

Chicago Title Insurance Company

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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

Document is NOT OFFICIAL!

This Document is the property of the Lake County Recorder!

The following information is provided under IC 13-25-3, the Responsible Property Transfer Law.

For Use By County Recorder's Office County: \_\_\_\_\_

Date: \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_  
Page \_\_\_\_\_  
Rec'd by: \_\_\_\_\_

I. PROPERTY IDENTIFICATION

A. Address of property: 5501 Kennedy Avenue  
Hammond, Indiana 46323  
City or Town \_\_\_\_\_ Township \_\_\_\_\_

Tax Parcel Identification No. (Key Number): 37-81-11, 37-81-13

B. Legal Description:

Section 33 Township 37 North Range 9 West

Enter or attach complete legal description in this area:  
DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER.

MAR 08 2000

PETER BENJAMIN  
LAKE COUNTY AUDITOR

LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for environ-

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STATE OF INDIANA  
LAKE COUNTY  
RECORDER'S OFFICE



PARCEL 1: KEY 37-81-11

A Parcel of land situate in the Southeast Quarter (SE 1/4) of Section thirty-three (33), Township thirty-seven (37) North, Range nine (9) West of the second Principal Meridian, described as follows:

Beginning on the west line of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township thirty-seven (37) North, Range nine (9) West of the Second Principal Meridian at a point which is five hundred thirty-four and thirty-eight hundredths (534.38) feet north of the Southwest Corner of said quarter section; thence east one (1) degree five (5) minutes south a distance of eight hundred sixty-two and seventy-six hundredths (862.76) feet; thence east three (3) degrees fifty-six (56) minutes forty-five (45) seconds south a distance of two hundred and twenty-five hundredths (200.25) feet; thence east one (1) degree five (5) minutes south a distance of five hundred eighty-seven and seventy-two hundredths (587.72) feet to a point which is one thousand six hundred fifty (1,650) feet due east of the west line of said quarter section and one hundred (100) feet north of (measured at right angles to) the north line of the Indiana East-West Toll Road; thence north zero (0) degrees zero (0) minutes along a line parallel to the west line of said quarter section a distance of one thousand nine hundred forty-nine and thirty-two hundredths (1,949.32) feet, more or less, to the south bank of the Grand Calumet River; thence west fifteen (15) degrees forty (40) minutes north along the south bank of the River a distance of five hundred fifty-three (553) feet; thence west twelve (12) degrees thirty (30) minutes south along the south bank of the River a distance of four hundred fifty-four and nineteen hundredths (454.19) feet; thence west forty-two (42) degrees seventeen (17) minutes south along the south bank of the River a distance of two hundred forty-eight and ninety-one hundredths (248.91) feet; thence west sixty-four (64) degrees twenty-three (23) minutes south along the south bank of the River a distance of four hundred sixty-two (462) feet; thence west fifty-seven (57) degrees twenty (20) minutes south along the south bank of the River a distance of five hundred thirty-seven and seventy-one hundredths (537.71) feet, more or less, to a point on the west line of the said quarter section, which point is one thousand four hundred fifty-six and eighty hundredths (1,456.80) feet north of the Southwest Corner of said quarter section; thence south zero (0) degrees zero (0) minutes along the west line of said quarter section a distance of nine hundred twenty-two and forty-two hundredths (922.42) feet to the place of beginning, containing 67.199 acres, more or less, subject to the rights of the public in and to that part thereof taken and used for Kennedy Avenue, subject and to zoning and building laws and ordinances.

PARCEL 2: KEY 37-81-13

A parcel of land in the Southeast Quarter (SE 1/4) of Section Thirty-Three (33), Township Thirty-Seven (37) North, Range Nine (9) West of the Second Principal Meridian, described as follows:

Beginning on the West line of the Southeast Quarter (SE 1/4) of Section Thirty-Three (33), Township Thirty-Seven (37) North, Range Nine (9) West of the Second Principal Meridian, at a point which is five hundred thirty-four and thirty-eight hundredths (534.38) feet North of the Southwest corner of said Quarter Section; thence East one (1) degree five (5) minutes South a distance of eight hundred sixty-two and seventy-six hundredths (862.76) feet; thence East three (3) degrees fifty-six (56) minutes forty-five (45) seconds South, a distance of two hundred and twenty-five hundredths (200.25) feet; thence East one (1) degree five (5) minutes South, a distance of five hundred eighty-seven and seventy-two hundredths (587.72) feet to a point which is one thousand six hundred fifty (1,650) feet due East of the West line of said Quarter Section and one hundred (100) feet North of (measured at right angles to) the North line of the Indiana East-West Toll Road; thence South along a line parallel to the West line of said quarter section, a distance of thirty-four and six thousandths (34.006) feet to a point of intersection with a line which is sixty-six (66.00) feet North of and parallel to North right-of-way line of the Indiana East-West Toll Road; thence West one (1) degree five (5) minutes North a distance of five hundred eighty-nine and twenty-one hundredths (589.21) feet; thence West three (3) degrees fifty-six (56) minutes forty-five (45) seconds North a distance of two hundred and twenty-five hundredths (200.25) feet; thence west one (1) degree five (5) minutes North eight hundred sixty-one and twenty-seven hundredths (861.27) feet to a point on the West line of said quarter Section; thence North a distance of thirty-four and six thousandths (34.006) feet to the place of beginning, in the City of Hammond, Lake County, Indiana, containing 1.288 acres more or less, subject to the right of the public in and to that part thereof taken for Kennedy Avenue and, subject to zoning and building laws and ordinances.

mental 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 N/A Acreage 68.5

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)

II. NATURE OF TRANSFER

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance of fee title to property? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of a land trust?      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (4) A collateral assignment of beneficial interest?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (5) An installment contract for the sale of property?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (6) A mortgage or trust deed?   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (7) A lease of any duration that includes an option to purchase?                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

B. (1) Identify Transferor:

Harbison-Walker Refractories Company

Name

600 Grant St., Pittsburgh, PA 15219

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:

Michael G. Lukart Manager Environ. 412-562-6384  
Name, Position (if any) Telephone No.

600 Grant St., Pittsburgh, PA 15219  
Address

C. Identify Transferee:

RESCO Products, Inc. 1302 Conshohocken Road, Norristown, PA 19404-0108

Name and  
Current Address of Transferee

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 13-11-2-98? 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 X  
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 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 13-11-2-99(a)?

Yes X  
No \_\_\_\_\_

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	_____	X
Surface Impoundment	_____	X
Land Application	_____	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 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?

(A) Permits for discharges of wastewater to waters of Indiana.	Yes <u>X</u>
	No _____
(B) Permits for emissions to the atmosphere?	Yes <u>X</u>
	No _____
(C) Permits for any waste storage, waste treatment, or waste disposal operation.	Yes _____
	No <u>X</u>

6. Has the transferor ever discharged any wastewater (other than sewage) to a publicly-owned treatment works?	Yes _____
	No <u>X</u>

7. Has the transferor been required to take any of the following actions relative to this property? Yes X  
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). Yes X  
No \_\_\_\_\_

(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). Yes X  
No \_\_\_\_\_

8. Has the transferor or any facility on the property or the property been the subject of any of the following state or federal government actions?

(A) Written notification regarding known, suspected, or alleged contamination on or emanating from the property. Yes X  
No \_\_\_\_\_

(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. Yes \_\_\_\_\_  
No 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. Yes NA  
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 X  
No \_\_\_\_\_

(B) Have any hazardous substances or petroleum which were released come into direct contact with the ground at this site? Yes X  
No \_\_\_\_\_

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?

Yes  Use of a cleanup contractor to remove or treat materials including soils, pavement, or other surficial materials?

No  Assignment of in-house maintenance staff to remove or treat materials including soils, pavement, or other surficial materials?

Yes  Sampling and analysis of soils?

Yes  Temporary or more long term monitoring of groundwater at or near the site?

No  Impaired usage of an on site or nearby water well because of offensive characteristics of the water?

No  Coping with fumes from subsurface storm drains or inside basements?

No  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 13-11-2-70) on the property that is not reported under question (A) or (B)? Yes  No

If the answer is Yes, describe the environmental defect:

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10. Is the facility currently operating under a variance granted by the commissioner of the Indiana department of environmental management? Yes  No



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 X  
No \_\_\_\_\_

If the answer is Yes, describe the activity:

During 1990, certain pieces of process equipment were installed without proper approvals of Hammond Dept. of Environmental Management. Citations were issued by HDEM against the plant. A full and final resolution to this matter was negotiated between the company and HDEM.

