

# UNOFFICIAL COPY

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7337/0109 11 001 Page 1 of 11  
1998-05-07 11:17:33  
Cook County Recorder 41.50

Prepared by Transferor & /  
after recording return to: /  
Cynthia Petersen /  
American National Bank /  
One N. Dunton Avenue /  
Arlington Hts., IL 60005 /

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AMERICAN NATIONAL BANK  
AND TRUST COMPANY OF CHICAGO

ENVIRONMENTAL DISCLOSURE DOCUMENT  
FOR TRANSFER OF REAL PROPERTY

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

TITLE SERVICES # 554465-4  
2 of 2

SELLER: N/A

OWNER: James E. Leopold, the Norman A. Pappas Trust, and the Teresa F. Leopold Trust

DOCUMENT NO.: \_\_\_\_\_

I. PROPERTY IDENTIFICATION:

A. Address of property: 3045 Commercial Avenue  
Northbrook, Illinois 60062-1912

Permanent Real Estate Index No(s): 04-05-203-044

B. Legal Description: Section 5 Township 42 North  
Range 12 East

Enter or attach *current* legal description in this area:

- See Exhibit "A" attached hereto and made a part hereof.

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**UNOFFICIAL COPY****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  
 Industrial Building  
 Commercial apartment (over 6 units)  
 Store, office, commercial building  
 Farm, with buildings  
 Other, specify \_\_\_\_\_

**II. NATURE OF TRANSFER:**

- |    |  | YES      | NO       |
|----|--|----------|----------|
| A. | (1) Is this a transfer by deed or other instrument of conveyance?                                  | —        | <u>X</u> |
|    | (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:   |          |          |

**NAME AND ADDRESS OF TRANSFEROR**

American National Bank and Trust Company of Chicago

**NAME AND ADDRESS OF TRUSTEE IF THIS IS A TRANSFER OF BENEFICIAL INTEREST OF A LAND TRUST.**

Successor in interest to American National Bank and Trust Company of Chicago as successor Trustee to NBD Bank, as Trustee under Trust Agreement dated January 6, 1977 and known as Trust Number 2235-HP  
 120 S. LaSalle Street  
 Chicago, IL 60603

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(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

James E. Leopold, Beneficiary

NAME, POSITION (IF ANY), AND ADDRESS

C. Identify Transferee:

N/A

NAME AND CURRENT ADDRESS OF TRANSFEREE

III. NOTIFICATION

A. 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 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 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 where there is a release or substantial threat of 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 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."

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3. Section 22(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 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 substantial threat of a 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 customers, 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

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

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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 substances or petroleum?

	YES	NO
• Landfill	___	<u>X</u>
• Surface Impoundment	___	<u>X</u>
• Land Treatment	___	<u>X</u>
• Waste Pile	___	<u>X</u>
• Incinerator	___	<u>X</u>
• Storage Tank (above ground)	___	<u>X</u>
• Storage Tank (under ground)	___	<u>X</u>
• Container Storage Area	___	<u>X</u>
• Injection Wells	___	<u>X</u>
• Wastewater Treatment Units	___	<u>X</u>
• Septic Tanks	___	<u>X</u>
• Transfer Stations	___	<u>X</u>
• Waste Recycling Operations	___	<u>X</u>
• Waste Treatment Detoxification	___	<u>X</u>
• Other Land Disposal 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?

	YES	NO
a. Permits for discharges of wastewater to waters of the State	___	<u>X</u>
b. Permits for emissions to the atmosphere	___	<u>X</u>
c. Permits for any waste storage, waste treatment or waste disposal operation	___	<u>X</u>

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? \_\_\_ YES X NO

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7. Has the transferor taken any of the following actions relative to this property?

YES NO

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act.          X
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.          X
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.          X

8. Has the transferor or any facility on the property or the property been subject to any of the following State or federal governmental actions?

YES NO

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property.          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.          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.

9. Environmental Releases During Transferor's Ownership

YES NO

- 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?          X

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- |   | YES | NO    |
|---|-----|-------|
| b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?                        | ___ | ___ 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? |     |       |
| ___ 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 ground-water 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 \_\_\_ X \_\_\_ NO

11. Is there any explanation needed for clarification of any of the above answers or responses?

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**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: \_\_\_\_\_  
 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:

	YES	NO
• Landfill	---	---
• Surface Impoundment	---	---
• Land Treatment	---	---
• Waste Pile	---	---
• Incinerator	---	---
• Storage Tank (above ground)	---	---
• Storage Tank (under ground)	---	---
• Container Storage Area	---	---
• Injection Wells	---	---
• Wastewater Treatment Units	---	---
• Septic Tanks	---	---
• Transfer Stations	---	---
• Waste Recycling Operations	---	---
• Waste Treatment Detoxification	---	---
• Other Land Disposal Area	---	---

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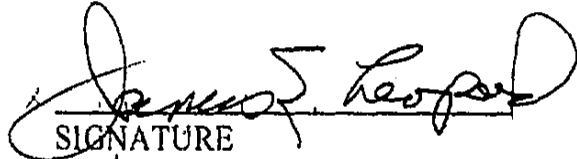
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## V. CERTIFICATION

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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.

TRANSFEROR OR TRANSFERORS  
(or on behalf of Transferor)



SIGNATURE

James E. Leopold  
TYPE OR PRINT NAME

B. This form was delivered to me with all elements completed on \_\_\_\_\_,  
19\_\_.

TRANSFeree OR TRANSFEREES  
(or on behalf of Transferee)

\_\_\_\_\_  
James E. Leopold, Individually

\_\_\_\_\_  
Norman A. Pappas, as Trustee of the Norman  
A. Pappas Trust, Dated September 4, 1974

\_\_\_\_\_  
James E. Leopold, as Trustee of the Teresa F.  
Leopold Trust, under Will dated October 24, 1985

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C. This form was delivered to me with all elements completed on March 14,  
1998.

LENDER:

AMERICAN NATIONAL BANK AND  
TRUST COMPANY OF CHICAGO

BY: Nancy M Blunk

Nancy M. Blunk

TYPE OR PRINT NAME

ITS: Asst. Vice President

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EXHIBIT "A"  
TO  
ENVIRONMENTAL DISCLOSURE DOCUMENT  
FOR TRANSFER OF REAL PROPERTY

LEGAL DESCRIPTION OF PREMISES

LOT 51 IN NORTH SUBURBAN INDUSTRIAL PARK UNIT 6, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3045 Commerical Avenue, Northbrook, Illinois 60062

PIN NUMBER: 04-05-203-044

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11/11/2011

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