

9

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR  
TRANSFER OF REAL PROPERTY

CMU26063763

For Use By County Recorder's Office

2007 04 14 95

The following information is provided  
under IC 13-7-22, the Responsible  
Property Transfer Law.

County

Date

Doc. No.

Vol.

Page

Rec'd by:

I. PROPERTY IDENTIFICATION

A. Address of property: 240 Waite Street  
Street  
Gary, IN 46404  
City or Town Township  
Permanent Real Estate Index No.: 25-40-0028-0005  
25-40-0033-0001  
25-40-0033-0019

B. Legal Description:  
Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Enter or attach complete legal description in this area:

*see attached legal description*



LIABILITY DISCLOSURE

Transferees 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 1.446 acres, 1.495 acres, 14.928 acres

Check all types of improvements 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)

*CT 28-2D*

2

CHICAGO TITLE INSURANCE COMPANY

**II. NATURE OF TRANSFER**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance?                     | <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 mortgage or collateral assignment of beneficial interest?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (5) A contract for the sale of property?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

B. (1) Identify Transferor:  
SCA Tissue North America, LLC, 1451 McMahon Drive, Neenah, WI 54956  
 Name and Current Address of Transferor

\_\_\_\_\_  
 Name and Address of Trustee if this is a transfer of beneficial interest of a land trust. Trust No.

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

Michael Dillon (920) 720-4585  
 Name, Position (if any), and address Telephone No.

C. Identify Transferee:

Clearwater Resources, Inc., 4914 Sandy beach Drive, Crown Point, IN 46307  
 Name and current address of Transferee Attn: John Desmaretz

**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 "hazardous waste", as defined by IC 13-7-1? This question does not apply to consumer goods stored or handled by a retailer in the same form and approximate amount, concentration, and manner as they are sold to consumers, unless the retailer has engaged in any commercial mixing (other than painting mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

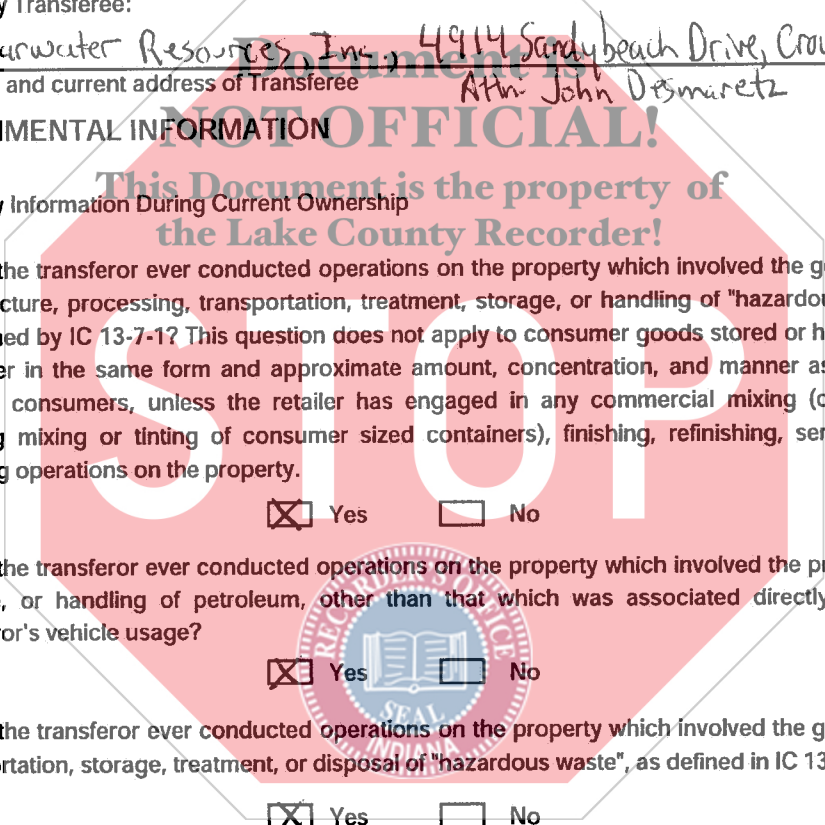
Yes  No

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 13-7-1?

