

WAIVER



I, Katherine E. Adams, Mortgage Loan Officer of BANK CALUMET, hereby state on behalf of the BANK CALUMET that:

1. BANK CALUMET, (hereinafter referred to as "Transferee") is providing financing to Richard C. Thomas and Rae Ellen Thomas (hereinafter referred to as "Transferor"); the following described real estate, located in COOK COUNTY, ILLINOIS, is collateral for the said financing:

LOT 18 IN BLOCK 2 IN THORNTON STATION, A SUBDIVISION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS
A/K/A 18154 S. MARTIN, HOMEWOOD, ILLINOIS, 60430

29-31-313-019

2. The BANK CALUMET is providing a loan to the transferor; that loan is secured by the above described real property.

3. The transferor is aware that I.C. 13-7-22.5 et seq., hereinafter referred to as the Responsible Property Transfer Law, requires the transferor to complete the Environmental Disclosure Document For Transfer of Real Property concerning the property being transferred and described in paragraph 1 above, which such document the transferor has provided to the BANK CALUMET on this date (a copy of said Environmental Disclosure Document For Transfer of Real Property is attached hereto and marked Exhibit "A").

4. That the BANK CALUMET has examined said Environmental Disclosure Document For Transfer of Real Property and accepts said document.

5. The Responsible Property Transfer Law requires the transferor to deliver the Environmental Disclosure Document For Transfer of Real Property to the BANK CALUMET at least 30 days prior to the transfer of said real estate referred to in said document.

6. That the transfer of the real estate as set forth in the Environmental Disclosure document For Transfer of Real Property, attached hereto as Exhibit "A", is contemplated to be completed prior to the 30 days as required by the Responsible Property Transfer Law and the BANK CALUMET hereby expressly waives the requirement contained in the Responsible Property Transfer Law requiring the transferor to deliver to the BANK CALUMET the Environmental Disclosure Document For Transfer of Real Property 30 days prior to the transfer of said real property. The BANK CALUMET further waives the remedies of the BANK CALUMET as provided in said Responsible Property Transfer Law for failure to deliver the environmental disclosure document for transfer of real property 30 days prior to the transfer of said property.

Dated: MAY 5, 1999.

BANK CALUMET

By Katherine E. Adams
KATHERINE E. ADAMS
MORTGAGE LOAN OFFICER
MORTGAGE LOAN DEPARTMENT

TJF/ka

Duty to Record

For Use By County Recorder

Within 30 days after the date any real property subject to the provisions of the Responsible Property Transfer Act of 1988 is transferred, or, upon recording of the deed, other instrument of conveyance, lease, mortgage or assignment of the beneficial interest in an Illinois land trust, whichever occurs first, this completed disclosure document must be recorded in the office of the recorder of the county in which such property is located, and within 30 days after the date any real property subject to the provisions of the Responsible Property Transfer Act is transferred, a copy thereof shall be filed with the Illinois Environmental Protection Agency.

UNOFFICIAL COPY

County:

Date:

Doc. No.:

Page:

Vol.:

Rec'd. By:

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY
Subject to the Illinois Responsible Property Transfer Act

Seller: Anthony & Freida Leppellere

Buyer: Richard Thomas

Document No.: 99464094

Property Identification:

5026/0013 05 001 Page 1 of 5

1999-05-13 10:27:29

60430 Cook County Recorder 55.50

A. Property Address (include township): 13154 Martin Ave., Homewood, IL 60430
Permanent Real Estate Index No.: 29-31-313-019-0000

B. Legal Description: Section Township Thornton Range
Enter or attach current legal description in this area:

Lot 18 in Block 2 in Thornton Station, A Subdivision of the South East 1/4 of the South West 1/4 of Section 31, Township 36 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois

Prepared by:

Return to:

Name: Freida Leppellere Name: C. Adams

Company: Company: Bank Calumet

Address: 3605 Beckwith Lane Address: 10322 Indianapolis Blvd.

City/State/Zip: Crete, IL 60417 City/State/Zip: Highland, IN 46322

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

I. 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.

A. Property Characteristics: Lot Size: 50x150 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) 4 Offices, 4 Apartments

II. Nature of Transfer

- (1) 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?
(3) Is this a transfer by a lease exceeding a term of 40 years?
(4) Is this a transfer by a mortgage or collateral assignment of beneficial interest?



Attorneys' Title Guaranty Fund, Inc.

SAS-A DIVISION OF INTERCOUNTY

51563308e

5
P

B. (1) Identify Transferor:

UNOFFICIAL COPY 99464094

Anthony & Freida Lepollere, 3605 Berkwith Lane, Creve, IL 60417
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:

Name Position (if any) Address Phone

C. Identify Transferee:

Richard Thomas, P.O. Box 333, Flossmoor, IL 60422
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 from which 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 three 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 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.

A. 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

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

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
Yes ___ No ___ Surface Impoundment
Yes ___ No ___ Land Treatment
Yes ___ No ___ Waste Pile
Yes ___ No ___ Incinerator
Yes ___ No ___ Storage Tank (Above Ground)
Yes ___ No ___ Storage Tank (Underground)
Yes ___ No ___ Container Storage Area
Yes ___ No ___ Injection Wells
Yes ___ No ___ Wastewater Treatment Units
Yes ___ No ___ Septic Tanks
Yes ___ No ___ Transfer Stations
Yes ___ No ___ Waste Recycling Operations
Yes ___ No ___ Waste Treatment Detoxification
Yes ___ No ___ Other Land Disposal Area

If any of the above items are answered Yes 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
b. Permits for emissions to the atmosphere. Yes ___ No
c. Permits for any waste storage, waste treatment or waste disposal operation. Yes ___ No

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

8. Has the transferor or any facility on 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
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
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 ___ No
b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes ___ 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?

UNOFFICIAL COPY

99464094

- Use of a clean-up 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?

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

Freida Lappelle
Signature(s)

Anthony Lappelle
Transferor(s) (type or print name) or on behalf of transferor(s)

B. This form was delivered to me with all elements completed on 5/3 1999

[Signature]
Signature(s)

[Name]
Transferee(s) (type or print name) or on behalf of transferee(s)

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

Signature

Lender

Lender Representative (type or print name)

Title