

28

2004 031550

WAIVER OF 30-DAY WAITING PERIOD  
FOR DELIVERY OF  
ENVIRONMENTAL DISCLOSURE DOCUMENT FOR  
TRANSFER OF REAL ESTATE

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

I. PROPERTY IDENTIFICATION

A. Address of Property: 601 Riley Road  
Street  
East Chicago, Indiana North  
City/Town Township

Permanent Real Estate Index No.

B. Legal Description:  
Section 20 Township 37 North Range 9 West

Enter or attach complete legal description in this area.

See Exhibit "A" attached hereto and made a part hereof.

II. WAIVER

The parties hereto do certify that each has been informed that the Transferor of the affected property must provide an Environmental Disclosure Document to the parties at least thirty (30) days before the transfer.

The parties hereby have been further advised that, however, if all parties agree in writing, the 30-day requirement may be waived and the Disclosure Document may be provided up to the date the transfer is to become final.

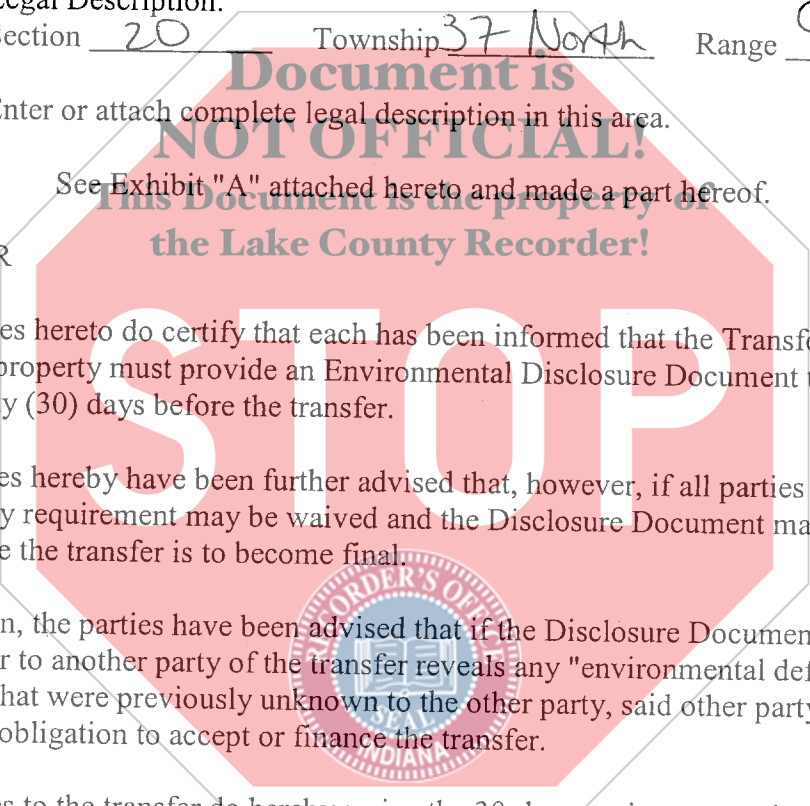
In addition, the parties have been advised that if the Disclosure Document delivered by Transferor to another party of the transfer reveals any "environmental defects" in the property that were previously unknown to the other party, said other party is released from any obligation to accept or finance the transfer.

The parties to the transfer do hereby waive the 30-day requirement and agree that this Disclosure Document will be delivered to all parties two days prior to the date the transfer is to become final.

III. CERTIFICATION

*Karaganis, White, & Magy C*  
*414 N. Orleans St. Ste. 810*  
*Chicago, IL 60610*

*64-60*  
*PK# 22084*  
*90*



RECORDED  
INDEXED

A. I certify that the Disclosure Document has been delivered and examined by all of the parties to the transaction. The undersigned hereby waive the 30-day waiting period pursuant to IC 13-25-3, the Responsible Property Transfer Law.

Safety-Kleen Oil Recovery Co.

Dated: December 16, 2003 By: [Signature]  
Virgil W. Duffie, Sr. Corp. Counsel  
TRANSFEROR

BNY, Asset Solutions LLC

Dated: December 16, 2003 By: [Signature]  
~~TRANSFEREE~~  
Michael F. Cocanougher  
Managing Director



EXHIBIT A  
Legal Description

PARCEL I

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, described as follows:

Beginning at the point of intersection of a line parallel to and 100 feet North of the South line with a line parallel to and 1140.1 feet East of the West line of the Northeast Quarter of Section 20 aforesaid; thence North on last described line 621.34 feet; thence North-easterly on a curve tangent to last described line and convex to Northwest with a radius of 576.0 feet a distance of 316.28 feet to its intersection with the Southeasterly line of the 66 foot right-of-way of Indiana Harbor Belt Railroad Company; thence Southwesterly along said right-of-way line 612.4 feet to a point of curve; thence South-westerly on a curve tangent to last mentioned line and convex to the Northwest with a radius of 522.47 feet a distance of 239.15 feet to its intersection with the centerline of vacated Indiana Boulevard; thence Southeasterly along the centerline of said Blvd. 189.73 feet; thence deflecting to the left or East 10 degrees 49 minutes for a distance of 111.25 feet to its intersection with a line parallel to and 100 feet North of the South line of the Northeast Quarter of Section 20 aforesaid; and thence East on last described line 377.36 feet to the point of beginning.

PARCEL II

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, described as follows:

Beginning at the point of intersection of the East line of the 66 foot right-of-way of the Indiana Harbor Belt Railroad Company (said line being parallel to and 616 feet East of the West line of said Northeast Quarter) with a line parallel to and 1465.0 feet South of the North line of said Northeast Quarter (being also parallel to and 30 feet South of the South line of the 75 foot right-of-way of the South Chicago and Southern Railroad Company at this place); thence East on said parallel line 266.31 feet to a point of curve; thence North-easterly on curve tangent to parallel line and convex to Southeast with radius of 1038 feet a distance of 580.59 feet to its intersection with the Northwesterly line of the 66 foot right-of-way of the Indiana Harbor Railroad Company at this point; thence Southwesterly on said Northwesterly right-of-way line 976.81 feet to point of curve; thence continuing along said right-of-way on curve tangent to said last described line and convex to Northwest with a radius of 588.47 feet a distance of 224.58 feet to its intersection with the Easterly line of a 66 foot right-of-way of the Indiana Harbor Belt Railroad at this point; thence Northerly on said Easterly line 84.0 feet to point of tangent in said right-of-way line and thence North on said tangent right-of-way line 645.72 feet to the point of beginning, EXCEPTING THEREFROM the portion lying Southwesterly of the centerline of vacated Indiana Boulevard.