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"/>
Surface Impoundment	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" 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 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 document is other than a mortgage or collateral assignment of beneficial interest, 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  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?

(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 of 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 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 material 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?

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

Yes  No

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

Above ground storage tanks used to store boiler water treatment and paper making chemicals. Container storage area used to store oils and used oils.

**B. Site Information Under Other Ownership or Operation**

1. Provide the following information 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, leasehold granted by the transferor, or 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 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 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 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"/>

**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.

Michael Dill  
TRANSFEROR (or on behalf of Transferor)

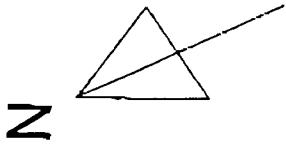
B. This form was delivered to me with all elements completed on 12/29/2006

Thomas H. Walters  
TRANSFEEE (or on behalf of Transferee)

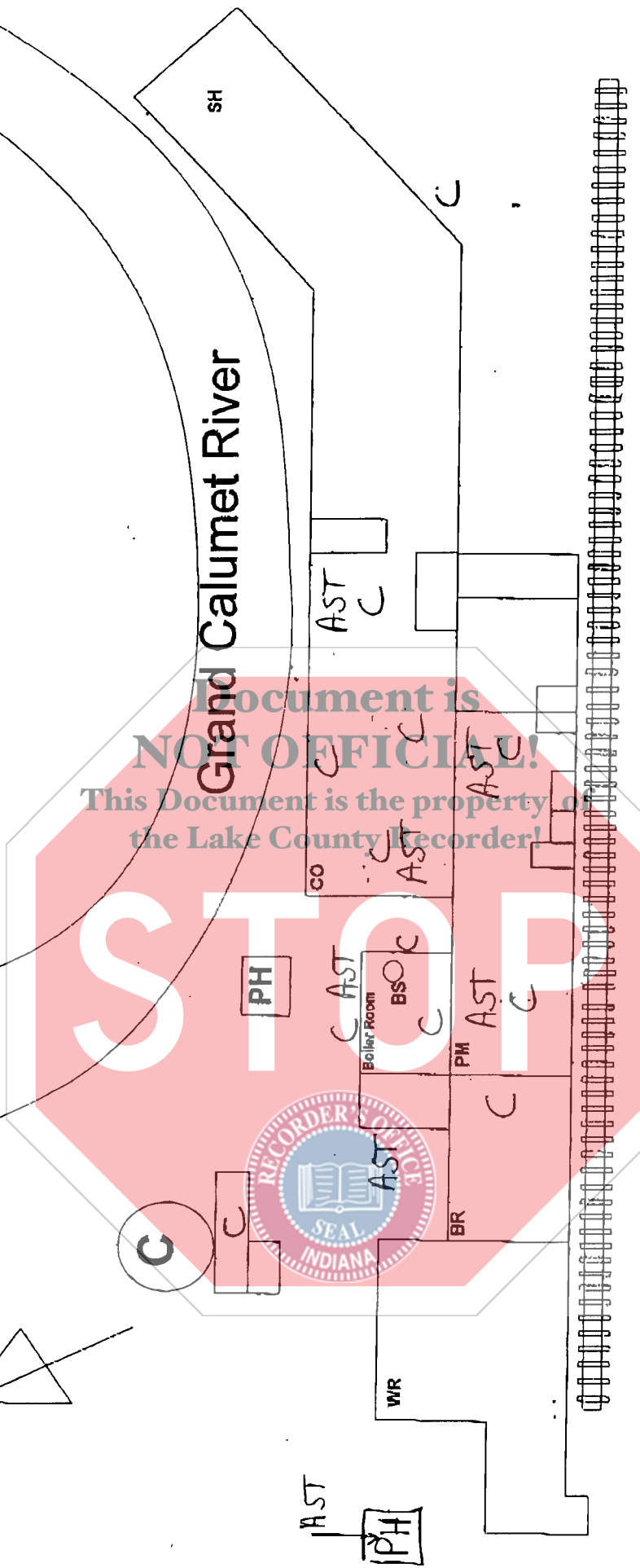
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stacey Prigge

