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761-122127

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.

HOLD FOR MERIDIAN TITLE CORP

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

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

Document is NOT OFFICIAL!

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

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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2000 AUG 15 12:40
MORRIS W. HENDERSON
RECORDER

I. PROPERTY IDENTIFICATION

A. Address of Property: 10319 Indianapolis Blvd., Highland

Tax Parcel Identification No. (Key Number): _____

B. Legal Description:

Section _____ Township _____ Range _____

Enter or attach complete legal description in this area:

Insert Legal Description



LIABILITY DISCLOSURE DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Transferees of real property are advised that their ownership or other interest in 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.

AUG 15 2000
PETER BENJAMIN
LAKE COUNTY AUDITOR

C. Property Characteristics:

Lot Size _____ Acreage _____

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

2/00
AC
12212

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 APF Partners, LP, a Delaware limited partnership
450 South Orange Avenue,
Orlando, FL 32809

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 Faulk 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

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

- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| (a) Filled 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) Filled 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:

| | <u>Yes</u> | <u>No</u> |
|---------------------|------------|-----------|
| Landfill | _____ | _____ |
| Surface Impoundment | _____ | _____ |
| Land Application | _____ | _____ |

Parcel 1:

That part of Lot 1, Highland Town Center, in the Town of Highland, as shown in Plat Book 77, page 23, in Lake County, Indiana, bounded and described as follows:

Commencing at the Southeast corner of said Lot 1, thence North 89 degrees 27 minutes 34 seconds West, along the South line of said Lot 1, 1148.11 feet; thence North 00 degrees 11 minutes 11 seconds West, along a Westerly line of said Lot 1, 0.09 feet; thence North 34 degrees 45 minutes 25 seconds West, along a Westerly line of said Lot 1, 17.72 feet; thence North 01 degrees 55 minutes 20 seconds East, along a Westerly line of said Lot 1, 248.52 feet; thence North 02 degrees 34 minutes 46 seconds East, along a Westerly line of said Lot 1, 374.45 feet; thence North 44 degrees 51 minutes 46 seconds East, along a Westerly line of said Lot 1, 40.57 feet; thence North 02 degrees 34 minutes 45 seconds East, along a Westerly line of said Lot 1, 60.00 feet; thence North 41 degrees 03 minutes 43 seconds West, along a Westerly line of said Lot 1, 39.55 feet; thence North 02 degrees 34 minutes 45 seconds East, along a Westerly line of said Lot 1, 125.89 feet; thence North 01 degrees 08 minutes 49 seconds East, along a Westerly line of said Lot 1, 184.72 feet; thence South 88 degrees 51 minutes 11 seconds East, 10.00 feet; thence North 11 degrees 08 minutes 49 seconds East, along a Westerly line of said Lot 1, 14.14 feet, to the point of beginning; thence continuing along the last described course North 01 degrees 08 minutes 49 seconds East, 135.86 feet; thence North 44 degrees 02 minutes 57 seconds East, along a Westerly line of said Lot 1, 39.06 feet; thence North 01 degrees 08 minutes 49 seconds East, along a Westerly line of said Lot 1, 6.73 feet; thence North 89 degrees 50 minutes 12 seconds East, along a line at right angles to East line of said Lot 1, 34.00 feet, to a point of curvature; thence Easterly on a curve, tangent to the last described course, concave Southerly, having a radius of 195.00 feet, an arc distance of 91.43 feet and a chord bearing South 76 degrees 43 minutes 51 seconds East, to a point of tangency; thence South 63 degrees 17 minutes 54 seconds East, 138.72 feet; thence South 20 degrees 58 minutes 46 seconds East, 33.66 feet; thence Southerly on a curve, having a radius of 441.00 feet, an arc distance of 58.15 feet and a chord bearing South 17 degrees 13 minutes 43 seconds West; thence South 89 degrees 50 minutes 12 seconds West along a line at right angles to said East line of Lot 1, 270.64 feet to the point of beginning, in the Town of Highland, Lake County, Indiana.

Parcel 2:

Easement for access described in Document No. 94066757 dated September 26, 1994.

Parcel 3:

A Non-Exclusive Easement for Ingress and Egress and Cross Access Agreement as set forth in Instrument No. 96030241, dated April 30, 1996 and recorded May 7, 1996.

Burger King Highland, IN
NCS Case No. 00-000326
URN: 761-122127 TPW: 127

- 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

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
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| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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.



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

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