

ILLINOIS RESPONSIBLE PARTY TRANSFER
ACT, STATUTORY DISCLOSURE FORM

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

For use by County Recorder's Office:

Seller: Shell Oil Company
Buyer: Equilon Enterprises, L.L.C.

County: COOK
Date: _____
Doc No.: _____
Vol.: _____
Page: _____
Rec'd by: _____
Document No.: _____

11/2

I. PROPERTY IDENTIFICATION:

A. Address of property of 801 W Dundee, Wheeling
Street City or Village Township
Permanent Real Estate Index No.: 03-10-101-047

B. Legal Description: Section _____ Township _____ Range _____
Enter or attach current legal description in this area: **SEE EXHIBIT A ATTACHED**
Prepared by: Lisa Schoedel Return to: Equilon Enterprises, L.L.C.

Shell Oil Products Company
As agent for Shell Oil Company
1415 W 22nd Street
Oak Brook, IL 60523-2045

CHICAGO TITLE INSURANCE CO.
RETURN DOCUMENT TO
ROCHELLE DEMOSS
71 N CLARK ST • 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 _____ Acreage _____

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

- _____ Apartment building (6 units or less)
- _____ Commercial apartment (over 6 units)
- XX Store, office, commercial building
- _____ Farm, with buildings
- XX Other (specify): Gasoline service station

BOX 333 CTI

5241 DN

II. NATURE OF TRANSFER:

Yes No

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

- B. (1) Identify Transferor: Shell Oil Company, 777 Walker, TSP 1100,
Houston, TX 77002

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:

Lisa Schoedel, Environmental Engr (630) 572-5874
Shell Oil Company Telephone No.
1415 W 22nd Street
Oak Brook, IL 60523-2045

C. Identify Transferee: Equilon Enterprises, L.L.C.
777 Walker, TSP 1100
Houston, TX 77002

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 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."

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 **XX**

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 **XX**
No

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 **XX**

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
Landfill	X
Surface Impoundment	X
Land Treatment	X
Waste Pile	X
Incinerator	X

Storage Tank (Above Ground)	...	X
Storage Tank (Underground)	X	....
Container Storage Area	....	X
Injection Wells	....	X
Wastewater Treatment Units	....	X
Septic Tanks	....	X
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 | XX |
| b. Permits for emissions to the atmosphere. | Yes | ..... |
| | No | XX |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | Yes | ..... |
| | No | XX |

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes
No XX

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 | XX |
| b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. | Yes | XX |
| | No | ..... |

- c. *Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.*
- | | | |
|-----|-------|--|
| Yes | ..... |  |
| No | XX | |

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 | XX | |
| 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 | XX | |
- 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 | XX | |

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 XX
 No

b. *Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?*

- Yes XX
 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?*

- X *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 IEMA, of the release as significant under the Illinois Chemical Safety Act
- X Sampling and analysis of soils
- X 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 XX

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

Name: UNKNOWN

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:

UNKNOWN

	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.

Lisa Schoedel
signature

Lisa Schoedel, Environmental Engineer
Shell Oil Products Company
As agent for Shell Oil Company

B. This form was delivered to me with all elements completed on July 1, 1998.

R. J. Dold
signature

R. J. Dold
Asset Management
On behalf of Equilon Enterprises, L.L.C.

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

signature

type or print name
LENDER

Property of Cook County Clerk's Office

EXHIBIT "A"
COOK COUNTY, ILLINOIS

Tract 166. - 801 W Dundee, Wheeling, COOK, WIC 212-8424-0104
Tax Parcel # 03-10-101-047

