

12

Project ST 226-1 (W)
Parcel 4
Code 3247

PARTIAL RELEASE OF MORTGAGE

This is to certify that a certain mortgage executed by
EMRO MARKETING COMPANY , to MARTIN OIL MARKETING LTD.
(Mortgagor) (Mortgagee)
dated May 2, 1994 , in the sum of \$51,300,000.00 recorded in
mortgage record #94034371 , page _____ of the records of
Lake County, Indiana is hereby released upon the following described
real estate in Lake County, Indiana:

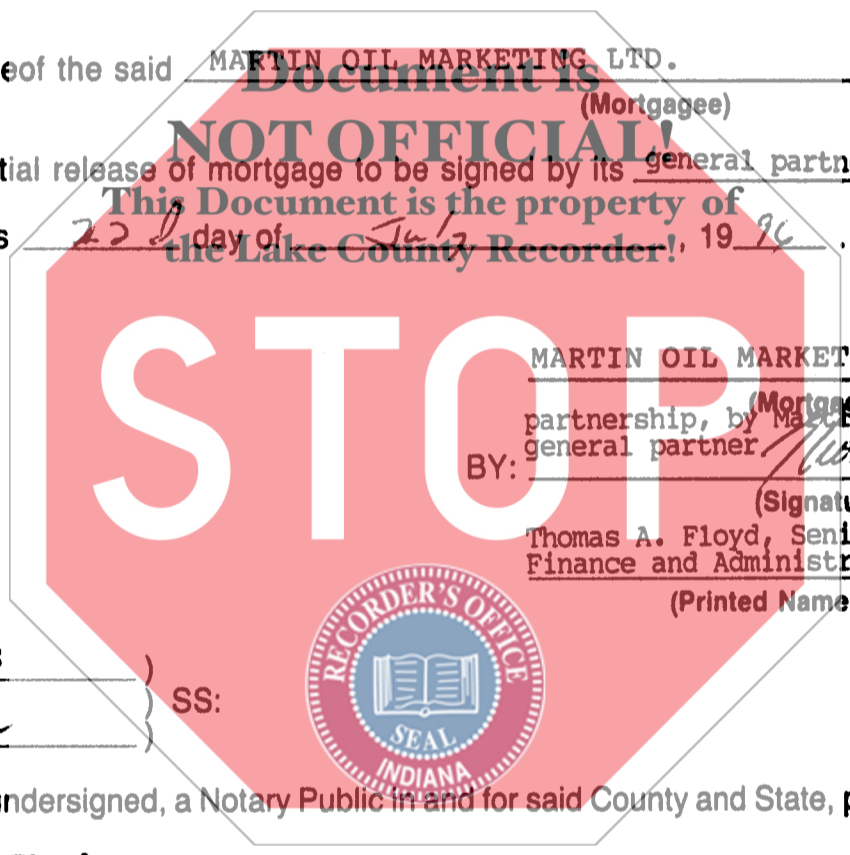
96064411

See Attached Exhibit "A"

Said Mortgage remains in full force and effect as to the remainder of real estate therein described.

In witness whereof the said MARTIN OIL MARKETING LTD.
(Mortgagee)
has caused this partial release of mortgage to be signed by its general partner
attached thereto this 22 day of July, 1994

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
96 SEP 29 AM 11:37
MARTIN OIL MARKETING LTD.
RECORDER



MARTIN OIL MARKETING LTD., a limited
(Mortgagee)
partnership, by Martin Oil Marketing Corporation
general partner Thomas A. Floyd
BY: _____
(Signature)
Thomas A. Floyd, Senior Vice President,
Finance and Administration
(Printed Name and Title)

State of ILLINOIS
County of Cook) SS:



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared
Thomas A. Floyd , known to me
to be the Senior Vice President, Finance and Administration, general partner of the MARTIN OIL MARKETING LTD.
(Mortgagee)

and acknowledged the execution of the above partial release of mortgage as and for the act and deed
of the said MARTIN OIL MARKETING LTD.
(Mortgagee)

Witness my hand and notarial seal this 22nd day of July, 1994.

