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MAIL TO:

96211551

Marjorie C. Howard
Katz, Randall & Weinberg
33 W. Wacker Drive, Suite 1800
Chicago, IL 60606

DEPT-01 RECORDING 635.50
TRAN 3150 03/20/96 09128100
13419 1 RC * 96-211551
COOK COUNTY RECORDER

S1430209 *RAE*

INTERCOUNTY TITLE

Property of Cook County Clerk's Office

ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

3550

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This instrument prepared by: John C. Haas, Attorney at Law, 115 S. Emerson Street,
Mount Prospect, IL 60056 (847) 255-5400

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11/11/2008

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ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property

For Use By County

Transfer Act of 1988
 Seller: Mario D. Potornon f/k/a Mario D. Henquinet, as Trustee of the Mario D. Henquinet Declaration of Trust dated May 5, 1993
 Buyer: River Development, LLC

Recorder's Office

County

Date

Doc. No.

Vol. Page

Rec'd by:

Document No.:

I. PROPERTY IDENTIFICATION:

A. Address of property: 1558 Minor Street, Down Plaines, Illinois Main Township

Permanent Real Estate Index No.: 09-17-416-009

B. Legal Description:

Section 17 Township 41 North Range 12

Enter or attach current legal description in this area:

lots 49 and 50 in the subdivision of lots 4, 5, 6, 7, 9, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 173 and 178 in the Village of Rand (now Down Plaines) according to the map thereof recorded January 11, 1861, as Document No. 41230 in Book 161, of Maps, Page 18, in the Southeast 1/4 of Section 17, Township 41 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Prepared by: John C. Haan, Attorney at Law
115 S. Emerson Street
Mt. Prospect, IL 60056

Returned by: Marjorie C. Howard
Katz, Randall & Weinberg
23 W. Wacker Dr., Suite 1800
Chicago, IL 60606

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.

C. Property Characteristics:

Lot Size 100' x 150' Acreage

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

- | | |
|---|--|
| <input type="checkbox"/> Apartment building (6 units or less) | <input type="checkbox"/> Industrial building |
| <input type="checkbox"/> Commercial apartment (over 6 units) | <input type="checkbox"/> Farm, with buildings |
| <input type="checkbox"/> Store, office, commercial building | <input checked="" type="checkbox"/> Other, specify <u>gasoline/service station</u> |

II. NATURE OF TRANSFER:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) A mortgage or collateral assignment of beneficial interest? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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B. (1) Identify Transferor:

Marie D. Peterson, Trustee, 104 Thackery Place, Mt. Prospect, IL 60056

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:

John C. Hann, Attorney at Law, 115 S. Emerson St., Mt. Prospect, IL 60056 847-255-

Name, Position (if any), and address

Telephone No. 5400

C. Identify Transferee: River Development, LLC, 7458 N. Harlem Ave., Chicago, IL 60631

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(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 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 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

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

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

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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	_____	<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>	_____	Other Land Disposal Area	_____	<u>X</u>
Container Storage Area	_____	<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 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 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?

- Yes** Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- No** Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- No** Designation, by the IEPA or the HESDA, of the release as "significant" under the Illinois Chemical Safety Act
- Yes** Sampling and analysis of soils
- Yes** Temporary or more long-term monitoring of groundwater at or near the site
- No** Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- No** Coping with fumes from subsurface storm drains or inside basements, etc.
- No** 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 X

11. Is there any explanation needed for clarification of any of the above answers or responses? **Real property has been previously used as a gasoline service station containing 4 underground storage tanks which have been removed from the property. See attached copy of State of Illinois EPA letter dated January 25, 1995, approving the Site Classification Work Plan and Budget for the site.**

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B. SITE INFORMATION UNDER THE PREVIOUS 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: Elmer's Union Service, Inc.

