

GIS REGISTRY INFORMATION

SITE NAME:	RB ROYAL INDUSTRIES		
BRRTS #:	02-20-001551	FID # (if appropriate):	
COMMERCE # (if appropriate):			
CLOSURE DATE:	07/09/2003		
STREET ADDRESS:	442 ARLINGTON AVENUE		
CITY:	FOND DU LAC		
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X=	643679	Y= 366826
CONTAMINATED MEDIA:	Groundwater <input checked="" type="checkbox"/>	Soil <input type="checkbox"/>	Both <input type="checkbox"/>
OFF-SOURCE GW CONTAMINATION >ES:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
IF YES, STREET ADDRESS 1:	450 ARLINGTON AVENUE		
GPS COORDINATES (meters in WTM91 projection):	X=	643679	Y= 366817
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
IF YES, STREET ADDRESS 1:			
GPS COORDINATES (meters in WTM91 projection):	X=		Y=
CONTAMINATION IN RIGHT OF WAY:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
DOCUMENTS NEEDED:			
Closure Letter, and any conditional closure letter issued	X		
Copy of most recent deed, including legal description, for all affected properties	X		
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties	X		
County Parcel ID number, if used for county, for all affected properties	X		
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.	X		
Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.	X		
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)	X		
Tables of Latest Soil Analytical Results (no shading or cross-hatching)	NA		
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.	X		
GW: Table of water level elevations, with sampling dates, and free product noted if present	X		
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)	X		
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour	NA		
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)	NA		
RP certified statement that legal descriptions are complete and accurate	X		
Copies of off-source notification letters (if applicable)	X		
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)	NA		
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure	X		



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ron Kazmierczak, Regional Director

Oshkosh Service Center
625 E. County Road Y, Suite 700
Oshkosh, WI 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

July 9, 2003

Julie Holcumb
RB Royal Industries
1350 South Hickory Street
PO Box 1168
Fond du Lac, WI 54936-1168

Subject: Final closure for the former RB Royal facility, 442 Arlington Avenue, Fond du Lac, WI. **BRRTS# 02-20-001551**

Dear Ms. Holcumb :

On October 21, 2002 , your site as described above was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 21, 2002 you were notified that conditional closure was granted to this case.

On June 24, 2003, the Department received the last of the correspondence indicating that you have complied with the conditions of closure. The monitoring wells and temporary wells were abandoned and a groundwater deed restriction was filed with the county. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-303-5447.

Sincerely,

Jennie Pelczar
Remediation and Redevelopment Program

cc: NER Oshkosh File
Julie Zimdars - NRT
Cynthia Smith - Michael Best & Friedrich LLP
Mike Wagner - Electro-Plating

file copy



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ron Kazmierczak, Regional Director

Oshkosh Service Center
625 E. County road Y, Suite 700
Oshkosh, Wisconsin 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

October 21, 2002

Mike McNamara
RB Royal Ind.
1350 South Hickory Street
PO Box 1168
Fond du Lac, WI 54937

Subject: Closure for the RB Royal Industries, 1350 S. Hickory Street, Fond du Lac, WI.
BRRTS# 02-20-001551

Dear Mr. McNamara:

On October 7, 2002, RB Royal requested closure of the case described above and was reviewed by the Department of Natural Resources. The Northeast Region (NER) Remediation and Redevelopment closure committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the NER Closure committee has determined that the chlorinated contamination on/off site appears to have been investigated and remediated to the extent practicable under site conditions. RB Royals case meets the screening criteria of s. NR 746.07, Wis. Adm. Code, and the requirements of ch. NR 726, Wis. Adm. Code and will be closed if the following conditions are satisfied:

- 1. Performance Standard Restriction (Cap) for contaminated soil/groundwater Remaining on site.** - To close this site, the Department requires that a deed restriction be signed and recorded to address the issue of the remaining soil/groundwater contamination near the edge of the building footprint at RB Royal. The purpose of the restriction is to maintain a surface barrier (the RB Royal building) over the remaining soil/groundwater contamination to prevent it from impacting human health and the environment, and/or require that the owner of the property investigate the degree and extent of residual contamination that is currently inaccessible, if structural impediments that currently exist on the property are removed.
 - As part of this deed restriction, a cap maintenance plan needs to be submitted to the Department. The current cap is the RB Royal building. The plan should state that the building over the impacted soils/groundwater will be inspected annually and all records of this inspection shall be kept with the property owner. The Department may request to see these inspection reports at any time.
 - The Department will send RB Royal a copy of the final deed restriction. RB Royal should then have the current owner (M & D Investors) sign it and have it recorded by the Fond du Lac County Register of Deeds. RB Royal must then submit a copy of the recorded document to the Department. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, RB

Royal will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

2. **Monitoring well abandonment** –The monitoring wells (MW's 1 through 5) and the sumps/SVE system at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm.. Documentation of well abandonment must be submitted to Jennie Pelczar on Form 3300-5B found at www.dnr.state.wi.us/org/water/dgw/gw/ or provided by the Department of Natural Resources.

When the above conditions have been satisfied, a final case closure letter will be issued. The site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry.

Groundwater contamination currently exists at MW-1 (Trichloroethylene), MW-3 (1,1-Dichloroethane, 1,1,1-Trichloroethane, Trichloroethylene and Vinyl Chloride), and the Sump (Trichloroethylene and vinyl chloride). Groundwater contamination is located on both the RB Royal property and the Brenner Tank Property. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

The Department appreciates RB Royal's efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-303-5447.

Sincerely,



Jennie Pelczar
Remediation and Redevelopment Program

cc: NER Oshkosh File
Julie Zimdars – NRT
Bruce Wadman – Brenner Tank LLC
Mike and Darla Wagner – M&D Investors

0723806

DOCUMENT NO.

WARRANTY DEED

RECORDING FEE 29-
NO. OF PAGES 10
RECORDED ON.

David H. Brenner, John B. Brenner and Theodore P. Brenner

convey and warrant to BT Acquisition LLC

the following described real estate in Fond du Lac County, State of Wisconsin;

2001 SEP 10 PM 2 16

SALLY BARBEAU
REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

See attached Exhibit A for legal description

The purpose of this deed is to convey to the grantee any and all right, title and interest of the grantors in and to the real property described on the attached Exhibit A, including without limitation, any interest arising from that certain ground lease a memorandum of which, dated January 1, 1981, was recorded in the Fond du Lac County Register of Deeds on January 20, 1981, in Volume 824 of Records, at Page 304, as Document No. 366375, and that certain lease a memorandum of which, dated January 1, 1981, was recorded in the Fond du Lac County Register of Deeds on January 20, 1981, in Volume 824 of Records, at Page 307, as Document No. 366376, and including without limitation, any interest in the improvements constructed on said real property under the terms of the above-described ground lease.

THIS SPACE RESERVED FOR
RECORDING DATA

NAME AND RETURN ADDRESS

Daniel W. Gentges
Whyte, Hirschboeck Dudek, S.C.
111 East Wisconsin Ave., Suite 2100
Milwaukee, WI 53202-4804

See Exhibit A
PARCEL IDENTIFICATION NUMBER

TRANSFER
\$ 750.00
FEE

This is not homestead property.

Exceptions to warranties see Exhibit D.

Dated this 31st day of August, 2001

David H. Brenner (SEAL)
David H. Brenner
John B. Brenner (SEAL)
John B. Brenner
Theodore P. Brenner (SEAL)
Theodore P. Brenner

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

authenticated this 31st day of August, 2001

Personally came before me this 31st day of August, 2001, the above named David H. Brenner, John B. Brenner and Theodore P. Brenner, is me known to be the persons who executed the foregoing instrument and acknowledged the same.

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not authorized by § 706.06, Wis. Stats.)

Arnold K. Murray
Notary Public, State of Wisconsin
My Commission is permanent.
(If not, state expiration date: 12-16, 2001)

THIS INSTRUMENT WAS DRAFTED BY

Kevin A. Peterson, Sarah G. Dwyer LLP
P.O. Box 2113, Madison, WI 53701-2113

(Signatures may be authenticated or acknowledged. Both are not necessary.)