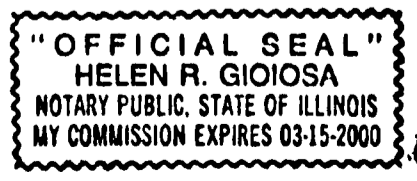
My commission expires 3-15-2000

Helen R. Gioiosa
Notary Public (Signature)

My County of residence is WILL

HELEN R. GIOIOSA
Notary Public (Printed Name)

This Instrument Prepared Michael A. Hostettler
Attorney at Law



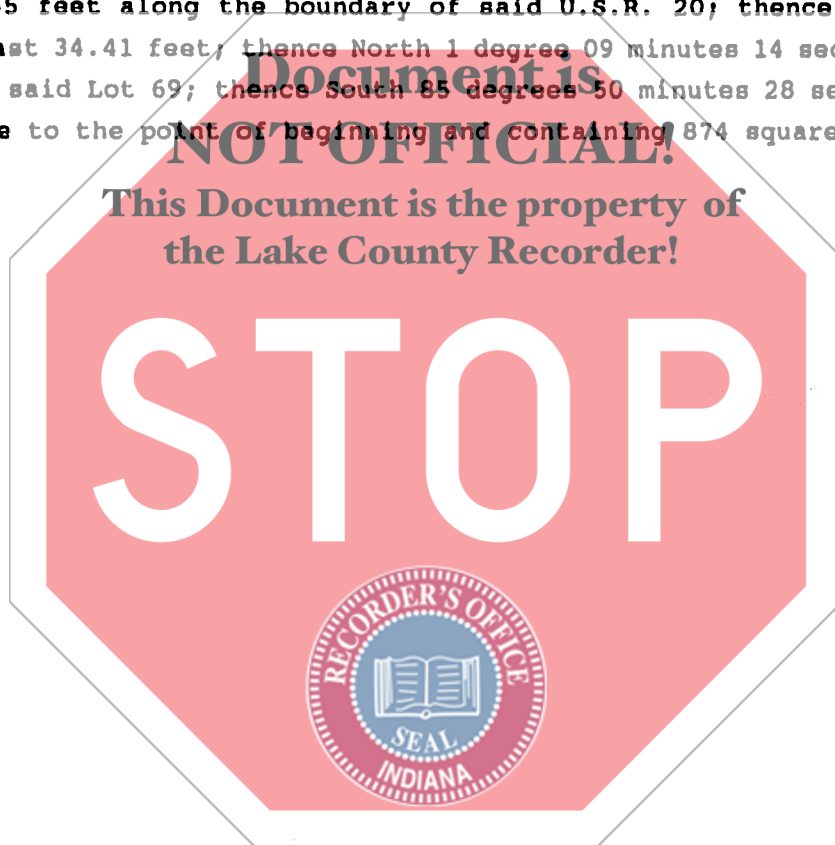
BY: _____

3100
de# 5063 3100

PROJECT ST 226-1 (W)
PARCEL 4
CODE 3247

EXHIBIT "A"

A part of Lots 69-72 inclusive, in Block A of the Dunes Highway Realty Co's. First Subdivision to Gary, Indiana, the plat of which is recorded in Plat Book 20, page 6 in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the northeast corner of said Lot 69; thence South 1 degree 09 minutes 14 seconds East 110.52 feet along the east line of said lots to the north boundary of U.S.R. 20; thence North 85 degrees 49 minutes 00 seconds West 28.55 feet along the boundary of said U.S.R. 20; thence North 41 degrees 44 minutes 54 seconds East 34.41 feet; thence North 1 degree 09 minutes 14 seconds West 83.12 feet to the north line of said Lot 69; thence South 85 degrees 50 minutes 28 seconds East 5.02 feet along said north line to the point of beginning and containing 874 square feet, more or less.



ORIGINAL!

Project: ST 226-1 (W)
Parcel: 4
Code: 3247

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.