PARCEL III

An irregular shaped parcel of land in the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, more particularly described as follows:

That portion of the 66 foot strip of land conveyed by the Calumet Canal and Improvement Company to E.C. Belt Railroad Company by deed dated June 4, 1901 and recorded October 25, 1901 in the Office of the Recorder of Lake County, Indiana, in Book 92, page 337 as Document No. 31333 lying between the centerline of Indiana Boulevard (vacated) and a line at right angles to the centerline of said 66 foot strip of land 851.02 feet, measured along said centerline, Southwesterly of a straight line (said straight line being the extension Easterly of the centerline of that portion of the public road (Riley Road)) which is parallel to and 1327 feet Southerly of the North line of Section 20.

PARCEL IV

An irregular shaped parcel of land in the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, Lake County, Indiana, more particularly described as follows:

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PARCEL V

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, Lake County, Indiana, more particularly described as follows:

Beginning at the point of intersection of a line that is 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20 and the South line of Riley Road; thence South on the line previously described as being 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20, a distance of 722.01 feet; thence Southwesterly a distance of 67.34 feet to a point on a line 550 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, said point being 772.01 feet South of the South line of Riley Road, thence South on the line previously described as being 550 feet East of and parallel to the West line of Northeast Quarter of said Section 20, a distance of 407.74 feet to a point on a line which is 100 feet North of and parallel to the South line of the Northeast Quarter of said Section 20, said line being the North line of the 200 foot waterway deeded to the U.S.A.; thence East on said North line of said waterway a distance of 212.66 feet to the center line of Indiana Boulevard, now vacated; thence Northwesterly on said centerline, which makes an interior angle of 62 degrees 58 minutes 30 seconds with the last described line, a distance of 111.25 feet; thence Northerly on said center line which deflects 10 degrees 49 minutes to the right, a distance of 372.88 feet to a point on a line which is 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20; thence North on the line previously described as being 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, a distance of 722.01 feet to the South line of Riley Road; thence West on said South line of Riley Road to a distance of 20.0 feet to the place of beginning.

THE RECORD CALLS AND THE MEASURED CALLS DESCRIBE THE SAME PROPERTY AS REFLECTED HEREON.



**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**

(Best viewed on the Web in 10 pt.)

For Use  
By County  
Recorder's Office  
County

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

Date  
Doc. No.

Vol.  
Page

Rec'd by:

**Document is NOT OFFICIAL!**  
**This Document is the property of the Lake County Recorder!**

**I PROPERTY IDENTIFICATION**

A. Address of property: 601 RILEY ROAD  
Street

EAST CHICAGO, INDIANA NORTH  
City or Town Township

Tax Parcel Identification No. (Key Number): SEE ATTACHED

B. Legal Description:  
Section 20 Township 37 NORTH Range 9 WEST

Enter or attach complete legal description in this area:  
ATTACHED

LIABILITY DISCLOSURE

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 VARIOUS DIMENSIONS Acreage 16.88 ACRES

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)

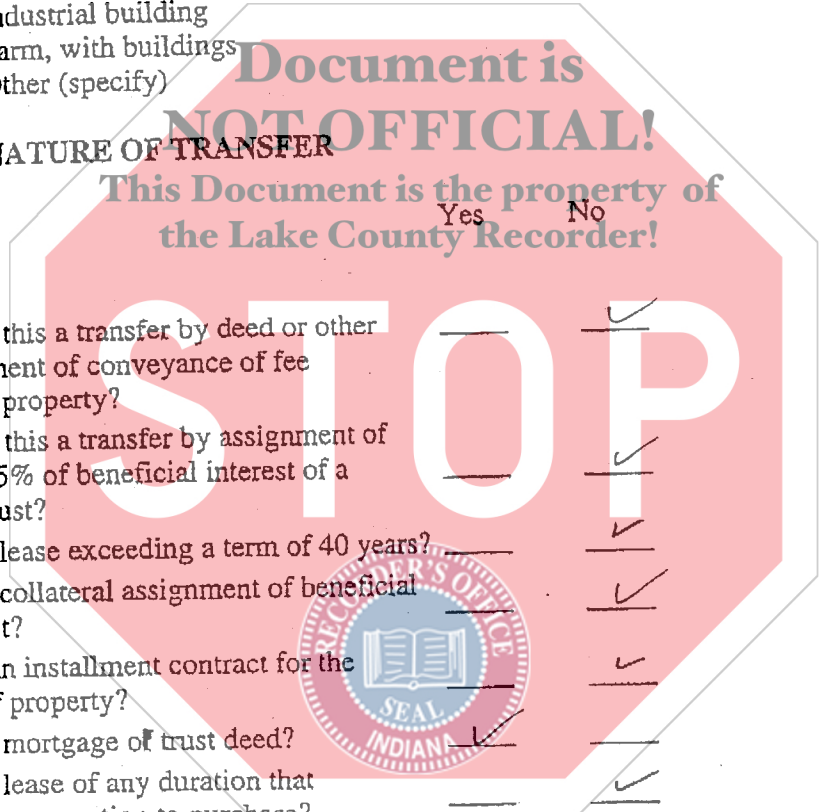
II NATURE OF TRANSFER

A.

- |                                                                                            | Yes                                 | No                                  |
|--------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| (1) Is this a transfer by deed or other instrument of conveyance of fee title to property? | <input type="checkbox"/>            | <input checked="" 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 of trust deed?                                                              | <input checked="" 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



OLC - TRANSFER OF PROPERTY

Transferor: SAFETY-Kleen Oil Recovery Co.  
Name and Current Address of Transferor

5400 Legacy Drive  
Cluster II, Building 3  
Plano, Tx 75024

Trust No. \_\_\_\_\_

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Virgil W. Duffie, Sr. Corp. Counsel  
Name, Position (if any), and Address

5400 Legacy Drive  
Plano, TX 75024  
972.265.2051  
Telephone No.

C. Identify Transferee:

BNY Asset Solutions LLC, as Agent, 600 East Las Colinas Blvd.  
Name and Current Address of Transferee Suite 1300, Irving, Tx 75039

