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102

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1989

For Use By County Recorder's Office County Date Doc. No. Vol. Page

EXHIBIT A P 3000 P 11380 V 11401 K

Seller: Handy Andy Realty Company, Inc. Buyer: TQPS L.L.C. Document No.:

Rec'd By

City of Chicago

EN 957943 Cook Co. IL

I. PROPERTY IDENTIFICATION:

A. Address of property: 2828 North Harlem Avenue, Elmwood Park, Illinois

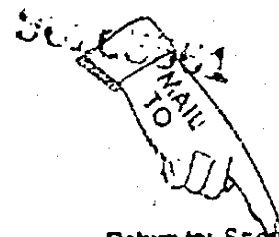
Permanent Real Estate Index No.: 12-25-231-017, 12-25-231-018, 12-25-231-019, 12-25-231-020, 12-25-231-021, 12-25-231-022, 12-25-231-023, 12-25-231-024, 12-25-231-025 and 13-30-127-008

B. Legal Description: Section 25 and 30 Township 40 North Range 12 and 13 East

Enter or attach current legal description in this area:

See EXHIBIT A attached hereto

DEPT-01 RECORDING \$33.50 T#0003 TRM 2811 02/07/96 16:17:00 \$3045 \$ LIT * -96-105581 COOK COUNTY RECORDER DEPT-10 PENALTY \$30.00



Prepared by: Cleary, Gottlieb, Steen & Hamilton One Liberty Plaza New York, New York 10006

Return to: Steven Wilner, Esq. Cleary, Gottlieb, Steen & Hamilton One Liberty Plaza New York, New York 10006

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361-0101

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 approximately 74,500 square feet of land 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 X No
(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? No Y
(3) A lease exceeding a term of 40 years? No X
(4) A mortgage or collateral assignment of beneficial interest? No X

B. (1) Identify Transferor:

Bandy Andy Realty Company, Inc. 905 E. Golf Road, Schaumburg, IL 60173
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: W. Richard Bidstrup, Charly Gottlieb, Steven Hamilton
1752 N Street, N.W., Washington, D.C. 20036 (202) 728-2799

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

C. Identify Transferee:

TOPS L.L.C. c/o The Taxman Corporation, 9933 N. Lawler, Suite 510, Skokie, IL 60077
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 (g) 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:

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(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 owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who acquires 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(c) of the Act³ 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 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 Act⁴ 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 preventative 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 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?

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

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 X
- b. Permits for emissions to the atmosphere. Yes _____
No X
- 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. Yes _____
No X
- 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 _____
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

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Waste File	_____	_____
Incinerator	_____	_____
Storage Tank (Above Ground)	_____	_____
Storage Tank (Underground)	X	_____
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.

Handy Andy Realty Company, Inc.

Signature *Jean Paul Descheemaeker*

Jean Paul Descheemaeker, Treasurer

Type or print name 1/25/96

TRANSFEROR OR TRANSFERORS
(or on behalf of the Transferor)

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

_____, 19____

Signature _____

Type or print name _____

TRANSFEEE OR TRANSFEEES
(or on behalf of the Transferees)

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

_____, 19____

Signature _____

Type or print name _____

LENDER

1. Chapter 111 1/2, paragraph 101 et seq.
2. Chapter 111 1/2, paragraph 102.2
3. Chapter 111 1/2, paragraph 1004

4. Chapter 111 1/2, paragraph 1022.16
5. 42 USCA, Section 11051 et seq.

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Handwritten note on right margin

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EXHIBIT A

Legal Description of First Takedown Property

LOTS 17 THROUGH 24, BOTH INCLUSIVE, AND THE SOUTH PORTION OF LOT 16 LYING SOUTH OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 16 WHICH IS 4.85 FEET NORTH OF SOUTHEAST CORNER THEREOF; THENCE WEST TO A POINT ON THE WEST TO A POINT IS 4.75 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, IN J. J. RUTHERFORD'S 2ND ADDITION TO MONT CLARE IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND

LOT 124 IN JOHN J. RUTHERFORD'S 3RD ADDITION TO MONT CLARE IN THE NORTH WEST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

- PIN: 12-25-231-017
- 12-25-231-018
- 12-25-231-019
- 12-25-231-020
- 12-25-231-021
- 12-25-231-022
- 12-25-231-023
- 12-25-231-024
- 12-25-231-025
- 13-30-127-008

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10/11/2011

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