

A WARNING TO THE PARTIES TO A TRANSFER OF PROPERTY: It is highly unlikely that the single act of reading this document would be found to constitute "all appropriate inquiry into the previous ownership and uses of the property" so as to protect you against liability under the "innocent purchaser" provision of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601(35)(B). You are strongly encouraged not only to read this document carefully but also to take all other actions necessary to the exercise of due diligence in your inquiry into the previous ownership and uses of the property.

**ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY**

For Use by County
Recorder's Office

96012620

The following information is provided under IC 13-7-22.5, the Responsible Party Transfer Law.

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

I. PROPERTY IDENTIFICATION

A. Address of Property: 7318 W. 15th Avenue, Gary, IN.

B. Legal Description:

Part of the East One Half of the Southeast Quarter of the Northwest Quarter of Section 11, Township 36 North, Range 9 West of the 2nd Principal Meridian in the City of Gary, Lake County, Indiana, described as follows: Beginning at the intersection of the West line of said East One Half of the Southeast Quarter of the Northwest Quarter with a line that is 633 feet North of and parallel to the East-West center line of said section; thence East, along said parallel line to a line which is 381.75 feet West of and parallel to the North-South center line of said section; thence South along said parallel line, to a point on the North line of the South 627.81 feet of said Northwest Quarter; thence East, along said North line, to a point on the West line of the East 100 feet of said Northwest Quarter; thence North, along said West line, to the North line of said Southeast Quarter of the Northwest Quarter; then West, along said North line, to the Northwest corner

CTIC Has made an accomodation recording of the instrument. We Have made no examination of the instrument or the land affected.

MARKETTE O'NEILL
RECORDER

96 FEB 27 PM 1:25

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

11/30
2/3/01

of said East One Half of the Southeast Quarter of the Northwest Quarter; thence South to the point of beginning; including that portion of vacated 11th Avenue along the North side and lying within the East half of said quarter quarter section; except the South 150 feet of the North 180 feet of the West 50 feet thereof and except the West 50 feet of vacated 11th Avenue along the North side and lying within the East half of said quarter quarter section, and except that part of said land lying South of the North line of the South 657.81 feet of the East half of the Southeast quarter of the Northwest quarter thereof.

LIABILITY DISCLOSURE

Transferrors and transferees of real property are advised that their ownership or other control of such property may render them liable for environmental cleanup costs whether or not they caused or contributed to the presence of environmental problems in association 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)
- _____ Store, office, commercial building
- _____ Industrial building
- _____ Farm, with buildings
- _____ X Other (specify) - Vacant Lot

II. NATURE OF TRANSFER:

- | | <u>Yes</u> | <u>No</u> |
|---|----------------------|----------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance of fee title to property? | _____ <u>X</u> _____ | _____ |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of a land trust? | _____ | _____ <u>X</u> _____ |

- | | | |
|--|--------------|--------------|
| (3) A lease exceeding a term of 40 years? | _____ | <u> X </u> |
| (4) A collateral assignment of beneficial interest? | _____ | <u> X </u> |
| (5) An installment contract for the sale of property? | _____ | _____ |
| (6) A mortgage or trust deed? | <u> X </u> | _____ |
| (7) A lease of any duration that includes an option to purchase? | _____ | <u> X </u> |

B. (1) Identify Transferor:

Name and Current Address of Transferor:

Mercantile National Bank, as Successor-Trustee of the Victor Kirsch Trust dated December 27, 1988, and known as
 5243 Hohman Ave Trust No. 5936
 Hammond, Indiana 46320

Eva Kirsch, as Trustee of the Eva Kirsch Trust dated December 27, 1988
 1242 Melbrook Dr.
 Munster, Indiana 46321

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:

Fred Aprati
 Environmental Construction Company
 1701 East Main Street
 Griffith, IN 46319

C. Name and Current Address of Transferee:

Bob Heine, Inc., d/b/a B & H Excavating Co., and Robert Heine, Jr.
 7318 15th Avenue
 Gary, IN

III. ENVIRONMENTAL INFORMATION

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 a "hazardous substance", as defined by I.C. 13-7-8.7-1? This question does not apply to consumer goods stored or handled by a retailer in the same form and approximate amount, concentration, and manner as they are sold to consumers, unless the retailer has engaged 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 waste", as defined in IC 13-7-1?