Item #4 - site plan

Hazardous Substances (Process Chemicals)  
Petroleum



Grand Calumet River



PH: Pump House
WR: Wastepaper Receiving
BR: Beater Room
PM: Papermachine
CO: Converting
SH: Shipping
BS: Boiler Stack
—: Property Line
C: Clarifier

**Key:**

AST - Storage Tank (Above ground)
C - Container Storage (Tote, Drum, cylinder)

SCA Tissue North America, LLC  
 Plot Layout: Gary Tissue  
 Date: 2/12/03 KCH  
 Scale: 1"=100 ft

This Document is the property of  
 the Lake County Recorder!

Document is  
 NOT OFFICIAL!

## LEGAL DESCRIPTION

Parcel 1: A parcel of land in the Northwest Quarter of Section 5, Township 36 North, Range 8 West of the Second Principal Meridian, in the City of Gary, in Lake County, Indiana, being that part of said Section, which lies North and West of the Resubdivision of Gary Land Company's 6th Subdivision, as platted and recorded, West of the West line of Alley No. 30-West, extended North from said Resubdivision and South and East of the thread of stream of the Grand Calumet River, said thread of stream being described as follows: Beginning on the West line of said Section 5, at a point 880 feet South of the Northwest corner of said Section; thence Northeasterly at an angle of 56 degrees 58 minutes with said West Section line, 189 feet; thence Northeasterly at an angle of 16 degrees 27 minutes 30 seconds to the left 500 feet; thence Northeasterly at an angle of 11 degrees 14 minutes to the left, 417 feet, more or less, to a point in the North line of said Section, which is 688 feet East of the Northwest corner of said Section, except therefrom 2 parcels of land conveyed to the Indiana Toll Road Commission, by deed dated November 1, 1956 and recorded December 12, 1956, in Deed Record 1048 page 419, and described as follows:

Beginning at a point on the Westerly line extended of Alley No. 30 West, in Resubdivision of Gary Land Company's 6th Subdivision, said point being located the following 4 courses and distances from the Northwest corner of Section 5, South 87 degrees 58 minutes 07 seconds East, 270.50 feet; thence South 87 degrees 50 minutes 31 seconds East, 417.50 feet; thence South 28 degrees 36 minutes 57 seconds West, 312.82 feet; thence South 00 degrees 04 minutes 15 seconds West, 56.64 feet to the point of beginning; thence South 44 degrees 29 minutes 12 seconds West, 197.19 feet to a point on the thread of the stream of the Grand Calumet River; thence along said thread of the stream, North 39 degrees 47 minutes 23 seconds East, 138.63 feet to a point; thence continuing along said thread of the stream, North 28 degrees 36 minutes 57 seconds East, 103.44 feet to a point on the Westerly line extended of Alley No. 30 West, in the Resubdivision of Gary Land Company's 6th Subdivision; thence along said Westerly line extended, South 00 degrees 04 minutes 15 seconds West, 56.64 feet to a point at the point of beginning, and

