Book 2009 Page 2339

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT

TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:

Name Michael D. Stenberg, Trustee, and Janet J. Stenberg, Trustee

Address 1280 Valentine Drive, Dubuque, IA 52003
Number and Street or RR | City, Town or P.O. | State | Zip

TRANSFEREE:

Name Randall A. Cook and Amy Cook

Address 32733 Rockville Road, Worthington, IA 52078-9138
Number and Street or RR | City, Town or P.O. | State | Zip

Address of Property Transferred:
[redacted] | 235th St. | Worthington | IA | 52078
Number and Street or RR | City, Town, or P.O. | State | Zip

Legal Description of Property: (Attach if necessary) See 1 in Addendum

1. **Wells (check one)**
   - ☒ There are no known wells situated on this property.
   - ☐ There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.
2. **Solid Waste Disposal (check one)**
   - ☒ There is no known solid waste disposal site on this property.
   - ☐ There is a solid waste disposal site on this property, but no notice has been received from the Department of Natural Resources that the site is deemed to be potentially hazardous.
   - ☐ There is a solid waste disposal site on this property which has been deemed to be potentially hazardous by the Department of Natural Resources. The location(s) of the site(s) is stated below or on an attached separate sheet, as necessary.
3. **Hazardous Wastes (check one)**
   - ☒ There is no known hazardous waste on this property.
   - ☐ There is hazardous waste on this property and it is being managed in accordance with Department of Natural Resources rules.

4. **Underground Storage Tanks (check one)**
   - ☒ There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
   - ☐ There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.
5. **Private Burial Site (check one)**
   - ☒ There are no known private burial sites on this property.
   - ☐ There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.
6. **Private Sewage Disposal System (check one)**
   - ☒ There are no known private sewage disposal systems on this property.
   - ☐ There is a private sewage disposal system on this property. A certified inspector's report is provided which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources.
   - ☐ There is a private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is provided with this form.
   - ☐ There is a private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

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I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: Michael D Slattery 2 (Transferor or Agent) Telephone No.: 563 588 6220

FILE WITH RECORDER **DNR form 542-0960 (February 1, 2009)**

Addendum

1. Lot Four (4) of the Subdivision of the N1/2 of the NW1/4 of Section 10, T88N, R3W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 of Plats, Page 58; also the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and the East five (5) acres of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Ten (10), Township Eighty Eight (88) North, Range Three (3), West of the Fifth P.M., subject to easements and restrictions of record.

   ALSO DESCRIBED AS:

   Parcel A:
   That part of the SE1/4 of the NW1/4, Section 10, Township 88N, Range R3W of the Fifth P.M., Delaware County, Iowa, described as commencing at the Southwest corner of the SW1/4 of the NW1/4 of said Section 10, Thence South 89°-19' East 2,265.9 feet along the South line of the NW1/4 of said Section 10 to the point of beginning, thence North 0°-03' West 1,308.8 feet, thence South 89°-05' East 372.6 feet along the North line of the SE1/4 of the NW1/4 of said Section 10, thence South 0°-03' East 1,307.8 feet along the East line of theSE1/4 of the NW1/4 of said Section 10, thence North 89°-19' West 372.6 feet along the South line of the SE1/4 of the NW1/4 of said Section 10 to the point of beginning, said parcel containing approximately 11.19 acres subject to road right of way and easements of record. The West line of the NW1/4 of said Section 10 is assumed to bear due North and South.

   Parcel B:
   That part of the SW1/4 of the NW1/4 and that part of the SE1/4 of the NW1/4, all in Section 10, T88N, R3W of the Fifth P.M., Delaware County, Iowa, described as commencing at the Southwest corner of the SW1/4 of the NW1/4 of said Section 10, thence South 89°-19'East 1,158.9 feet along the south line of the SW1/4 of the NW1/4 of said Section 10 to the point of beginning, thence North 1,313.3 feet, thence South 89°-05' East 1,106.0 feet along the North line of the SW1/4 of the NW1/4 and along the North line of the SE1/4 of the NW1/4, all in Section 10, thence South 0°-03' East 1,308.8 feet, thence North 89°-19' West 1,107.0 feet along the South line of the NW1/4 of said Section 10 to the point of beginning, said parcel containing approximately 33.30 acres subject to road right of way and easements of record. Approximately 5.00 acres are located in the SW1/4 of the NW1/4 of said Section 10, and 28.30 acres are located in the SE1/4 of the NW1/4 of said Section 10. The West line of the NW1/4 of said Section 10 is assumed to bear due North and South.

