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201919000217

FILED FOR RECORD IN

TIPPECANOE COUNTY, IN

SHANNON WITHERS, RECORDER

01/07/2019 03:08:56PM

AFFIDAVIT 25.00

Cross-Reference: Instrument No.: 20181807749

AFFIDAVIT TO CORRECT SCRIVENER'S ERROR

The undersigned, upon his oath, deposes and says:

That an Environmental Restrictive Covenant ("ERC") was recorded May 1, 2018 as Instrument No. 201818007749 in the Office of the Recorder of Tippecanoe County, Indiana, and was executed by Tuan Q. Pham, ("Owner") in favor of THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, an Indiana governmental agency (the "Department").

1. That, due to a scrivener's error, the Owner, Tuan Q. Pham's, address was omitted.
2. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect the current Owner's name and address, Mann Brother's Holdings LLC, 5243 Grapevine Drive, West Lafayette, IN 47906.
3. That, due to a scrivener's error the incorrect acreage, 0.3 acres, was included.
4. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect the accurate acreage, 0.179 acres.
5. That, due to a scrivener's error an erroneous parcel identification number, 79-07-17-357-012.0000-026, was contained in the ERC.
6. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect the accurate parcel identification number, 79-07-17-357-012.000-026.
7. That, due to a scrivener's error the incorrect county name, White, was contained in the ERC in Section II, Paragraph 5, a.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JAN 07 2019


AUDITOR OF TIPPECANOE CO.

8. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect county name, Tippecanoe.
9. That, due to a scrivener's error the Document Preparer's address was omitted.
10. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect the Document Preparer's address, 401 N College Avenue, Indianapolis, IN 46202.
11. That, due to a scrivener's error the Exhibit A label was omitted.
12. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC reflect the accurate exhibit label, Exhibit A Legal Description of the Real Estate.
13. That the undersigned has personal knowledge of the matters stated herein and that the undersigned is authorized to make this Affidavit.

Further Affiant sayeth not.

AUTHORIZATION

The undersigned persons executing this Affidavit to Correct Scrivener's Error on behalf of Mann Brother's Holdings LLC and IDEM represent and certify that they are fully empowered and duly authorized by their respective entity to execute this Affidavit to Correct Scrivener's Error. The undersigned person on behalf of Mann Brother's Holdings LLC further represents and certifies that Mann Brother's Holdings LLC is the current owner of the Real Estate.

OWNER

By: [Signature]

Printed: JUPINDER SINGH

Title: VICE PRESIDENT

Affirmation of Notary for the Owner

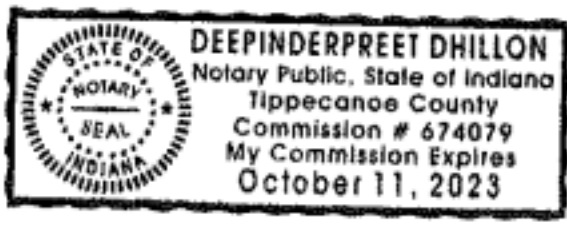
STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me, a Notary Public in and for said County and State, personally appeared JUPINDER SINGH, the VICE PRESIDENT of the Owner, Mann Brother's Holdings LLC, who, after having been duly sworn, acknowledged the execution of the foregoing Affidavit to Correct Scrivener's Error for and on behalf of Mann Brother's Holdings LLC.

WITNESS, my hand and Notarial Seal this 7th day of JANUARY, 2018.

[Signature]
(Signature)

DEEPINDERPREET K. DHILLON
(Printed Name) Notary Public



Residing in TIPPECANOE County, IN

My Commission Expires:
OCTOBER 11, 2023

This instrument prepared by: Rogay Dorey

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. JUPINDER SINGH

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Affidavit to Correct Scrivener's Error is approved this 3rd day of October, 2018, by IDEM.

By: *Reggie Dorsey*

Printed: Reggie Dorsey

Title: Assistant Commissioner of OLG

Affirmation of Notary for IDEM:

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared *Reggie Dorsey*, the AC of OLG of the Indiana Department of Environmental Management, who acknowledged the execution of the foregoing Affidavit to Correct Scrivener's Error for and on behalf of said entity.

Witness my hand and Notarial Seal this 3rd day of October, 2018.

Notary Public - State of Indiana
Janet Therese' Smith
Marion County
Commission Number: 711648
Expires on March 20, 2026



Janet T Smith
(Signature)

Janet T Smith
(Printed Name) Notary Public

Residing in Marion County, IN

My Commission Expires:

March 20, 2026

This instrument prepared by:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document as required by law.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

October 26, 2018

RECEIVED

JAN 17 2019

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

Karamjeet S. Mann, President
Mann Brothers Holdings LLC
5243 Grapevine Drive
West Lafayette, IN 47906

Re: Affidavit To Correct Scrivener's Error

Former Goodnights Auto Care
920 North Salisbury Street
West Lafayette, Tippecanoe County
FID #16584
LUST #199910501

Dear Mr. Mann,

On May 1, 2018, Mr. Tuan Pham, the former Owner of the above referenced property (Site), recorded an Environmental Restrictive Covenant (ERC) on the deed as Instrument Number 201818007749, as part of closure activities. The ERC was necessary to eliminate potential exposure to residual contamination that was present on the Site due to a release of petroleum from the underground storage tanks (UST). The Site was previously used as a gas station, auto repair facility, and restaurant and the release was discovered during an on-Site investigation. Upon review, the recorded ERC had several administrative errors that need to be corrected.

To address these administrative errors in the May 1, 2018 ERC, IDEM is enclosing a fully executed and notarized *Affidavit To Correct Scrivener's Error* with this letter.

The changes included in the attached *Affidavit To Correct Scrivener's Error* will not affect any other portion or sections included in the ERC recorded on May 1, 2018; therefore, Mann Brothers Holdings LLC may record the enclosed *Affidavit To Correct Scrivener's Error*.

Please return a copy of the recorded document to:

IDEM OLQ Remediation Services Branch
100 North Senate Avenue,
Indianapolis, IN 46204
IGCN Room 1101
ATTN: Institutional Controls Group

Should you have any questions concerning this correspondence, please contact James Walsdorf of IDEM's Institutional Controls Group at (317) 234-2513 or via email at jwalsdor@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Dorsey". The signature is fluid and cursive, with a large initial "P" and "D".

Peggy Dorsey
Assistant Commissioner
Office of Land Quality

Enclosure

ec: Jake Dumon, LUST
Virtual File Cabinet