Beginning at a point on the Westerly line extended of Alley No. 30 West, in the Resubdivision of Gary Land Company's 6th Subdivision, said point being located the following 4 courses and distances from the Northwest corner of Section 5; South 87 degrees 58 minutes 07 seconds East, 270.50 feet; thence South 87 degrees 50 minutes 31 seconds East, 417.50 feet; thence South 28 degrees 36 minutes 57 seconds West, 312.82 feet; thence South 00 degrees 04 minutes 15 seconds West, 56.64 feet to the point of beginning; thence along the Westerly line extended of Alley No. 30 West, in the Resubdivision of Gary Land Company's 6th Subdivision; thence South 00 degrees 04 minutes 13 seconds West, 182.91 feet to a point on the Westerly line of Alley No. 30 West, in the Resubdivision of Gary Land Company's 6th Subdivision, said point being distant North 00 degrees 04 minutes 15 seconds East, 86.02 feet from the Northerly line of Second Avenue; thence South 44 degrees 29 minutes 12 seconds West, 107.24 feet to a point; thence North 45 degrees 30 minutes 48 seconds West, 124.66 feet; to a point on the thread of stream of the Grand Calumet River; thence along said thread of the stream, North 39 degrees 47 minutes 23 seconds East, 40.84 feet to a point; thence North 44 degrees 29 minutes 12 seconds East, 197.19 feet to a point of the point of beginning, in Lake County, Indiana.

Parcel 2: That part of the Northeast Quarter of Section 6, Township 36 North, Range 8 West of the Second Principal Meridian, described as follows: Beginning at a point on the North line of said Northeast Quarter of Section 6, which is 1200 feet West of the Northeast corner of said Northeast Quarter; thence South 13 degrees 52 minutes 30 seconds West, a distance of 430 feet; thence South 5 degrees 42 minutes 30 seconds East, a distance of 185 feet; thence South 39 degrees 32 minutes 30 seconds East, a distance of 230 feet; thence South 53 degrees 34 minutes 30 seconds East, a distance of 200 feet; thence South 65 degrees 0 minutes 30 seconds East, a distance of 190 feet; thence South 75 degrees 29 minutes 30 seconds East, a distance of 214.5 feet; thence North 87 degrees 29 minutes 30 seconds East, a distance of 380 feet; thence North 65 degrees 20 minutes 30 seconds East, a distance of 210 feet; thence North 54 degrees 20 minutes East, a distance of 83 feet to the East line of said Section 6, a distance of 880 feet South of the Northeast corner of said Section 6; thence South 2 degrees 38 minutes East, along the East line of said Section 6, a

distance of 132.77 feet; thence South 88 degrees 14 minutes West, a distance of 65.67 feet to the West line of Waite Street; thence South 1 degree 46 minutes East, along the West line of Waite Street, a distance of 194.65 feet to the North line of a parcel of land conveyed by Gary Land Company, to Chicago, South Shore and South Bend Railroad, by deed dated July 12, 1927; thence South 87 degrees 51 minutes West, along the North line of said parcel, a distance of 893.35 feet to a point of curve; thence Westerly and Northwesterly along a curve to the right, 479.4 feet radius, a distance of 308.65 feet to a point of tangent; thence North 55 degrees 15 minutes West, along the Northeasterly line of a parcel of land conveyed by Gary Land Company, to the Chicago, South Shore and South Bend Railroad, by deed dated October 15, 1928, a distance of 139.54 feet to the Northeast corner of a parcel of land conveyed by Gary Land Company, to Wabash Railway Company, by deed dated October 15, 1928; thence Northwesterly along the Northeasterly line of said parcel on a curve to the right of 5619.6 foot radius, a distance of 703.6 feet, more or less, to the Easterly line of a parcel of land conveyed by James E. Tyler and wife, to William H. Swett and Thomas Crouch, by deed dated July 27, 1870; thence North 3 degrees 13 minutes 43 seconds West, along the Easterly line of said parcel, a distance of 642.14 feet, more or less, to the North line of the Northeast Quarter of said Section 6; thence East along said North line, 699.17 feet, more or less, to the point of beginning, in the City of Gary, in Lake County, Indiana.