   Parcel C:
   Lot 4 of the Subdivision of the N 1/2 of the NW 1/4 of Section 10, T88N, R3W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 58.

without a permit is not required to be reported as the disposal of solid waste or hazardous waste. (See Iowa Code Section 558.69)

3. Hazardous Wastes - "Hazardous waste" is defined in Iowa Code section 455B.411, 567—141.2 (455B), I.A.C., and federal regulations referenced therein. It is generally defined as waste that poses a threat to human health or the environment. It includes wastes which are ignitable, corrosive, toxic, explosive, violently reactive, or specifically listed as hazardous in the Code of Federal Regulations (40 CFR 261). EXCLUDED are household wastes, agricultural wastes returned to the soil as fertilizers or soil conditioners, agricultural chemicals applied or disposed of by a farmer in accordance with the manufacturer's instructions, triple-rinsed agricultural chemical containers disposed of by farmers (where the rinsate is used as makeup water in the tankmix and applied at appropriate rates), and other specific materials. Persons are legally required to be aware of hazardous waste laws.

4. Underground Storage Tanks - "Underground storage tank" means one or a combination of tanks, including underground piping connected to the tanks, used to contain an accumulation of regulated substances, and the volume of which is 10 percent or more beneath the surface of the ground. "Regulated substances" include petroleum products and hazardous or toxic materials identified in 567--135.2(455B), I.A.C. Underground storage tank does not include:

a. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes. But See 455B.473(4))
b. Tanks used for storing heating oil for consumptive use on the premises where stored.
c. Residential septic tanks.
d. Pipeline facilities regulated by state or federal law.
e. A surface impoundment, pit pond, or lagoon.
f. A storm water or wastewater collection system.
g. A flow-through process tank.
h. A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
i. A tank in an underground area such as a basement or mine, if the tank is on or above the surface of the floor.
j. Pipes connected to the above exclusions.

"Tank type" means the material of construction (steel, fiberglass reinforced plastic [FRP], or other [specify]), and any internal or external protection such as a protective coating or wrapping, or cathodic protection.

Identify the capacity in gallons and the substance stored in each tank.

5. Private Burial Sites - "Private Burial Site" means one or more graves containing human remains. For each site the transferor shall state the location of the site. For each decedent buried on the property the transferor shall state all known identifying information of that decedent including name, date of death, and date of birth.

6. Private Sewage Disposal Systems – Beginning July 1, 2009, prior to any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected. A building that will be demolished without being occupied does not require an

inspection. A legally binding document verifying that the building will be demolished shall be provided to the county and to the department for record. In the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer shall execute and submit a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. For the purposes of this subsection, "transfer" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units.

However, "transfer" does not include any of the following:

(1) A transfer made pursuant to a court order, including but not limited to a transfer under chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to chapter 654, the forfeiture of a real estate contract under chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, or a transfer by a mortgagee who has acquired real property at a sale conducted pursuant to chapter 654, a transfer back to a mortgagor exercising a right of first refusal pursuant to section 654.16A, a nonjudicial voluntary foreclosure procedure under section 654.18 or chapter 655A, or a deed in lieu of foreclosure under section 654.19.

(3) A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) A transfer between joint tenants or tenants in common.

(5) A transfer made to a spouse, or to a person in the lineal line of consanguinity of a person making the transfer.

(6) A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to chapter 598.

7. **Filing** - This form must be presented to the county recorder when the document to be recorded is filed. The Recorder shall forward the original to the transferee when the recorded instrument is returned. The Recorder is not required to keep any copies.