO

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:

I Do Not Know

Name: _____

Type of business/ _____

or property usage _____

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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:

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

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.

Scott J. H. [Signature] VICE PRESIDENT
TRANSFEROR (or on behalf of Transferor) WILMONT THEATER CORP

12-18-73

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

_____ 19__

TRANSFeree (or on behalf of Transferor) N/A

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

1/14 1974

Affiliated Bank

BY: [Signature]
LENDER

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EXHIBIT A

LEGAL DESCRIPTION

PIN: 05-34-106-009-0000

Common Address:

1122 Central Avenue
Wilmette, Illinois 60091

LOTS 7 AND 8 IN BRETHOLD'S RESUBDIVISION OF LOTS 5 AND 6 IN DINGEE'S RESUBDIVISION OF BLOCK 25 IN WILMETTE VILLAGE, IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

94113288