

761-104449

00-02388

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

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: _____

2000 0585 11

HOLD FOR MERIDIAN TITLE CORP



I. PROPERTY IDENTIFICATION

A. Address of Property: 8140 Mississippi Street, Merrillville

Tax Parcel Identification No. (Key Number): _____

B. Legal Description:

Section _____ Township _____ Range _____

Enter or attach complete legal description in this area:

Insert Legal Description

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
AUG 15 PM 12:40
OPRS W. CARTER
RECORDER

Transferors 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 _____

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

AUG 15 2000

PETER BENJAMIN
LAKE COUNTY AUDITOR

◆/◆323130-3◆◆
IN MASTER PKG
◆(1/13/2000)◆

1046 2/10
AC
2/22

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) Restaurant

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 checked="" 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:

Name and Current Address of Transferor

CNL APE Partners, LP
450 S. Orange Avenue, Suite 900
Orlando, FL 32801

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), and Address Telephone No.

C. Identify Transferee: CNL Funding 2000 A, LP

103 Foulk Road, Suite 202, Wilmington, DE 19803
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

2

(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 waste" (as defined in IC 13-11-2-99(a))?

Yes
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If there are "YES" answers to any of the above items and the transfer of property that requires the filing of this documents 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Permits for emissions to the atmosphere.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Permits for any waste storage, waste treatment, or waste disposal operation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Has the transferor ever discharged any wastewater (other than sewage) to a publicly owned treatment works?

Yes
No

3

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. §11022). | _____ | _____ ✓ |
| (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). | _____ | _____ ✓ |

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. | _____ | _____ ✓ |
| (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. | _____ | _____ ✓ |
| (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.

(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? 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 _____
No _____ ✓

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?
- _____ 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?
- _____ 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:

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 _____
No

If the answer is Yes, describe the activity:

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 _____

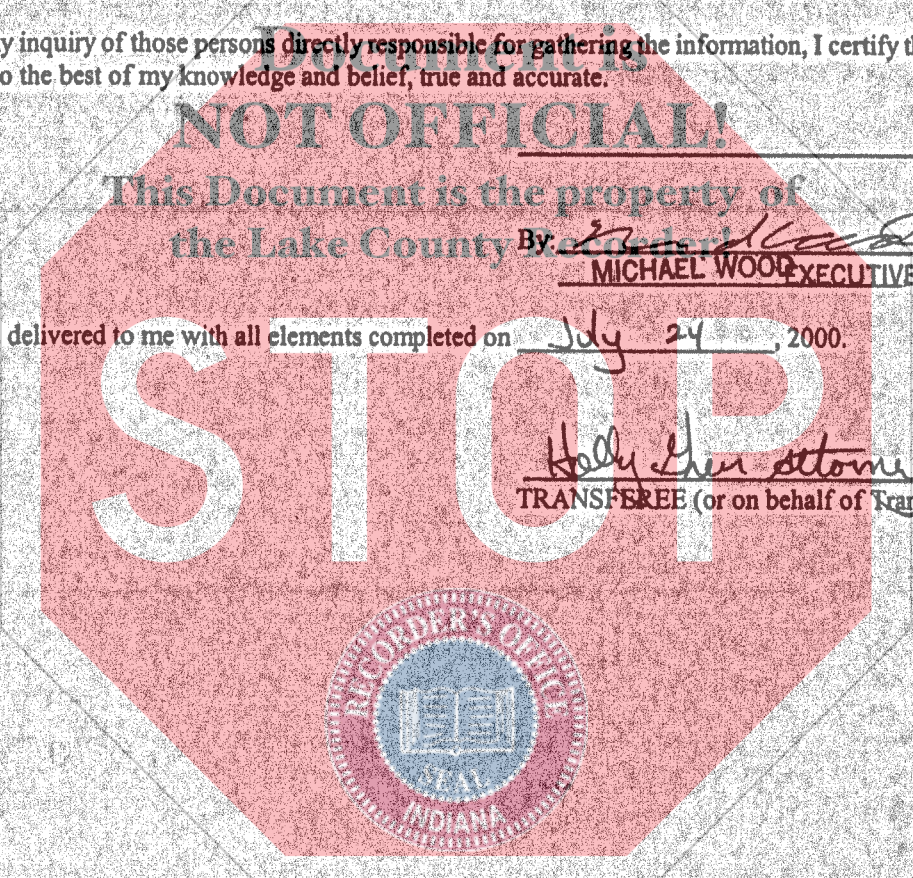
2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, or other contacts for management or use of the property:

	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 upon 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.



This Document is the property of
 the Lake County By: Michael Wood
 MICHAEL WOOD EXECUTIVE VICE PRESIDENT

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

Holly Chen attorney for transferee
 TRANSFEREE (or on behalf of Transferee)

LEGAL DESCRIPTION:

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTH LINE OF U.S. HIGHWAY NUMBER 30, LAKE COUNTY, INDIANA, DESCRIBED AS BEGINNING ON SAID SOUTH LINE AND 40.00 FEET WEST OF THE EAST LINE OF SAID SECTION 22; THENCE SOUTH AND PARALLEL WITH SAID EAST LINE, 175.00 FEET; THENCE WEST, 290.00 FEET; THENCE SOUTH 175.00 FEET; THENCE WEST 8.87 FEET; THENCE WESTERLY ALONG A CIRCULAR CURVE WHICH IS CONVEX TO THE NORTH WHOSE RADIUS EQUALS 3681.41 FEET, TANGENT EQUALS 20.57 FEET, DEFLECTION ANGLE EQUALS 00 DEGREES 38 MINUTES 25 SECONDS, A DISTANCE OF 41.14 FEET ALONG SAID CURVE; THENCE NORTH 349.16 FEET TO SAID SOUTH LINE; THENCE NORTH 89 DEGREES 41 MINUTES 20 SECONDS EAST ALONG SAID SOUTH LINE, 165.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST ALONG SAID SOUTH LINE, 175.00 FEET TO THE POINT OF BEGINNING, BEING PART OF PARCEL 1 OF WESTLAKE PLAZA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 47, PAGE 77, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, AND AS AMENDED IN CERTIFICATES OF CORRECTION RECORDED AUGUST 10, 1977, AS DOCUMENT NUMBERS 422236 AND 422237.

This document is the property of
the Lake County Recorder!

STOP

