

SECTION 33. IC 13-7-22.5-15, AS ADDED BY P.L. 166-1989. SECTION 1. IS AMENDED TO READ AS FOLLOWS: Sec. 15. A disclosure document delivered by a transferor of property under this chapter must follow the form:

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 13-7-22.5,  
the Responsible Property Transfer Law.

For Use  
By County  
Recorder's Office  
County

Date  
Doc. No.  
Vol.  
Page  
Rec'd by:

NOV 22 10 57 AM '91

I. PROPERTY IDENTIFICATION

A. Address of property:

1001 LEESBURG ROAD

Street

FORT WAYNE

City or Town

WAYNE

Township

Tax Parcel Identification No. (Key Number):

92-0041-1007

B. Legal Description:

Section 3

Township 30

Range 12 EAST

Enter or attach complete legal description in this area:

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.

Burt, Blue Box

25  
7

C. Property Characteristics:

Lot Size \_\_\_\_\_ Acreage 1.025 A

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) — VACANT LOT

II. NATURE OF TRANSFER

		Yes	No
A.(1)	Is this a transfer by deed or other instrument of conveyance of fee title to property?	<u>X</u>	_____
(2)	Is this a transfer by assignment of over 25% of beneficial interest of a land trust?	_____	<u>X</u>
(3)	A lease exceeding a term of 40 years?	_____	<u>X</u>
(4)	A collateral assignment of beneficial interest?	_____	<u>X</u>
(5)	An installment contract for the sale of property?	_____	<u>X</u>
(6)	A mortgage or trust deed?	_____	<u>X</u>
(7)	A lease of any duration that includes an option to purchase?	_____	<u>X</u>

B.(1) Identify Transferor: LEONARD J. SPALLONE

807 CLAYBURN CT. FT. WAYNE IND 46819

Name and Current Address of  
Transferor

N/A

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:

LEONARD J. SPALLONE

DENNIS A. REED

Name, Position (if any),  
and Address

1926 HIDDEN RIVER Telephone No.  
FT. WAYNE 747-9262  
46825 489-6742

C. Identify Transferee:

EDWARD A EVANS III

Name and Current Address of Transferee 1111 LEESBURG ROAD  
FT. WAYNE

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 13-7-8.7-1? 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 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 13-7-1?

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 checked="" type="checkbox"/>
Surface Impoundment	—	<input checked="" type="checkbox"/>
Land Application	—	<input checked="" type="checkbox"/>
Waste Pile	—	<input checked="" type="checkbox"/>
Incinerator	—	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	—	<input checked="" type="checkbox"/>

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

(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?

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 or at other low points on or immediately adjacent to the site?

(C) Is there an environmental defect (as defined in IC 13-7-22.5-1.5) on the property that is not reported under question (A) or (B)?

Yes  
No ☒

If the answer is Yes, describe the environmental defect:

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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:

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

APPROXIMATELY 10 CUBIC YARDS OF SOIL WERE REMOVED AND  
TRANSPORTED TO SPECIAL WASTE LANDFILL (GASOLINE CONTAMINATION)  
WAS ABOVE GROUND STORAGE TANKS WERE REMOVED.

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: WILLIAM R. LEININGER (SHERIFF SALE)  
Type of business WAREHOUSE  
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	_____	<del>_____</del>
Surface Impoundment	_____	<del>_____</del>
Land Application	_____	<del>_____</del>
Waste Pile	_____	<del>_____</del>
Incinerator	_____	<del>_____</del>
Storage Tank (Above Ground)	<del>_____</del>	<del>_____</del>
Storage Tank (Underground)	_____	<del>_____</del>
Container Storage Area	_____	<del>_____</del>
Injection Wells	_____	<del>_____</del>
Wastewater Treatment Units	_____	<del>_____</del>
Septic Tanks	_____	<del>_____</del>
Transfer Stations	_____	<del>_____</del>
Waste Recycling Operations	_____	<del>_____</del>
Waste Treatment Detoxification	_____	<del>_____</del>
Other Land Disposal Area	_____	<del>_____</del>

#### 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)  
LEONARD J. SPALLONE

DENNIS A. REED

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

Edward A. Evans III EDWARD A. EVANS, III)  
 TRANSFEREE (or on behalf of Transferee)

STATE OF INDIANA )  
 ) SS  
COUNTY OF ALLEN )

Personally appeared before me, a Notary Public, in and for said County and State, Leonard J. Spallone and Dennis A. Reed on behalf of Transferor and Edward A. Evans, III on behalf of Transferee and acknowledged the execution of the above and foregoing to be their free and voluntary act and deed. Subscribed and sworn to this 28 day of October, 1991.

Patricia F. Emley  
Notary Public, Resident of  
Huntington County  
Patricia F. Emley  
My Commission Expires: 5-14-93

BURT, BLEE, DIXON & SUTTON  
J. Philip Burt  
1000 Standard Federal Plaza  
Ft. Wayne, IN 46802  
426-1300

# CERTIFICATE OF SURVEY

OFFICE OF:

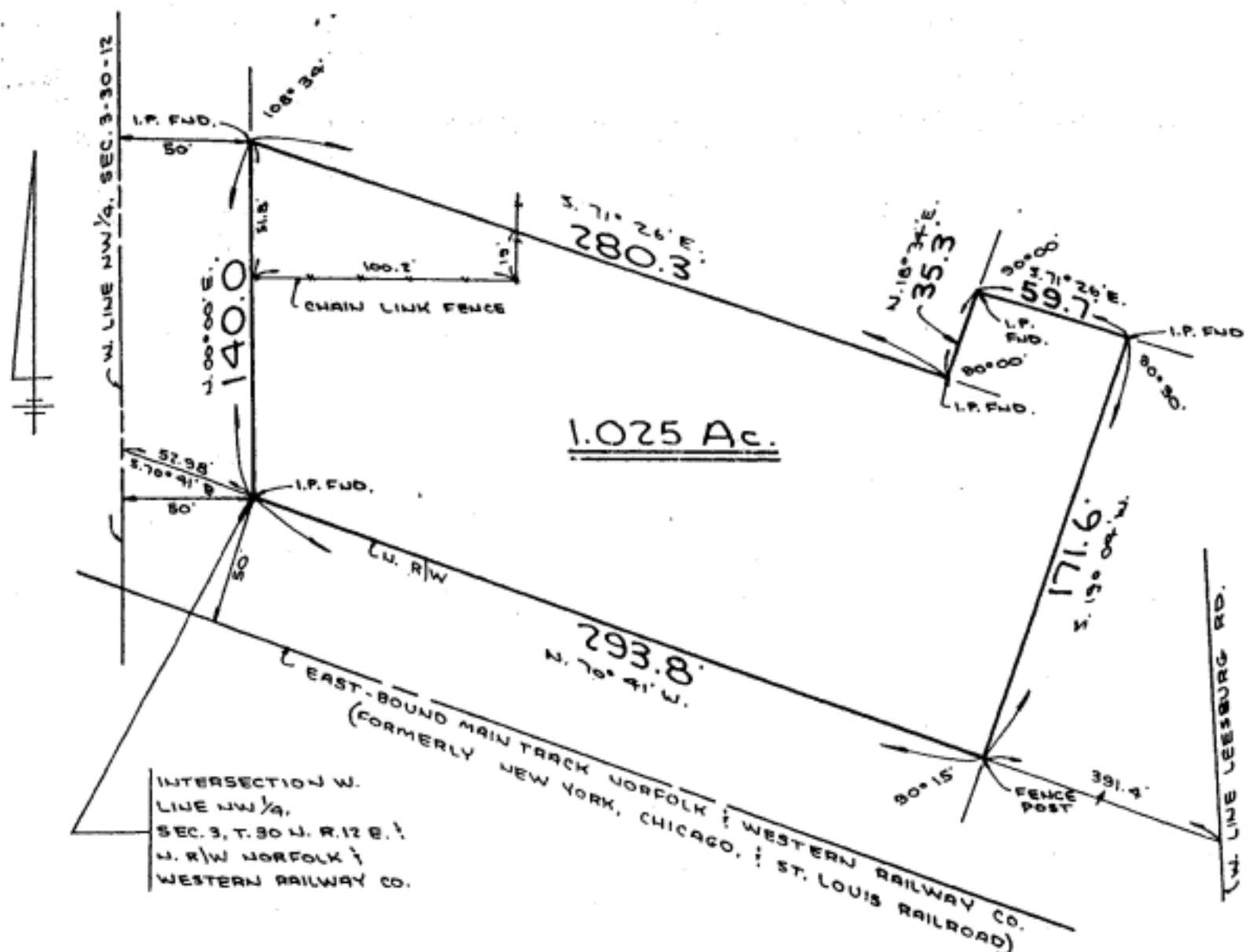
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

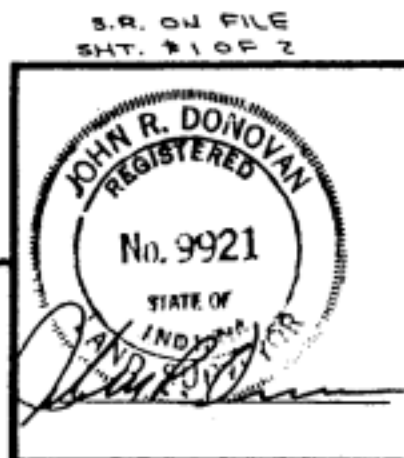
The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

JOB FOR: SPALLONE

1" = 60'  
10-1-91





## CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA

FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA

GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to-wit: Part of the Northwest Quarter of Section 3, Township 30 North, range 12 East, Allen County, Indiana, described as follows to-wit:

To arrive at the point of beginning, commence at a point on the North right-of-way line of the Norfolk and Western Railway Company, as situated 50 feet normally distant from the centerline of the East-bound Main track of said Norfolk and Western Railway Company, formerly the New York, Chicago and St. Louis Railroad, at its intersection by the West line of said Quarter Section; thence Southeasterly on the said right-of-way line (South 70 degrees 41 minutes East) a distance of 52.98 feet to a point situated 50 feet normally distant from the West line of said Quarter Section and the point of beginning initially referred to; thence North (North 0 degrees 00 minutes East, assumed bearing, on a line parallel to the West line of said Quarter Section) a distance of 140.0 feet to an iron pin; thence Southeasterly by a deflection right of 108 degrees 34 minutes (South 71 degrees 26 minutes East), a distance of 280.3 feet to an iron pin; thence Northeasterly by a deflection left of 90 degrees 00 minutes (North 18 degrees 34 minutes East), a distance of 35.3 feet to an iron pin; thence Southeasterly by a deflection right of 90 degrees 00 minutes (South 71 degrees 26 minutes East) a distance of 59.7 feet to an iron pin; thence Southwesterly by a deflection right of 90 degrees 30 minutes (South 19 degrees 04 minutes West), a distance of 171.6 feet to the Northerly right-of-way line of said Norfolk and Western Railway; thence Northwesterly along the aforesaid Railway right-of-way line by a deflection right of 90 degrees 15 minutes (North 70 degrees 41 minutes West), a distance of 293.8 feet to the point of beginning; containing 1.025 acres of land.

JOB FOR: SPALLONE

10-1-91

SHT. #2 OF 2