QDMD-36-08.01

SCHEDULE A**LEGAL DESCRIPTION**

Number GTS14069

Parcel One

- ✓ Lots 7, 8, 9 and 10 in Block 3 in POST'S FINE ADDITION to the City of Fond du Lac, Fond du Lac County, Wisconsin.

All that part of Lot 44 in Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin, lying East of the right of way of the Chicago, Milwaukee & St. Paul Railroad Company (now vacated), running thru said Lot 44 aforesaid and containing 2 acres more or less.

Together with the East half (20 feet) of a 40 foot strip of land formerly owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in Lot 44 of the Original Subdivision of the City of Fond du Lac lying between the North line and the South line of said lot.

The parcel is located in the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin.

2 ALSO Lot 45 of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, also known as the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin.

Parcel Two

A parcel of land located in Fond du Lac County, Wisconsin, described as follows:

✓ Beginning at the Northwest corner of Lot 10 in Block 3 of POST'S FINE ADDITION to the City of Fond du Lac, Fond du Lac County, Wisconsin, thence running North 89° and 48' East along the South line of Arlington Street, n/k/a Arlington Avenue, a distance of 148.07 feet to a point being 5 feet West of the Northeast corner of Lot 8 in said Block 3, thence running South 0° and 12' East and parallel with the East line of said Lot 8 and an extension thereof, a distance of 120 feet to the place of beginning; thence continuing South along said line a distance of 144.70 feet, thence running North 89° and 46' West a distance of 253.76 feet, thence running North 0° and 42' West along the East right-of-way line of the Chicago, Milwaukee and St. Paul Railway (now vacated) a distance of 142.82 feet, thence running South 89° and 18' East along the North line of Lots 44 and 45 in said Section 16, 253.76 feet to the place of beginning.

(continued)

SCHEDULE A

LEGAL DESCRIPTION

Number GTS14069

✓ Parcel Three

A part of Lot 37 in the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, in the City of Fond du Lac, Fond du Lac County, Wisconsin, more particularly described as follows:

Beginning at the Southeast corner of Lot 37, Section 16, Township 15 North of Range 17 East, said corner also being the Southwest corner of POST'S FINE ADDITION to the City of Fond du Lac, Fond du Lac County, Wisconsin, and assuming the East line of said Lot 37 as a North South base line from which to compute all courses or bearings, running thence North along the East line said Lot 37, 324.55 feet to the point of intersection of the East line of Lot 37 with the centerline of Military Street, n/k/a Military Road, South 49 degrees 04 minutes West along the center line of said Military Street, n/k/a Military Road, 140.29 feet to the point of intersection of said center line with the Easterly right of way line of the Chicago, Milwaukee and St. Paul Railway Company's property (now vacated) running in a North and South direction across said Lot 37; thence South 1 degree 10 minutes East along the Easterly right of way line of said Company, (now vacated) 232.20 feet to the point where said Easterly right of way line (now vacated) intersects the South line of said Lot 37; thence South 89 degrees 44 minutes East along the South line of said Lot 37, 101.41 feet to the Southeast corner of said Lot 37 and the place of beginning.

Together with the East half (25 feet) of a 50 foot strip of land formerly owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in Lot 37 of the Original Subdivision of the City of Fond du Lac lying between the South line of South Military Road and the South line of said lot.

Parcel Four

A parcel of land located in the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and more particularly described as follows:

Beginning at the Southeast corner of Block Two (2) of POST'S FINE ADDITION to the City of Fond du Lac, Fond du Lac County, Wisconsin running as follows:

1. Thence South 40° -49' East, 80.11 feet to the South line of Arlington Avenue on the extension of the Westerly line of Short Street.
2. Thence North 89° -19' West, 141.58 feet along the Southerly line of Arlington Avenue to the East line of Lot 37 of the Subdivision of Section 16, Township 15 North of Range 17 East.
3. Thence North 0° -27' East, 18.02 feet along said East line of said Lot 37 to a point on said line.
4. Thence North 57° -12' East, 76.10 feet to the Southerly line of said Block 2 of POST'S FINE ADDITION, which is also the North line of Arlington Avenue.
5. Thence South 89° -19' East, 25.10 feet along the South line of said Block 2 and the North line of Arlington Avenue to the place of beginning.