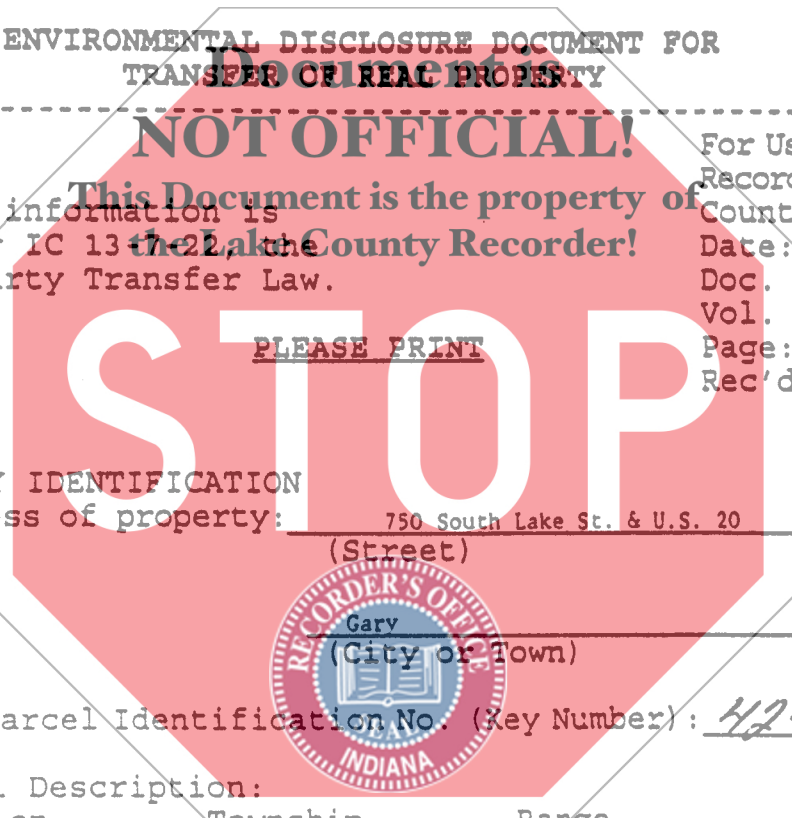
ENVIRONMENTAL DISCLOSURE DOCUMENT FOR
TRANSFER OF REAL PROPERTY

NOT OFFICIAL!

The following information is provided under IC 13-22-2, the Responsible Party Transfer Law.

This Document is the property of the Lake County Recorder!

For Use By County Recorder's Office
County:
Date:
Doc. No.:
Vol.:
Page:
Rec'd by:



PLEASE PRINT

I. PROPERTY IDENTIFICATION

A. Address of property: 750 South Lake St. & U.S. 20
(Street)

(City or Town) _____ (Township)

Tax Parcel Identification No. (Key Number): 42-214-28

B. Legal Description:

Section _____ Township _____ Range _____
Enter or attach current legal description in this area:

Please refer to the attached Exhibit A.

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 .02 acres (874 s.f.)

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) 874 sq. ft. of right-of-way take which includes one I.D. sign and two posts. DOES NOT include convenience store/gasoline facility located on the rest of the property.

II. NATURE OF TRANSFER

	YES	NO
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?	_____	<u>X</u>
(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:

Emro Marketing Company, c/o Property Tax Records, 539 S. Main St., Findlay, OH 45840
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:

Ron Schumann, Emro Marketing Company, 174th & Dixie Hwy., East Hazel Crest, IL 60429
Name, Position (if any), and address Telephone No. (708) 335-0600

C. Identify transferee:

State of Indiana, Indiana Department of Transportation, 100 North Senate Ave., Room N755, Indianapolis, IN 46204-2249

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 IC 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 x
No _____

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?

	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 (Underground).....	<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..... x
 Waste Treatment Detoxification..... x
 Other Land Disposal Area..... x

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 environmental 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?

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

	YES	NO
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. 11022).	<u> x </u>	<u> </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. 11023).	<u> </u>	<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?

	YES	NO
a. Written notification regarding known, suspected, or alleged contamination on or emanating from the property.	<u> </u>	<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. _____ x
- 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. _____ _____

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? | _____ | _____ |
| b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? | _____ <u> x </u> | _____ |

This Document is the property of the Lake County Recorder.
 If the answers to questions a. or b. is 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?
- x Sampling and analysis of soils?
- x Temporary or more long term monitoring of groundwater at or near the site?
- _____ Impaired usage of an onsite or nearby water well because of offensive characteristics of the water?
- _____ Coping with fumes from subsurface storm drains or inside basements?
- _____ 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?