Yes _____ No X

4. Are there any of the following specific units (operating or closed) at the property that are used or were used by the transferor to manage hazardous wastes, hazardous substances, or petroleum?

	<u>Yes</u>	<u>No</u>
Landfill	_____	<u> X </u>
Surface Impoundment	_____	<u> X </u>
Land Application	_____	<u> X </u>
Waste Pile	_____	<u> X </u>
Incinerator	_____	<u> X </u>
Storage Tank (Above Ground)	_____	<u> X </u>
Storage Tank (Underground)	_____	<u> X </u>
Container Storage Area	_____	<u> X </u>
Injection Wells	_____	<u> X </u>
Wastewater Treatment	_____	<u> X </u>
Units	_____	<u> X </u>
Septic Tanks	_____	<u> X </u>
Transfer Stations	_____	<u> X </u>

Waste Recycling Operations	_____	<u>X</u>
Waste Treatment	_____	<u>X</u>
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 of property that requires the filing of this document is other than a mortgage or trust deed or a collateral assignment of beneficial interest in a land trust, you must attach to the copies of this document that you file with the county recorder and the department of environment management a site plan that identifies the location of each unit.

5. Has the transferor ever held any of the following in regard to this real property?

	<u>Yes</u>	<u>No</u>
(A) Permits for discharges of wastewater to waters of Indiana	_____	<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 ever discharged any wastewater (other than sewage) to a publicly owned treatment works?

Yes _____ No X

7. Has the transferor been required to take any of the following actions relative to this property?

	<u>Yes</u>	<u>No</u>
(A) Filed an emergency and hazardous chemical inventory form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023)	_____	<u>X</u>
(B) Filed a toxic chemical release form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022)	_____	<u>X</u>

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?

- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| (A) Written notification regarding known, suspected, or alleged contamination on or emanating from the property. | <u>X</u> | _____ |
| (B) Filing an environmental enforcement case with a court or the solid waste management board for which a final order or consent decree was entered. | <u>X</u> | _____ |
| (C) If the answer to Question (B) was Yes, then indicate whether or not the final order or decree is still in effect for this property. | <u>X</u> | _____ |

9. Environmental Releases During Transferor's Ownership.

- | | <u>Yes</u> | <u>No</u> |
|--|------------|----------------------|
| (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? | | <u>see IV. below</u> |
| (B) Have any hazardous substances or petroleum which were released come into direct contact with the ground at this site? | | <u>see IV. below</u> |

If the answer to question (A) or (B) is Yes, have any of the following actions or events been associated with a release on the property?

see IV. below Use of cleanup contractor to remove or treat materials including soils, pavement or other surficial materials?

see IV. below Assignment of in-house maintenance staff to remove or treat materials including soils, pavement, or other surficial materials?

12. 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 about any entity or person to whom the transferor leased the property or with whom the transferor contracted for the management of the 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 property:

	<u>Yes</u>	<u>No</u>
Landfill		see IV. below
Surface Impoundment		see IV. below
Land Application		see IV. below
Waste Pile		see IV. below
Incinerator		see IV. below
Storage Tank (Above Ground)		see IV. below
Storage Tank (Underground)		see IV. below
Container Storage Area		see IV. below
Injection Wells		see IV. below
Wastewater Treatment Units		see IV. below
Septic Tanks		see IV. below
Transfer Stations		see IV. below
Waste Recycling Operations		see IV. below
Waste Treatment		see IV. below
Detoxification		see IV. below
Other Land Disposal Area		see IV. below

IV. ADDITIONAL INFORMATION

A. Subsequent to the execution of the Conditional Sales Contract on December 10, 1991, the Transferee entered into an Agreed Judgment, dated July 18, 1995, with the Indiana Department of Environmental Management, under Cause No. 45C01-0311-CP-02254 as a result of certain violations of Indiana Environmental Laws. These

violations were solely and directly the result of conduct on the part of the Transferee while in possession of the subject property.

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.

Eva Kirsch
EVA KIRSCH, as Trustee of the
Eva Kirsch Trust dated Dec. 17, 1988

Harry Smiddy
Mercantile National Bank, Successor-
Trustee of the Victor A. Kirsch
Trust, Dated December 27, 1988,
and known as Trust No. 5936
by: Harry Smiddy, Vice President
and Trust Officer

- B. This form was delivered to me with all elements completed on 2-12, 1996.

Robert M. Heine, Jr.
Robert Heine, Jr.