Type of business/ or property usage: gasoline/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:

	YES	NO		YES	NO
Landfill		<input checked="" type="checkbox"/>	Injection Wells		<input checked="" type="checkbox"/>
Surface Impoundment		<input checked="" type="checkbox"/>	Wastewater Treatment Units		<input checked="" type="checkbox"/>
Land Treatment		<input checked="" type="checkbox"/>	Septic Tanks		<input checked="" type="checkbox"/>
Waste Pile		<input checked="" type="checkbox"/>	Transfer Stations		<input checked="" type="checkbox"/>
Incinerator		<input checked="" type="checkbox"/>	Waste Recycling Operations		<input checked="" type="checkbox"/>
Storage Tank (Above Ground)		<input checked="" type="checkbox"/>	Waste Treatment Detoxification		<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>		Other Land Disposal Area		<input checked="" type="checkbox"/>
Container Storage Area		<input checked="" type="checkbox"/>			

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.

Maria D. Peterson, Trustee
signature

Maria D. Peterson, Trustee

type or print name

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

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

February 26, 1996

The transferee acknowledges that the time period for delivery of this disclosure statement by the transferor has been waived.

By:

signature

River Development, LLC

type or print name

TRANSFEEE OR TRANSFEEES (or on behalf of Transferee)

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

19_____

signature

type or print name

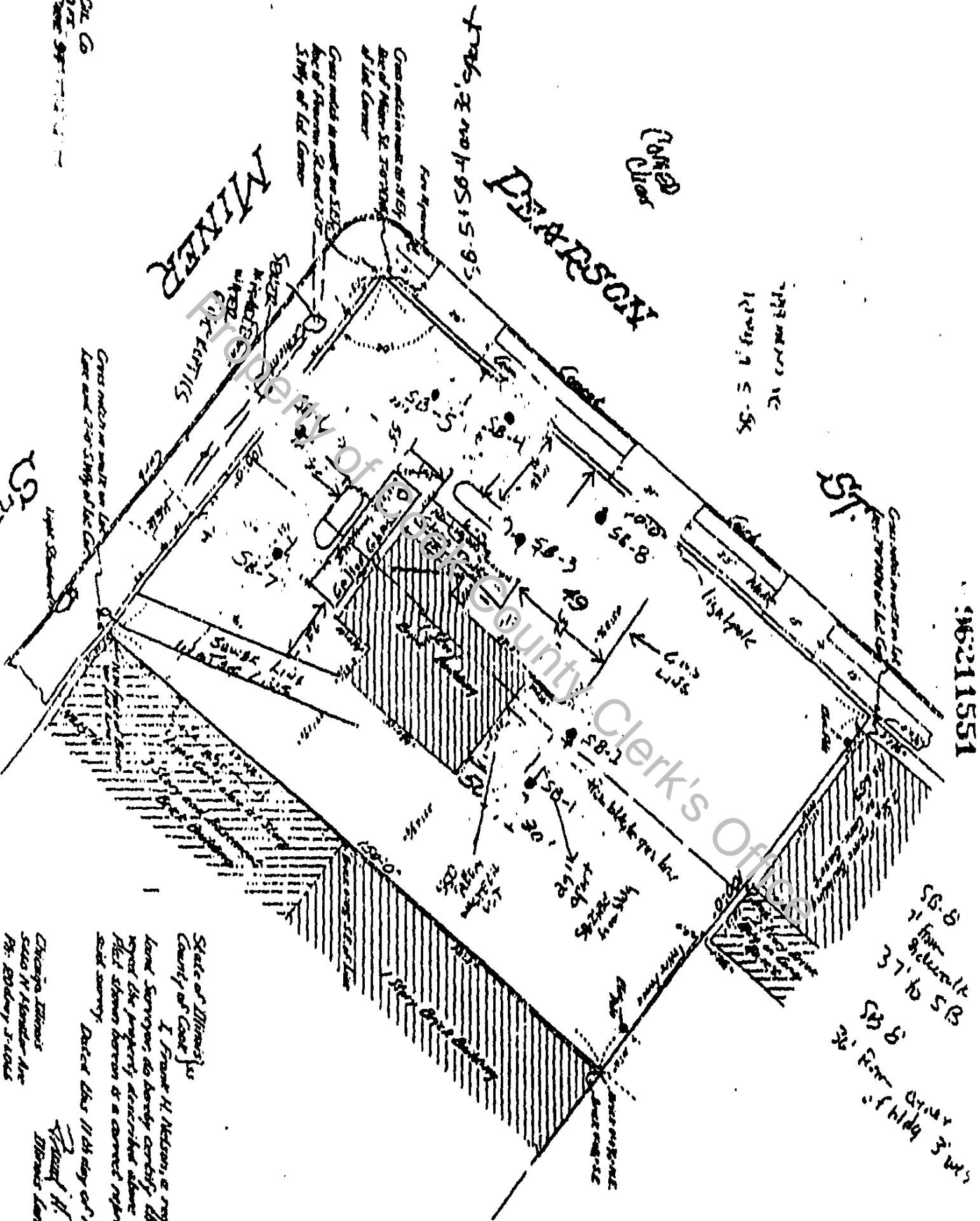
LENDER

(Ch. 30, par. 906)

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16:211551

56-8
 9-95
 37-10
 55-9-1-3
 53-8
 20' E. of N. 1/4 Sec 37

State of Illinois
 County of Cook

I, Frank H. Nelson, a registered
 land surveyor, do hereby certify that I have
 surveyed the property described above and that the
 plat shown herein is a correct representation
 of said survey.

Dated this 11th day of March AD 1918

Frank H. Nelson
 Illinois Land Surveyor

Chicago, Illinois
 5440 N. Howard Ave
 Rf. Bldg. 3-1045

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ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director
217/782-6761

2200 Churchill Road, Springfield, IL 62794-9276

JAN 25 1995

CERTIFIED MAIL
7-250 048630

Elmer's Union Service
Attn: Larry Nikodem
1558 Miner Street
DesPlaines, Illinois 60018

Re: LPC NO 10635228 -- Cook County
DesPlaines/Elmer's Union Service
1558 Miner Street
LUST Incident No. 941608
LUST TECHNICAL FILE

Dear Owner/Operator:

The Illinois Environmental Protection Agency has received the Site Classification Work Plan and Budget (plan) submitted for the above referenced incident. Pursuant to 35 Illinois Administrative Code Section 732.502, the Agency has deemed the plan submitted for the above referenced incident complete.

In accordance with 35 Illinois Administrative Code Section 732.503(g), the Agency is notifying you that the plan dated January 11, 1995 and received by the Agency on January 17, 1995 has not been selected for a full review; therefore, your plan is considered approved without review pursuant to 35 Illinois Administrative Code Section 732.503(c)(1).

Pursuant to 35 Illinois Administrative Code Section 732.504(b), the Agency may conduct a full review of the plan at a future date if the Agency has reason to believe such review is necessary in conjunction with the review of another plan or report selected for the site.

In addition, based on the information currently available to the Agency, at this time there are not sufficient resources in the Underground Storage Tank Fund to reimburse corrective action costs approved in your budget. Pursuant to 35 Illinois Administrative Code Sections 732.306 or 732.406, an owner or operator may elect to defer commencing actions in the Agency approved plan until funds are available.

An election to defer corrective action must be made in writing within 30 days of receipt of this letter. In addition, one of the requirements for deferring is that the owner or operator be eligible for payment from the Fund. Please be aware that pursuant to 35 Illinois Administrative Code Section 732.306(a), an owner or operator may not defer the investigation of migration of pathways as required in 35 Illinois Administrative Code Section 732.307(g).

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Page 2

All future correspondence must be submitted in duplicate to:

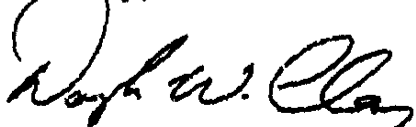
Illinois Environmental Protection Agency
Bureau of Land
Division of Remediation Management
Leaking Underground Storage Tank Section
2200 Churchill Road, P.O. Box 19276
Springfield, IL 62794-9276

Please include the Re: block at the beginning of this letter on all future correspondence.

For purposes of appeal, this constitutes the Agency's final decision regarding the above matters.

Should you have any questions, please contact the project manager on-call in the Leaking Underground Storage Tank Section at the above number.

Sincerely,



Douglas W. Clay, P.E., Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

DWC:JW:MTL:jab/53x/13-14

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