THAT PART of Lot A in DUNHURST SUBDIVISION, Unit No. 4, a part of the east one-half of the Northwest Quarter of Section 10, and part of the Southwest Quarter of Section 3, all in Township 42 North, Range 11 East of the Third Principal Meridian, as recorded April 24, 1958 as Document No. 16559719 in Book 467 of Plats, Pages 45 to 47, in Cook County, Illinois, described as follows: Beginning at the Northeast corner of said Lot A; thence South along the East line of said Lot A, a distance of one hundred twenty-two and thirty hundredths (122.30) feet to the South line of said Section 3; thence continuing South along the East line of said Lot A along a line forming an angle of 180 degrees 34 minutes 10 seconds from North to West to South with the last described line, a distance of two and seventy hundredths (2.70) feet; thence West along a line forming an angle of 91 degrees 39 minutes 30 seconds from North to West with the last described line, a distance of one hundred twenty-five and no hundredths (125.00) feet; thence North along a line drawn from a point in the Northerly line of said Lot A which is a distance of one hundred twenty-five and no hundredths (125.00) feet Westerly of the point of beginning, a distance of one hundred twenty-five and no hundredths (125.00) feet; thence Easterly along the Northerly line of said Lot A, a distance of one hundred twenty-five and no hundredths (125.00) feet to the point of beginning, hereinafter called the "Main Parcel";

together with all of Grantor's right, title and interest in and to exclusive, permanent easements over and across the following described land adjoining the Main Parcel:

- (a) BEGINNING at the Southeast corner of the Main Parcel and running thence Easterly on a line being a projection Easterly of the South line of the Main Parcel to a point in the Westerly edge of the concrete pavement of Elmhurst Road; thence Southerly along the said edge of the concrete pavement twenty-five (25) feet to a point; thence in a Northwesterly direction to a point in the Southerly line of the Main Parcel; thence Easterly along the Southerly line of the Main Parcel fifteen (15) feet to the point of beginning; subject, however, to all existing rights of Governmental authorities in and to said parcel for highway use; and
- (b) BEGINNING at the Northwest corner of the Main Parcel and running thence Northerly on a line being a projection Northerly of the West line of the Main Parcel to a point in the South edge of the concrete pavement of Dundee Road; thence Westerly along the said edge of the concrete pavement ten (10) feet to a point; thence Southeasterly to the point of beginning; subject, however, to all existing rights of Governmental authorities in and to said parcel for highway use; A-179

EXHIBIT "A"
COOK COUNTY, ILLINOIS

Tract 166. - 801 W Dundee, Wheeling, COOK, WIC 212-8424-0104 (Cont.)

for permanent ingress and egress to and from the Main Parcel with the right to install and maintain driveways, curbing and lights thereon: together with a permanent easement for the benefit of Main Parcel for the purpose of installing, laying and maintaining an underground sewer line from Main Parcel on said easement consisting of a twenty (20) foot wide strip, the center line of said strip being described as follows:

THAT PART of Lot A in Dunhurst Subdivision, Unit No. 4, a part of the East one-half of the Northwest Quarter of Section 10 and part of the Southwest Quarter of Section 3, all in Township 42 North, Range 11, East of the Third Principal Meridian, as recorded April 24, 1956, as Document No. 16559719 in Book 467 of Plats, pages 45 to 47, described as follows: Beginning at the center point of an existing manhole to an existing 8 inches in diameter sewer, said point being three hundred twenty-seven (327) feet North of the South line and one hundred twenty-one and thirty-eight hundredths (121.38) feet West of the East line of said Lot A, thence North, a distance of one hundred fifty-nine (159) feet to a point which is one hundred twenty-two and fifteen hundredths (122.15) feet West of the East line of said Lot A, thence continuing North, a distance of one hundred twelve (112) feet, more or less, to the South line of Main Parcel, said point being one hundred twenty (120) feet West of the East line of said Lot A, as created by deed from Benjamin Ordower, Trustee under Trust No. 87 dated June 25, 1956, to Shell Oil Company, a Delaware corporation, dated April 15, 1957, and recorded April 16, 1957, as Document No. 16879208 and as contained in grant by Cosmopolitan National Bank of Chicago, as Trustee under Trust Agreement dated July 1, 1957, and known as Trust No. 6605 successor in trust to Benjamin Ordower as Trustee under Trust No. 87 dated June 25, 1956, to Shell Oil Company, a Delaware corporation, dated December 31, 1957, and recorded February 25, 1958, as Document No. 1711639, all in Cook County, Illinois.

together with all rights, privileges and appurtenances thereto, all buildings and land improvements thereon, and all of Grantor's right, title and interest, if any, in each public way adjoining the premises.