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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CERTIFICATE OF NO FURTHER ACTION

Prepared By: Dawn Santa Maria, 515.281.8865

IOWA DEPARTMENT OF NATURAL RESOURCES, 502 E 9th St, Des Moines, IA 50319-0034

✓ **Return To:** JOHN WILCOX, 3J'S PROPERTY MANAGEMENT LLC, PO BOX 250,
EARLHAM IA 50072

This document certifies that the referenced underground storage tank (UST) site has been classified by the Iowa Department of Natural Resources (Department) as "no further action" as provided in Iowa Code section 455B.474(1)(h)(3), as amended by 2007 Iowa Acts, S.F. 499, Section 2. This certificate must be recorded in the referenced site's County Recorder Office. See *id.*

Date of Issuance: November 22, 2011

Owner/Operator of the Tank(s): 3J'S PROPERTY MANAGEMENT LLC

Department File Reference: UST No. 197910448
LUST No. 9LTJ43

UST Facility Address: ACTION MOTORS (FORMER GAS STATION)
155 NORTH CHESTNUT
EARLHAM IA 50072

Owner/Operator Mailing Address: 3J'S PROPERTY MANAGEMENT LLC
ATTN: JOHN WILCOX
PO BOX 250
EARLHAM IA 50072

Legal Description of the UST Site:

Lot One (1) and Lot Two (2) in Block Four (4) in the original town plat of Earlham, Madison County, Iowa.

9ltj43

November 22, 2011

If monitoring wells are subsequently found they should be properly abandoned in accordance with Chapter 567-39 of the Iowa Administrative Code.

This certificate prohibits the Department from requiring a property owner or a responsible party from conducting further corrective action if the only reason is a change in action levels. See *id.* However, this certificate does not prevent the Department from requiring further corrective action at the site if a new petroleum release occurs or if a previously-unknown or unforeseen risk condition should arise. See *id.*; see also 567 IOWA ADMINISTRATIVE CODE 135.12(10)(b).

This certificate does not constitute a warranty or representation of any kind to any person as to the environmental condition, marketability, or value of the above-referenced property other than that NFA-qualifying status was achieved upon the date of certificate issuance. See IOWA CODE § 455B.474(1)(h)(1).

FOR THE DIRECTOR:

Elaine R. Douskey

ELAINE DOUSKEY, Supervisor
UST Section
Environmental Services Division

State of Iowa)
County of Polk) ss.

This instrument was acknowledged before me on this 22 day of November, 2011, by Elaine Douskey, who executed the foregoing instrument, and acknowledge that this person executed the same as his/her/their voluntary act and deed.

Bonnie S. Garrison

Notary Public for State of Iowa

My Commission Expires: 3-25-2013



9ltj43

November 22, 2011