III. ENVIRONMENTAL INFORMATION

A. Regulatory Information During Current Ownership

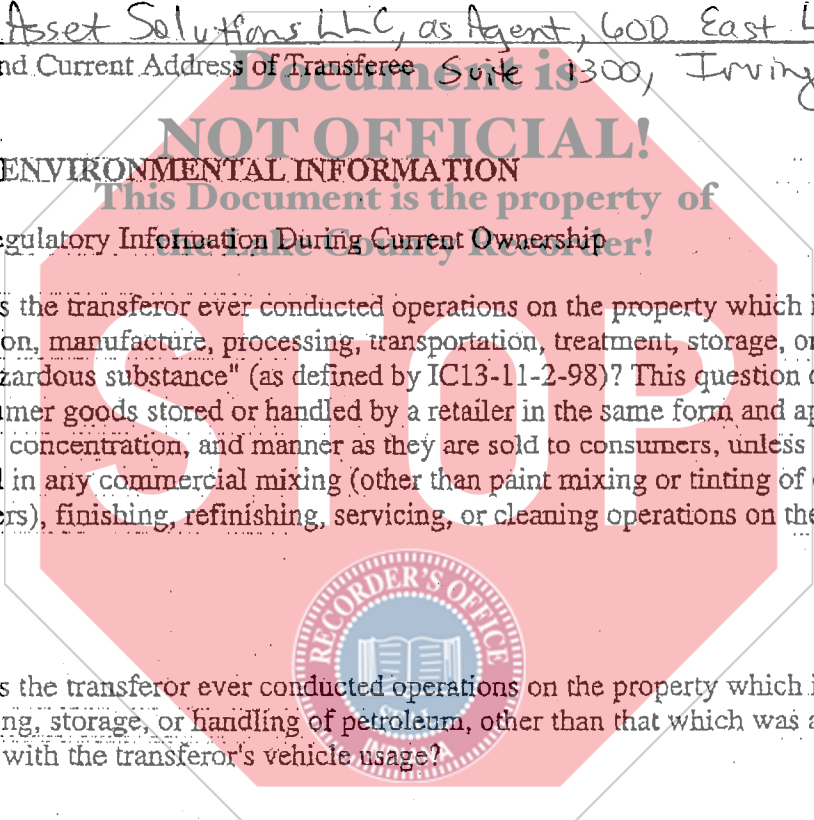
1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage, or handling of a "hazardous substance" (as defined by IC13-11-2-98)? This question does not apply to consumer goods stored or handled by a retailer 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



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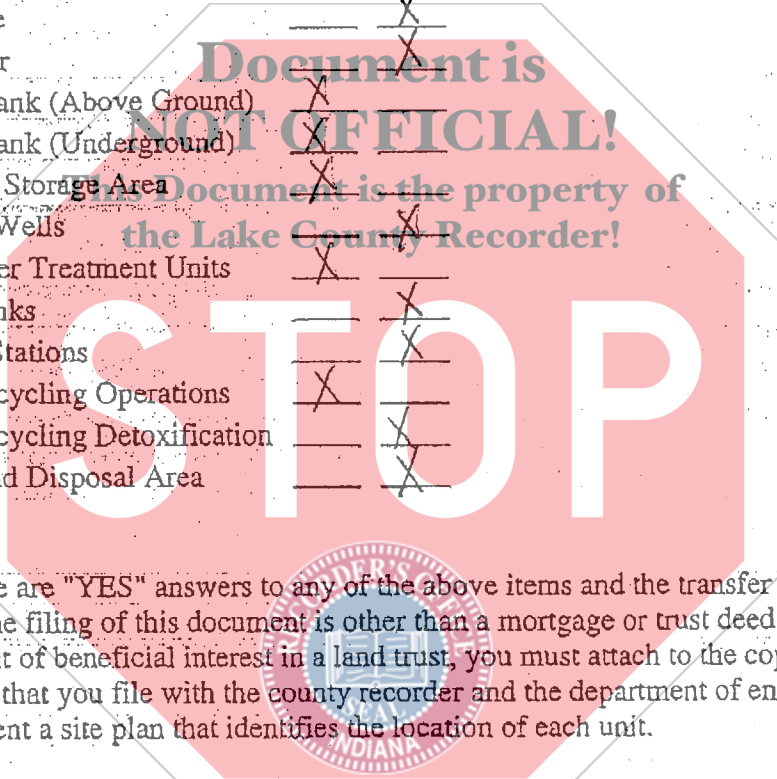
defined in IC 13-11-2-99(a))?

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

	YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Application	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Container Storage Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Recycling 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 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?



OLC - TRANSFER OF PROPERTY

- (A) Permits for discharge of wastewater to waters of Indiana. Yes \_\_\_\_\_ No
- (B) Permits for emissions to the atmosphere. Yes  No \_\_\_\_\_
- (C) Permits for any waste storage, waste treatment, or waste disposal operation. Yes  No \_\_\_\_\_

- 6. Has the transferor ever discharged any wastewater (other than sewage) to a publicly owned treatment works? Yes  No \_\_\_\_\_
- 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).

Yes   
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).

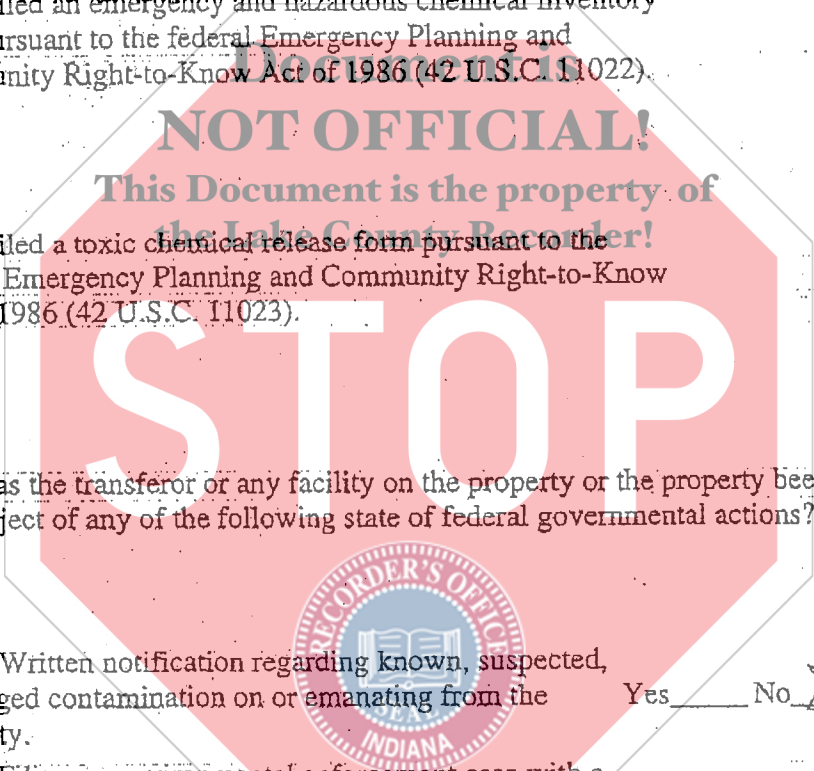
Yes   
No \_\_\_\_\_

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

(A) Written notification regarding known, suspected, or alleged contamination on or emanating from the property. Yes \_\_\_\_\_ 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 \_\_\_\_\_

(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 \_\_\_\_\_ 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  No

(B) Have any hazardous substances or petroleum which were released come into direct contact with the ground at this site? Yes  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?