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: N/A  
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: N/A

	Yes	No
Landfill	_____	_____
Surface Impoundment	_____	_____
Land Application	_____	_____

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 \_\_\_\_\_

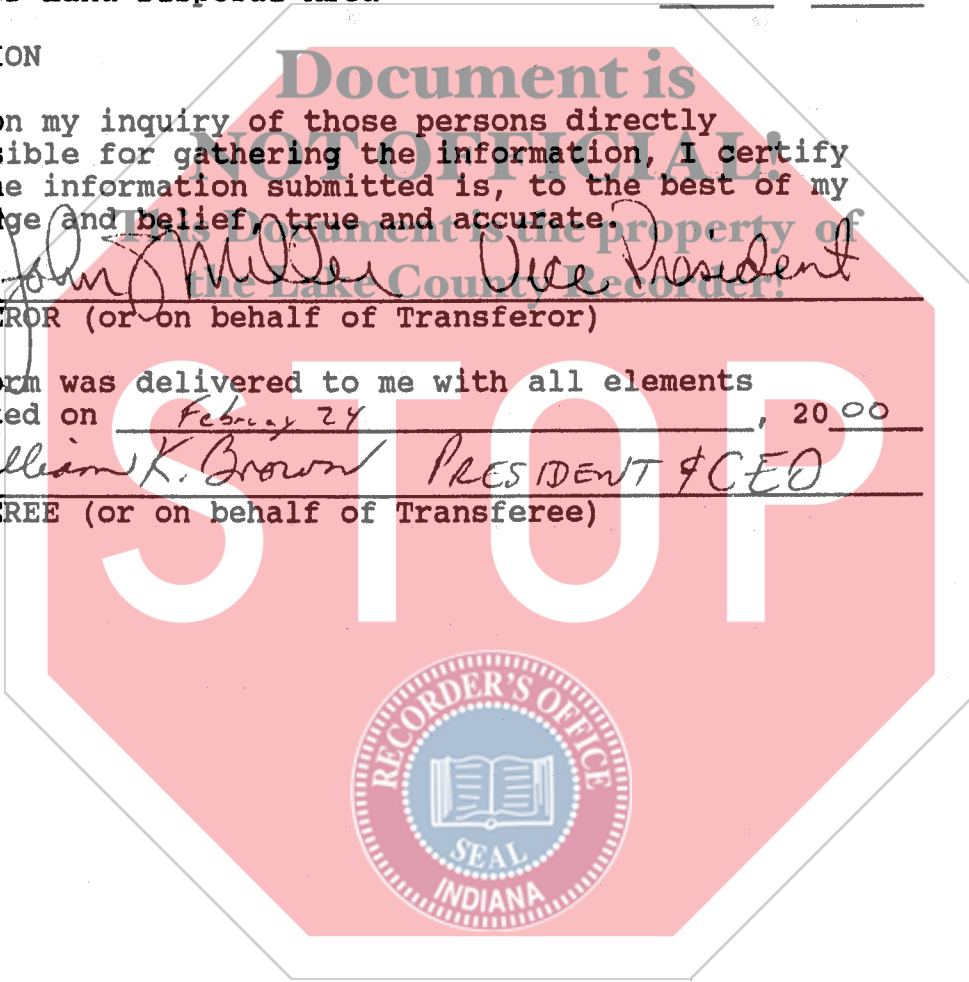
IV. CERTIFICATION

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.

John Miller Vice President  
 TRANSFEROR (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on February 24, 2000

William K. Brown PRESIDENT & CEO  
 TRANSFEREE (or on behalf of Transferee)



**ACKNOWLEDGMENT AND WAIVER UNDER THE  
INDIANA RESPONSIBLE PROPERTY TRANSFER LAW**

RESCO Products, Inc. \_\_\_\_\_, a \_\_\_\_\_,  
having an address of 1302 Conshohocken Road \_\_\_\_\_, Norristown \_\_\_\_\_,  
PA 19404-0108 (the "Transferee"), intending to purchase  
from Harbison-Walker Refractories Company a(n) Delaware  
Corporation (the "Transferor") certain real estate in  
Lake County, Indiana, known as \_\_\_\_\_,  
Hammond \_\_\_\_\_, Indiana, and more particularly described on  
Exhibit A attached hereto (the "Real Estate") hereby acknowledges  
and agrees to the following:

1. Transferee is aware of the purpose and intent of the disclosure document required under the Indiana Responsible Property Transfer Law, IC 13-25-3.

2. Transferee waives the following rights under IC 13-25-3-2 and IC 13-25-3-3: (a) its right to receive the disclosure document at least thirty (30) days before the transfer of the Real Estate; and (b) its right, upon the Transferor's failure to provide the disclosure document at least thirty (30) days before transfer of the Real Estate, to void its obligation to purchase the Real Estate.

3. Receipt of the disclosure document by the undersigned on or before the date on which the transfer of the Real Estate is to become final is acknowledged.

RESCO PRODUCTS, INC.  
\_\_\_\_\_  
RESCO PRODUCTS, INC.

By William K. Brown

Its: PRESIDENT & CEO

Date: 2/24/00