EXCEPT THEREFROM a parcel of land conveyed to the Indiana Toll Road Commission, by deed dated November 1, 1956 and recorded December 12, 1956, in Deed Record 1048 page 419, and described as follows: Beginning at a point on the Northerly line of Section 6, Township 36 North, Range 8 West of the Second Principal Meridian, said point being distant North 88 degrees 08 minutes 40 seconds West, 1900.60 feet from the Northeast corner of said Section 6; thence along said Northerly Section line South 88 degrees 08 minutes 40 seconds East, 593.14 feet to a point on a line which is parallel to and 120 feet South of the center line of the Indiana Toll Road; thence along said parallel line by the arc of a curve deflecting to the left; said curve having a radius of 5609.58 feet, and a tangent bearing at this point of South 86 degrees 13 minutes 32 seconds West, 594.94 feet to a point on the Westerly line of the property owned by the Steiner Company, Inc.; thence along said Westerly line North 01 degree 30 minutes 40 seconds West, 89.73 feet to a point at the point of beginning, in Lake County, Indiana.

Parcel 3: Part of the North Half of Fractional Section 6, Township 36 North, Range 8 West of the Second Principal Meridian, described as follows: Commencing at a point 7 chains and 80 links Southeasterly from a point where the South shore of Calumet River intersects the right of way of the Pittsburgh, Fort Wayne and Chicago Railroad Company, on the line of said Railroad right of way; thence a Southeasterly direction said right of way, 7 chains, 50 links; thence East 4 chains 2 links; thence North 10 chains 34 links to the Calumet River; thence in a Westerly direction along said River to the East line of that portion set off to the Washington Ice Company, in the partition made December 12, 1884, in the Circuit Court of Lake County, Indiana; thence South along said East line of said Washington Ice Company's Land, to a point 3 chains distance at right angles from the said Railroad right of way; thence a Southwesterly direction 3 chains to the said Railroad right of way and the point of beginning (except the Railroad right of way described in the instrument of appropriation filed by the Wabash Railroad Company on July 13, 1892, in the Lake Circuit Court and a strip of land conveyed to said Wabash Railroad Company by deed dated June 27, 1929 and recorded July 17, 1929, in Deed Record 445 page 356.

And EXCEPT THEREFROM that part described as beginning at a point on the Northerly line of Section 6, Township 36 North, Range 8 West of the Second Principal Meridian, said point being distance North 88 degrees 08 minutes 40 seconds West, 1900.60 feet from the Northeast corner of Section 6; thence along the Easterly line of the property of Saul Cohen and Paul E. Schleicher, South 01 degrees 30 minutes 40 seconds East, 89.73 feet to a point on a line, which is parallel to and 120 feet South of the center line of the Indiana Toll Road; thence along said parallel line by the arc of a curve deflecting to the left, said curve having a radius of 5609.58 feet and a tangent bearing at this point of South 80 degrees 08 minutes 56 seconds West, 210.51 feet to a point of compound curve; thence by the arce of a curve deflecting to the left, said curve having a radius of 7520.74 feet and a tangent bearing at this point South 77 degrees 59 minutes 43 seconds West, 131.26 feet to a point of tangent; thence along a line parallel to and 120 feet South of the tangent of the center line of the Indiana Toll Road, South 76 degrees 59 minutes 43 seconds West, 66.67 feet to a point; thence along a line parallel to and 120 feet South of the center line of the Indiana Toll Road, South 76 degrees 59 minutes 43 seconds West, 26.87 feet to a point; thence along the Westerly line of the property of Saul Cohen and Paul E. Schleicher, North 54 degrees 36 minutes 05 seconds West, 115.61 feet to a point; thence continuing along said Westerly property line, North 01 degrees 30 minutes 40 seconds West, 111.91 feet to a point on the Northerly line of Section 6, Township 36 North, Range 8 West of the Second Principal Meridian; thence along said Northerly line South 88 degrees 08 minutes 40 seconds East, 506.88 feet to a point at the point of beginning.

And EXCEPT THEREFROM that portion of the afore described property lying between the right of way of the



Wabash Railroad on the North and the right of way of the Pittsburgh, Fort Wayne and Chicago Railroad Company on the South, all in the City of Gary, in Lake County, Indiana.