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?

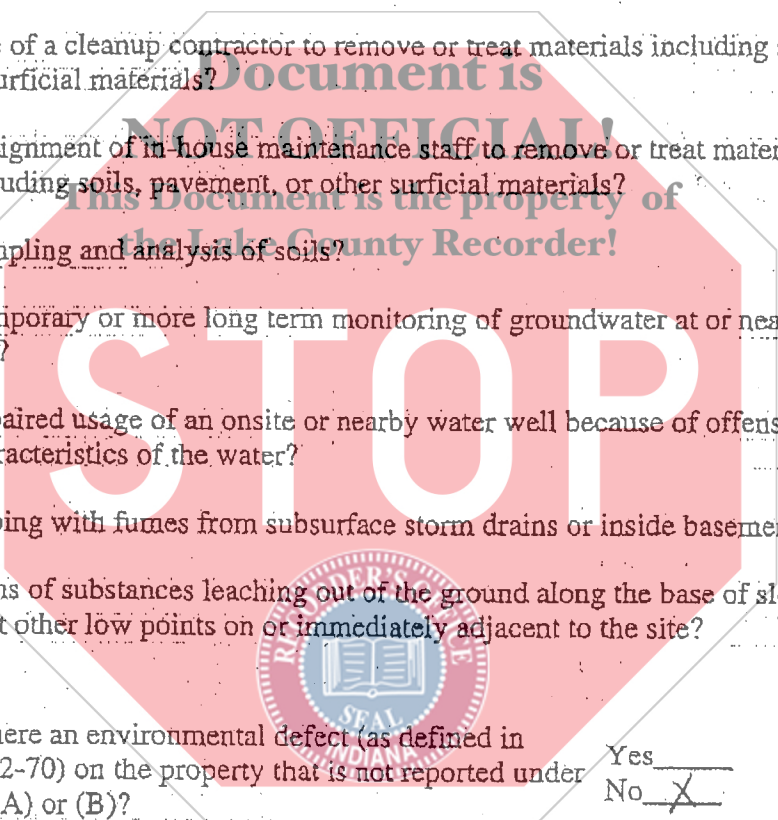
Impaired usage of an onsite or nearby water well because of offensive characteristics of the water?

Coping with fumes from subsurface storm drains or inside basements?

Signs of substances leaching out of the ground along the base of slopes of 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:



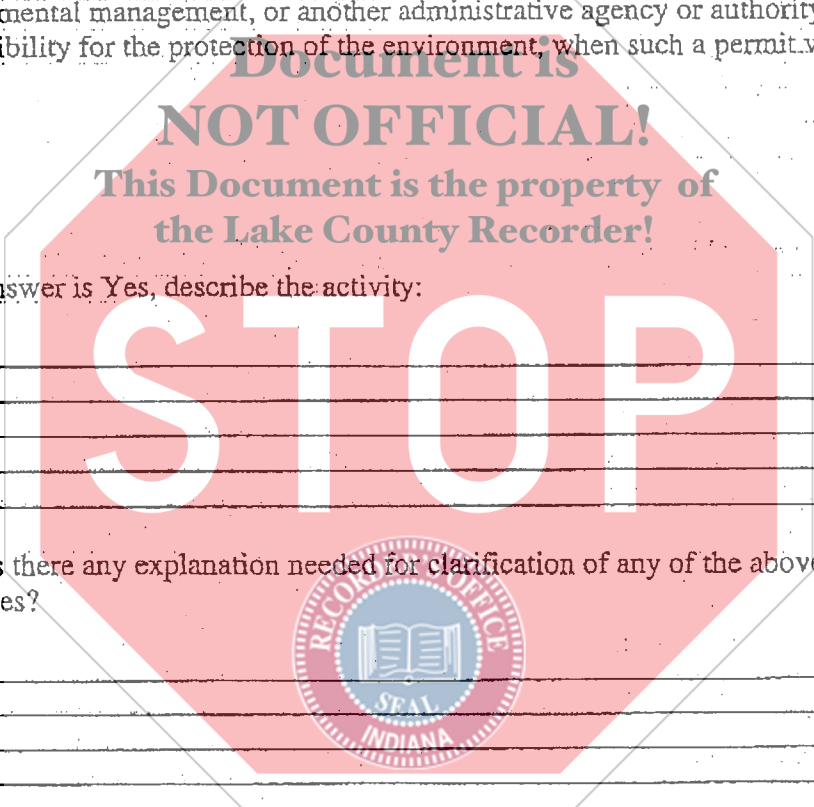
10. Is the facility currently operating under a variance granted by the commissioner of the Indiana department of environmental management?

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?

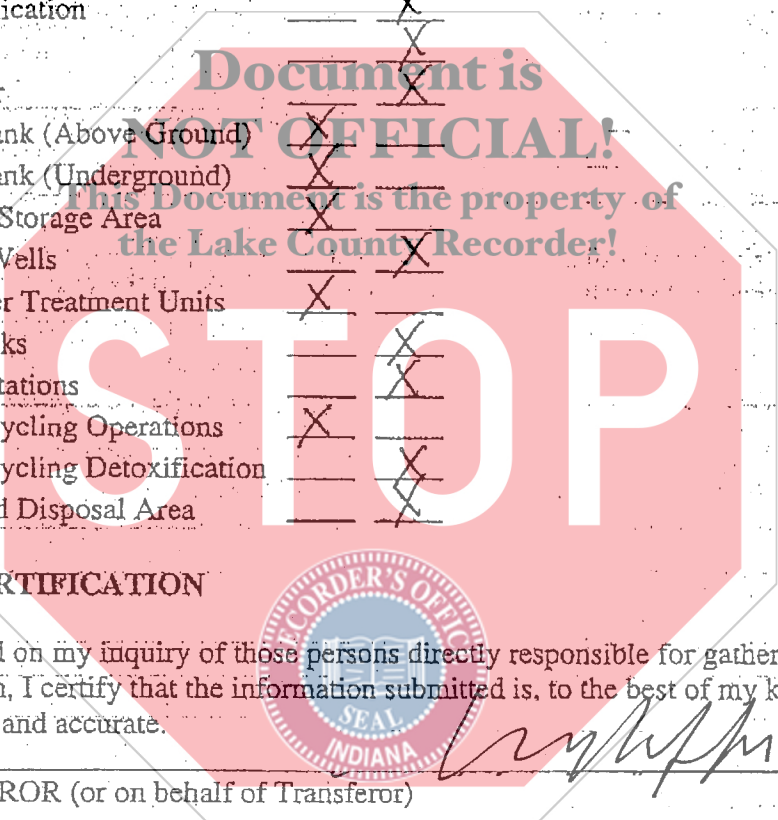
B. Site Information Under Other Ownership Or Operation