- c. Is there an environmental defect (as defined in IC 13-7-22.5-1.5) on the property that is not reported under question (a) or (b)?
- | | YES | NO |
|--|-------|--------------------|
| | _____ | _____ <u> x </u> |

If the answer is Yes, describe the environmental defect:

10. Is the facility currently operating under a variance granted by the Commissioner of the Indiana Department of Environmental Management?

YES NO
_____ x

11. Has the transferor ever conducted an activity on the site without obtaining a permit from the U.S. Environmental Protection Agency, the commissioner of the department of environmental management, or another administrative agency or authority with responsibility for the protection of the environment, when such a permit was required by law?

YES NO
_____ x

If the answer is Yes, describe the activity:

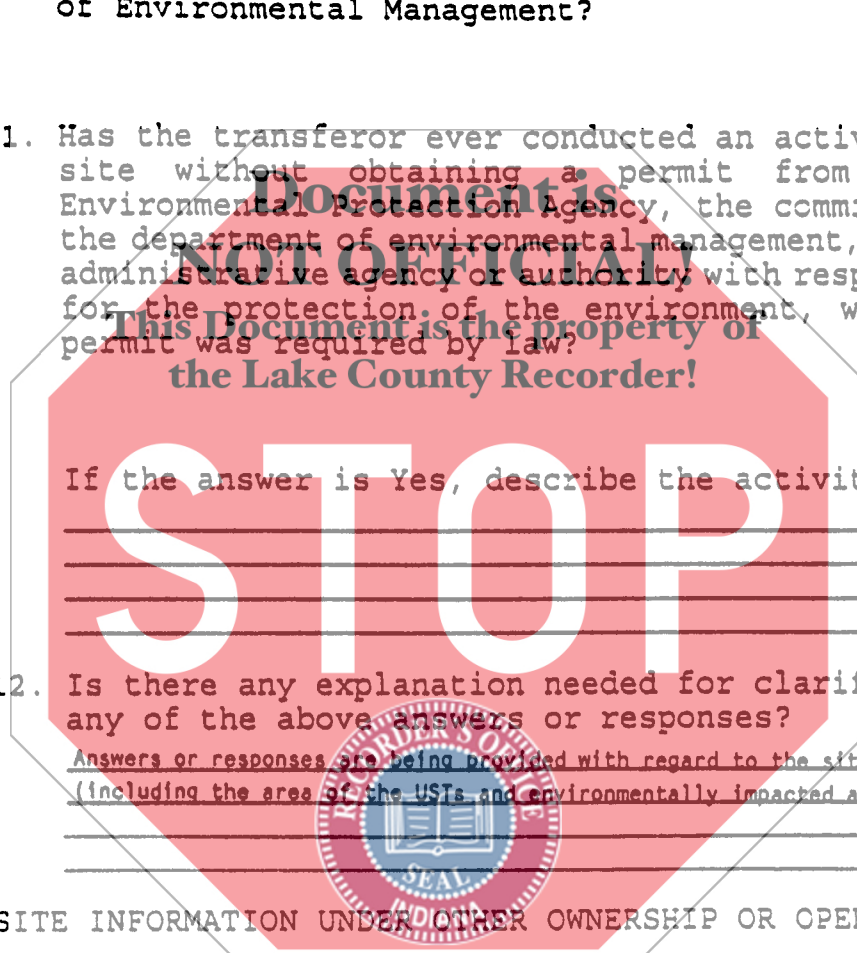
12. Is there any explanation needed for clarification of any of the above answers or responses?

Answers or responses are being provided with regard to the site in general (including the area of the USIs and environmentally impacted areas).

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: Martin Oil Company
Type of business or property usage: gasoline sales



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:

	YES	NO
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 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>

This Document is the property of the Lake County Recorder!

IV. 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.

TRANSFEROR: *[Signature]*
EMRO MARKETING COMPANY



B. This form was delivered to me with all elements completed on JUNE 21, 1996.

TRANSFeree: *Theodore F. Emare*

NOTARY'S CERTIFICATE

STATE OF OHIO)

COUNTY OF HANCOCK)

SS:

Subscribed and sworn to before me this 11th day of June, 1996.