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: AMERICAN RECOVERY COMPANY  
Type of business USED OIL RECYCLING  
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:

	YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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 (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on December 16, 2003

OLC - TRANSFER OF PROPERTY

BNV ASSET SOLUTIONS LLC

*Michael F. Cocanougher*

Page 9 of 9  
APPROVED - LEGAL  
*SAC*  
Initials 12.18.03  
Date

TRANSFeree (or on behalf of Transferee)

Michael F. Cocanougher  
Managing Director

INSERT RULER 234 (BAR)

Insert More Info Legislative Services Agency

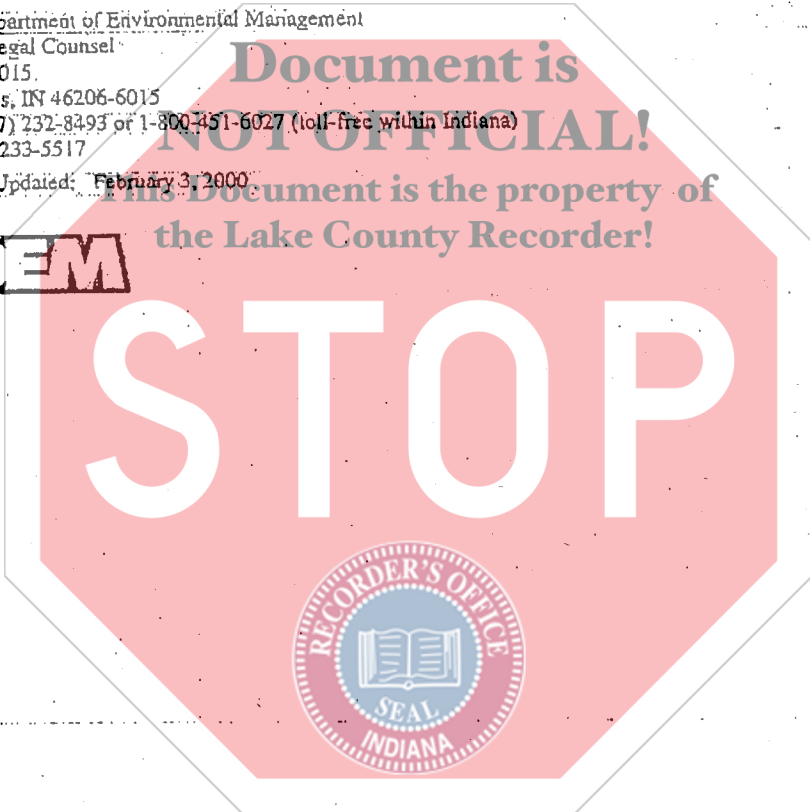
Insert More Info Office of Environmental Response

Insert More Info Property Transfer Memo



Indiana Department of Environmental Management  
Office of Legal Counsel  
P.O. Box 6015  
Indianapolis, IN 46206-6015  
Phone: (317) 232-8493 or 1-800-451-6027 (toll-free within Indiana)  
Fax: (317) 233-5517  
Page Last Updated: February 3, 2000

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NOT OFFICIAL!  
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the Lake County Recorder!





## Legal Description

### PARCEL I

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Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, Lake County, Indiana, more particularly described as follows:

Beginning at the point of intersection of a line that is 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20 and the South line of Riley Road; thence South on the line previously described as being 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20, a distance of 722.01 feet; thence Southwesterly a distance of 67.34 feet to a point on a line 550 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, said point being 772.01 feet South of the South line of Riley Road, thence South on the line previously described as being 550 feet East of and parallel to the West line of Northeast Quarter of said Section 20, a distance of 407.74 feet to a point on a line which is 100 feet North of and parallel to the South line of the Northeast Quarter of said Section 20, said line being the North line of the 200 foot waterway deeded to the U.S.A.; thence East on said North line of said waterway a distance of 212.66 feet to the center line of Indiana Boulevard, now vacated; thence Northwesterly on said centerline, which makes an interior angle of 62 degrees 58 minutes 30 seconds with the last described line, a distance of 111.25 feet; thence Northerly on said center line which deflects 10 degrees 49 minutes to the right, a distance of 372.88 feet to a point on a line which is 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20; thence North on the line previously described as being 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, a distance of 722.01 feet to the South line of Riley Road; thence West on said South line of Riley Road to a distance of 20.0 feet to the place of beginning.

THE RECORD CALLS AND THE MEASURED CALLS DESCRIBE THE SAME PROPERTY AS REFLECTED HEREON.





**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**

(Best viewed on the Web in 10 pt.)

For Use  
By County  
Recorder's Office  
County

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

Date  
Doc. No.

Vol.  
Page  
Rec'd by:

**Document is NOT OFFICIAL!**  
This Document is the property of  
the Lake County Recorder!

**I PROPERTY IDENTIFICATION**

A. Address of property: 601 RILEY ROAD  
Street

EAST CHICAGO, INDIANA NORTH  
City or Town Township

Tax Parcel Identification No. (Key Number): SEE ATTACHED

B. Legal Description:  
Section 20 Township 37 NORTH Range 9 WEST

Enter or attach complete legal description in this area:

ATTACHED

### LIABILITY DISCLOSURE

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 VARIOUS DIMENSIONS Acreage 16.88 ACRES

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)

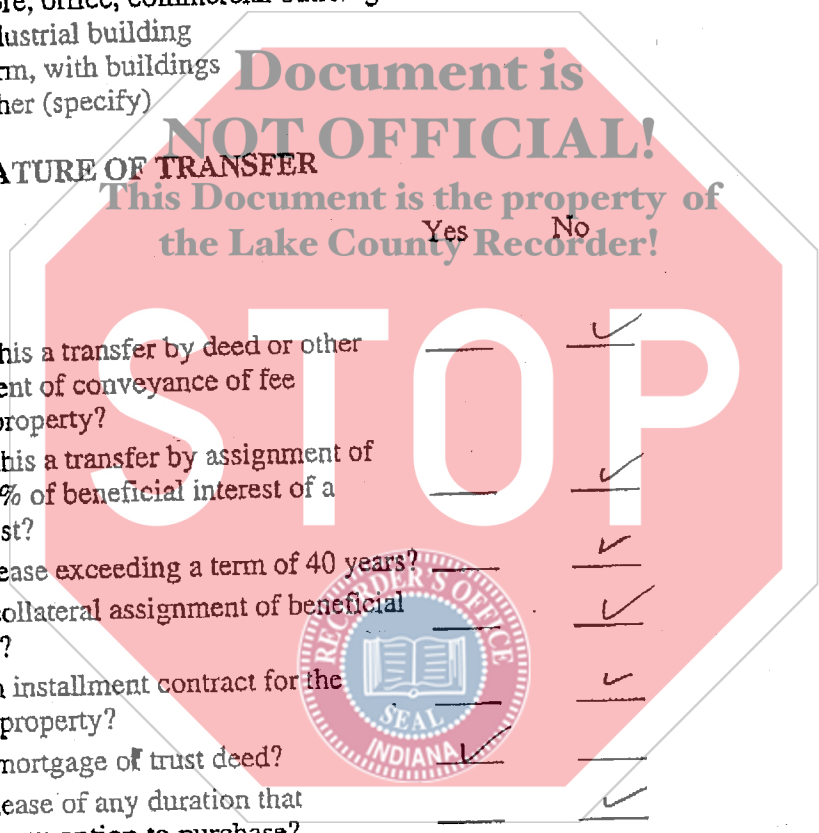
### II NATURE OF TRANSFER

A.

- |                                                                                            | Yes                                 | No                                  |
|--------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| (1) Is this a transfer by deed or other instrument of conveyance of fee title to property? | <input type="checkbox"/>            | <input checked="" 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 of trust deed?                                                              | <input checked="" 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: SAFETY-Keen Oil Recovery Co.  
Name and Current Address of Transferor

5400 Legacy Drive  
Cluster II, Building 3  
Plano, Tx 75024

Trust No. \_\_\_\_\_

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Virgil W. Duffie, Sr. Corp. Counsel  
Name, Position (if any), and Address  
5400 Legacy Drive  
Plano, TX 75024  
972.265.2051  
Telephone No.

C. Identify Transferee:

Wells Fargo Foothill, Inc., Collateral and Administrative Agent  
Name and Current Address of Transferee  
400 Northpark Town Center  
1000 Abernathy Road, Suite 1450  
Atlanta, GA 30328

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 IC13-11-2-98)? 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   
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

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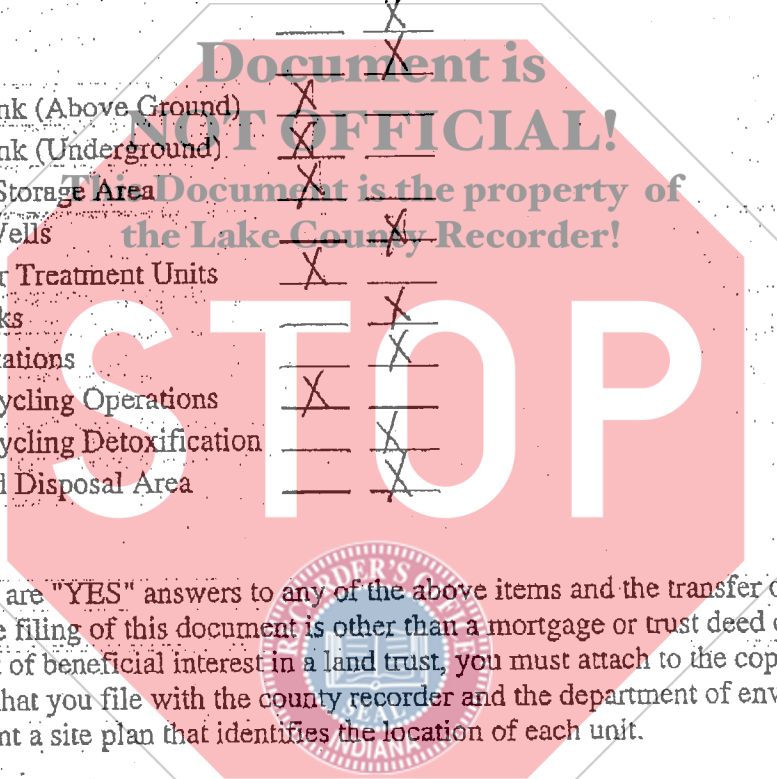
defined in IC 13-11-2-99(a))?

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

	YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Application	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Container Storage Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Recycling 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 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?

OLC - TRANSFER OF PROPERTY

(A) Permits for discharge of wastewater to waters of Indiana. Yes \_\_\_ No X

(B) Permits for emissions to the atmosphere. Yes X No \_\_\_

(C) Permits for any waste storage, waste treatment, or waste disposal operation. Yes X No \_\_\_

6. Has the transferor ever discharged any wastewater (other than sewage) to a publicly owned treatment works? Yes X No \_\_\_

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).

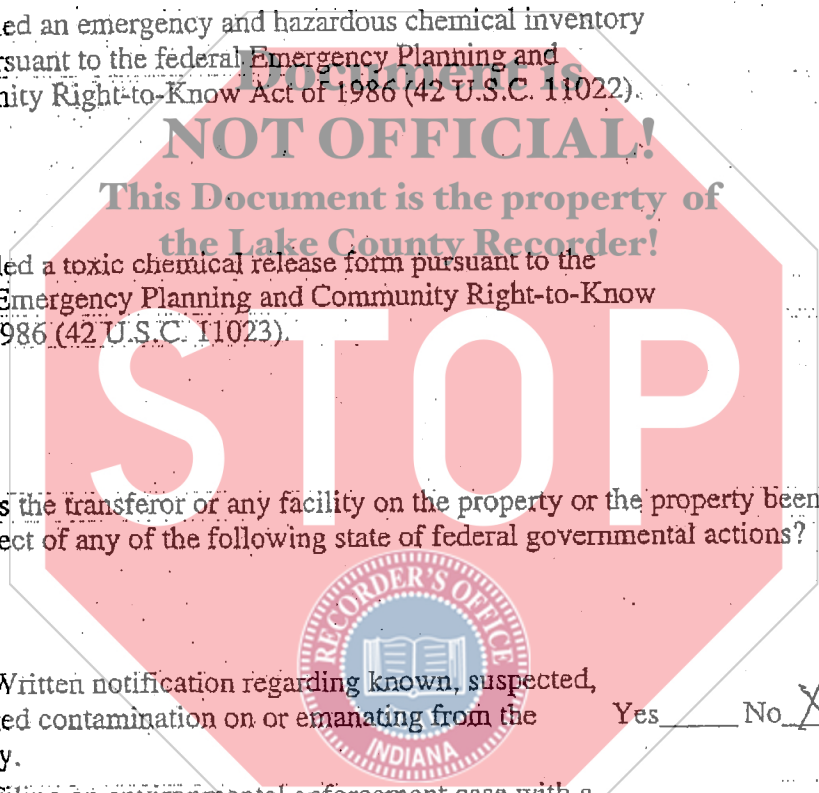
Yes X  
No \_\_\_

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

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

(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 X No \_\_\_

(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 \_\_\_ No X



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? Yes  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?