Deborah A. Treier
Notary Public (Signature)

Deborah A. Treier

Notary Public (Printed)

Document is
NOT OFFICIAL!

DEBORAH A. TREIER
NOTARY PUBLIC STATE OF OHIO
My Commission Expires Dec. 28, 1998

My Commission Expires:

My County of Residence:

This Document is the property of
the Lake County Recorder!

Hancock

STOP

This instrument was prepared by: Q. H. Wood, Attorney-at-Law, 539 S. Main St., Findlay, OH 45840

PEH/dkn
33897
12-19-94

Rev. 10/12/95



EXHIBIT A

A part of Lots 69-72 inclusive, in Block A of the Dunes Highway Realty Co's. First Subdivision to Gary, Indiana, the plat of which is recorded in Plat Book 20, page 6 in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the northeast corner of said Lot 69; thence South 1 degree 09 minutes 14 seconds East 110.52 feet along the east line of said lots to the north boundary of U.S.R. 20; thence North 85 degrees 49 minutes 00 seconds West 28.55 feet along the boundary of said U.S.R. 20; thence North 41 degrees 44 minutes 54 seconds East 34.41 feet; thence North 1 degree 09 minutes 14 seconds West 83.12 feet to the north line of said Lot 69; thence South 85 degrees 50 minutes 28 seconds East 5.02 feet along said north line to the point of beginning and containing 874 square feet, more or less.

Also, easements in and to the following-described parcels, to wit: A part of Lot 72 in Block A of the Dunes Highway Realty Co's. First Subdivision to Gary, Indiana, the plat of which is recorded in Plat Book 20, page 6 in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the northeast corner of Lot 69 in said Block A; thence South 1 degree 09 minutes 14 seconds East 110.52 feet along the east line of said block to the north boundary of U.S.R. 20; thence North 85 degrees 49 minutes 00 seconds West 28.55 feet along the boundary of said U.S.R. 20 to the point of beginning of this description: thence North 85 degrees 49 minutes 00 seconds West 47.00 feet along said boundary; thence North 4 degrees 11 minutes 00 seconds East 10.00 feet; thence South 85 degrees 49 minutes 00 seconds East 54.69 feet; thence South 41 degrees 44 minutes 54 seconds West 12.62 feet to the point of beginning and containing 508 square feet, more or less; also, a part of Lots 69 and 70 in Block A of the Dunes Highway Realty Co's. First Subdivision to Gary, Indiana, the plat of which is recorded in Plat Book 20, page 6 in the Office of the Recorder of Lake County, Indiana, described as follows:

Beginning at a point on the north line of said Lot 69 North 85 degrees 50 minutes 28 seconds West 5.02 feet from the northeast corner of said Lot 69; thence South 01 degree 09 minutes 14 seconds East 55.12 feet; thence South 88 degrees 50 minutes 46 seconds West 13.00 feet; thence North 1 degree 09 minutes 14 seconds West 12.00 feet; thence South 88 degrees 50 minutes 46 seconds West 5.00 feet; thence North 1 degree 09 minutes 14 seconds West 44.80 feet to the north line of said Lot 69; thence South 85 degrees 50 minutes 28 seconds East 18.08 feet along said north line to the point of beginning and containing 947 square feet, more or less, for the purpose of constructing driveways for service to the owner's private property, which easements will revert to the owner upon completion of the above-designated project, but in no event not later than the 31st day of December, 2000. (See Attached Exhibit A-1)

Exhibit A-1

PARCELS 4
 PROJECT ST-226-1 (W)
 ROAD U.S.R. 20
 COUNTY : LAKE
 SECTION : 6
 TOWNSHIP : 36 N.
 RANGE : 7 W.

OWNER: EMRO MARKETING COMPANY

DRAWN BY: M.J. CALES 8-1-95

INSTR. # 94060393 , DATED 5-2-94

CHECKED BY: R.F. LEWIS 9-20-95

CODE : 3247



HATCHED AREA IS THE APPROXIMATE TAKING

SCALE: 1" = 50'

THIS PLAN WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

(DUNES HWY.) TOTAL AREA = 19,344 SF.
 R/W EXISTING = 2,924
 NET TOTAL AREA = 16,420 SF
 U.S.F. 12