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?

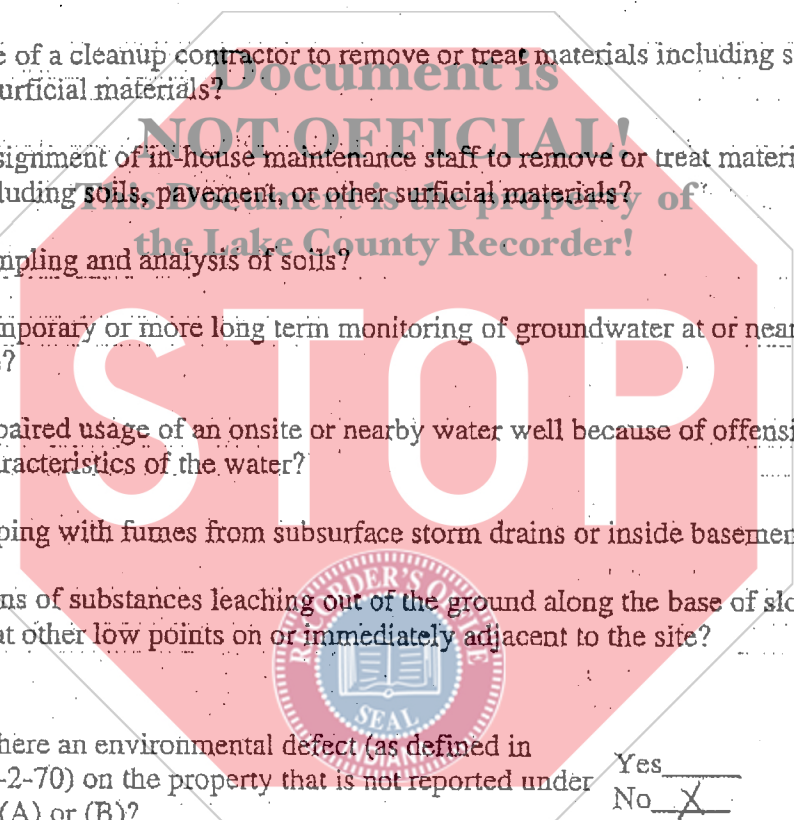
Impaired usage of an onsite or nearby water well because of offensive characteristics of the water?

Coping with fumes from subsurface storm drains or inside basements?

Signs of substances leaching out of the ground along the base of slopes of 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:

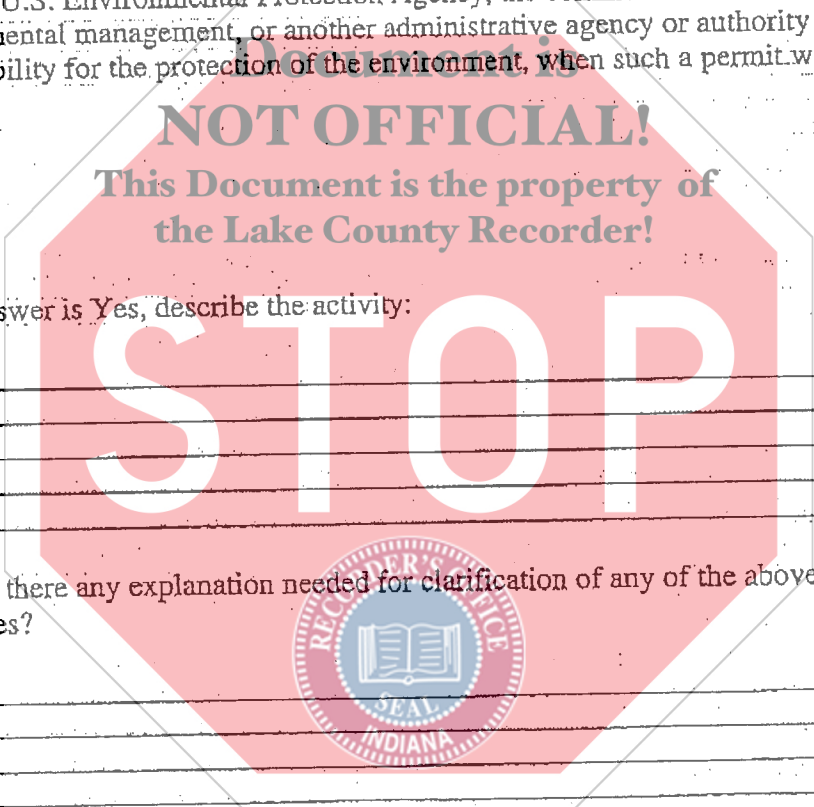


10. Is the facility currently operating under a variance granted by the commissioner of the Indiana department of environmental management?

Yes \_\_\_\_\_  
No 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?

B. Site Information Under Other Ownership Or Operation

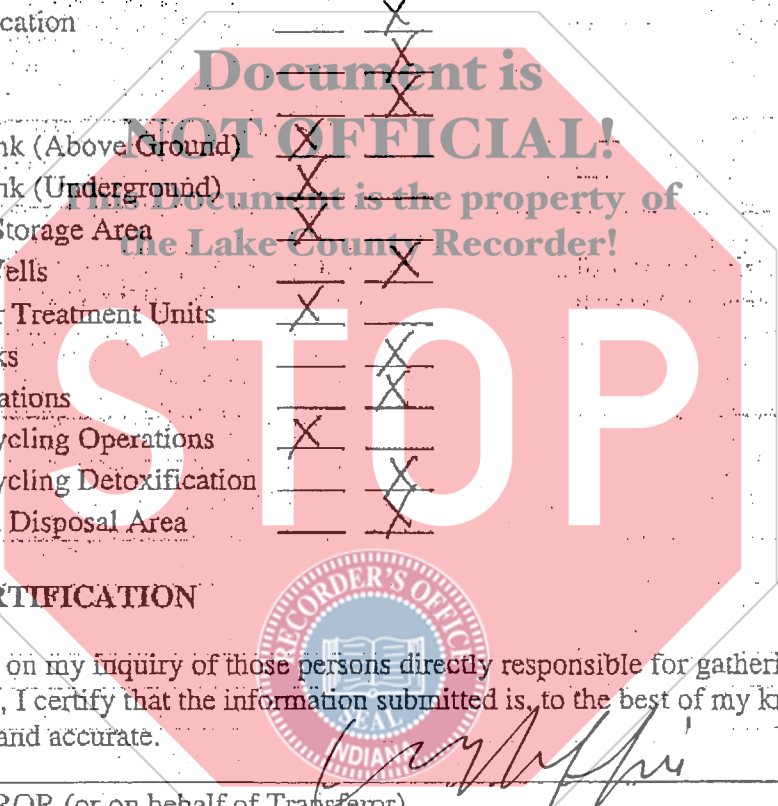
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1. Provide the following information about the previous owner or about any entity or person to whom the transferor leased the property or with whom the transferor contracted for the management of the property :

Name: AMERICAN RECOVERY COMPANY  
Type of business USED OIL RECYCLING  
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:

	YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Application	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Container Storage Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Recycling Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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 (or on behalf of Transferor)

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

December 16, 2003



OLC - TRANSFER OF PROPERTY

*Wells Fargo Foothill, Inc., as Administrative agent and co-collateral agent*

Page 9 of 9

*Bill R. Gump*

TRANSFeree (or on behalf of Transferee)

INSERT RULER 234 (BAR)

Insert More Info Legislative Services Agency

Insert More Info Office of Environmental Response

Insert More Info Property Transfer Memo



Indiana Department of Environmental Management

Office of Legal Counsel

P.O. Box 6015

Indianapolis, IN 46206-6015

Phone: (317) 232-8493 or 1-800-451-6027 (toll-free within Indiana)

Fax: (317) 233-5517

Page Last Updated: February 3, 2000

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**IDEM**

**STOP**





## Legal Description

### PARCEL I

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, described as follows:

Beginning at the point of intersection of a line parallel to and 100 feet North of the South line with a line parallel to and 1140.1 feet East of the West line of the Northeast Quarter of Section 20 aforesaid; thence North on last described line 621.34 feet; thence North-easterly on a curve tangent to last described line and convex to Northwest with a radius of 576.0 feet a distance of 316.28 feet to its intersection with the Southeasterly line of the 66 foot right-of-way of Indiana Harbor Belt Railroad Company; thence Southwesterly along said right-of-way line 612.4 feet to a point of curve; thence South-westerly on a curve tangent to last mentioned line and convex to the Northwest with a radius of 522.47 feet a distance of 239.15 feet to its intersection with the centerline of vacated Indiana Boulevard; thence Southeasterly along the centerline of said Blvd. 189.73 feet; thence deflecting to the left or East 10 degrees 49 minutes for a distance of 111.25 feet to its intersection with a line parallel to and 100 feet North of the South line of the Northeast Quarter of Section 20 aforesaid; and thence East on last described line 377.36 feet to the point of beginning.

### PARCEL II

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, described as follows:

Beginning at the point of intersection of the East line of the 66 foot right-of-way of the Indiana Harbor Belt Railroad Company (said line being parallel to and 616 feet East of the West line of said Northeast Quarter) with a line parallel to and 1465.0 feet South of the North line of said Northeast Quarter (being also parallel to and 30 feet South of the South line of the 75 foot right-of-way of the South Chicago and Southern Railroad Company at this place); thence East on said parallel line 266.31 feet to a point of curve; thence North-easterly on curve tangent to parallel line and convex to Southeast with radius of 1038 feet a distance of 580.59 feet to its intersection with the Northwesterly line of the 66 foot right-of-way of the Indiana Harbor Railroad Company at this point; thence Southwesterly on said Northwesterly right-of-way line 976.81 feet to point of curve; thence continuing along said right-of-way on curve tangent to said last described line and convex to Northwest with a radius of 588.47 feet a distance of 224.58 feet to its intersection with the Easterly line of a 66 foot right-of-way of the Indiana Harbor Belt Railroad at this point; thence Northerly on said Easterly line 84.0 feet to point of tangent in said right-of-way line and thence North on said tangent right-of-way line 645.72 feet to the point of beginning, EXCEPTING THEREFROM the portion lying Southwesterly of the centerline of vacated Indiana Boulevard.

### PARCEL III

An irregular shaped parcel of land in the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, more particularly described as follows:

That portion of the 66 foot strip of land conveyed by the Calumet Canal and Improvement Company to E.C. Belt Railroad Company by deed dated June 4, 1901 and recorded October 25, 1901 in the Office of the Recorder of Lake County, Indiana, in Book 92, page 337 as Document No. 31333 lying between the centerline of Indiana Boulevard (vacated) and a line at right angles to the centerline of said 66 foot strip of land 851.02 feet, measured along said centerline, Southwesterly of a straight line (said straight line being the extension Easterly of the centerline of that portion of the public road (Riley Road)) which is parallel to and 1327 feet Southerly of the North line of Section 20.

### PARCEL IV

An irregular shaped parcel of land in the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, Lake County, Indiana, more particularly described as follows:

That portion of the 66 foot strip of land conveyed by the Calumet Canal and Improvement Company to E.C. Belt Railroad Company by Deed dated June 4, 1901 and recorded October 25, 1901 in the Office of the Recorder of Lake County, Indiana, in Book 92, page 337, lying North-easterly of the Northeastly line of that part of said 66 foot strip conveyed by Indiana Harbor Belt Railroad Company to Associated Box Corporation by Deed dated June 3, 1948 and recorded June 23, 1948 in Deed Record 813, page 548, and lying Southwesterly of a line at right angles to the centerline of said 66 foot strip of land 368.95 feet, measured along said centerline, Southwesterly of a straight line (said straight line being the extension Easterly of the centerline of that portion of the public road (Riley Road)) which is parallel to and 1327 feet Southerly of the North line of Section 20.

PARCEL V

Part of the Northeast Quarter of Section 20, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, Lake County, Indiana, more particularly described as follows:

Beginning at the point of intersection of a line that is 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20 and the South line of Riley Road; thence South on the line previously described as being 596 feet East of and parallel to the West line of the Northeast Quarter of Section 20, a distance of 722.01 feet; thence Southwesterly a distance of 67.34 feet to a point on a line 550 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, said point being 772.01 feet South of the South line of Riley Road, thence South on the line previously described as being 550 feet East of and parallel to the West line of Northeast Quarter of said Section 20, a distance of 407.74 feet to a point on a line which is 100 feet North of and parallel to the South line of the Northeast Quarter of said Section 20, said line being the North line of the 200 foot waterway deeded to the U.S.A.; thence East on said North line of said waterway a distance of 212.66 feet to the center line of Indiana Boulevard, now vacated; thence Northwesterly on said centerline, which makes an interior angle of 62 degrees 58 minutes 30 seconds with the last described line, a distance of 111.25 feet; thence Northerly on said center line which deflects 10 degrees 49 minutes to the right, a distance of 372.88 feet to a point on a line which is 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20; thence North on the line previously described as being 616 feet East of and parallel to the West line of the Northeast Quarter of said Section 20, a distance of 722.01 feet to the South line of Riley Road; thence West on said South line of Riley Road to a distance of 20.0 feet to the place of beginning.

THE RECORD CALLS AND THE MEASURED CALLS DESCRIBE THE SAME PROPERTY AS REFLECTED HEREON.