(continued)

SCHEDULE A**LEGAL DESCRIPTION**

Number GTS14069

AND

A parcel of land located in Lot 37 of the Subdivision of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, South of Military Road and also in Block Two (2) of POST'S FINE ADDITION to the City of Fond du Lac, Fond du Lac County, Wisconsin which is more particularly described as follows: Beginning at the most Northerly point in said Block 2 of POST'S FINE ADDITION and running as follows:

1. Thence South 40° -49' East, 120.56 feet along the Southwesterly line of Short Street.
2. Thence South 57° -12' West, 95.09 feet.
3. Thence North 0° -27' East, 142.75 feet to the place of beginning.

Parcel-Five

A part of Lot Number Forty-three (43) and Lot Number Forty-four (44) in Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Beginning at the Southeast corner of said Lot Number Forty-three (43) and running thence North 89 degrees 47 minutes West along the South line of said Lot Number Forty-three (43), 70.40 feet; thence North 46 degrees 36 minutes West along the Southeasterly extension of the Westerly line of lands recorded in Volume 534 of Records, at Page 497 and 498, 29.73 feet to the Southwest corner of lands recorded in said Volume 435 of Records, at Page 497 and 498; thence North 49 degrees 07 minutes East along the South line of lands recorded in said Volume 534 of Records, at Page 497 and 498 and on its extension Northeasterly, 324.24 feet to a point on the Westerly line of lands recorded in Volume 811 of Records, at Page 603 and 604; thence South 41 degrees 39 minutes 15 seconds East along said Westerly line of lands recorded in Volume 811 of Records, at Page 603 and 604, 87.75 feet; thence North 52 degrees 42 minutes 38 seconds East along the Southerly line of lands recorded in said Volume 811 of Records, at Page 603 and 604, 125.93 feet; thence North 01 degrees 03 minutes West parallel to the West right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad (now vacated), 9.62 feet along the East line of lands recorded in said Volume 811 of Records, at Page 603 and 604, to the Southwest corner of lands recorded in Volume 218 of Deeds, at Page 137; thence South 89 degrees 45 minutes East along the South line of lands recorded in Volume 218 of Deeds, at Page 137; 213.43 feet to a point on the West right-of-way line of said railroad (now vacated); thence South 01 degrees 04 minutes East along the West right-of-way of said railroad (now vacated), 253.75 feet to a point on the South line of said Lot Number Forty-four (44); thence North 89 degrees 47 minutes West along the South line of said Lot Number Forty-four (44), 530.30 feet to the point of beginning.

Together with the West half (20 feet) of a 40 foot strip of land formerly owned by the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company in Lot 44 of the Original Subdivision of the City of Fond du Lac lying between the South line of said Lot 44 and a point 253.75 feet North as measured along the West property line of said railroad.

(continued)

SCHEDULE A

LEGAL DESCRIPTION

Number GTS14069

Parcel Six

Unplatted Land in Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin.

Beginning at a point where the North line of Lot Number Forty-four (44) in Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East is intersected by the West line of the Chicago, Milwaukee and St. Paul Railway Company's right-of-way (now vacated), said line being 20 feet from the center of the main track, and running thence West along the North line of said Lot Number Forty-four (44), 213.43 feet; thence Southerly and parallel with said railroad right-of-way (now vacated), 408.25 feet; thence East and parallel with the North line of Lot Number Forty-four (44), 213.43 feet to said right-of-way line; thence Northerly along the right-of-way line (now vacated), 408.25 feet to the place of beginning.

Together with the West half (20 feet) of a 40 foot strip of land formerly owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in Lot 44 of the Original Subdivision of the City of Fond du Lac lying between the North line of said Lot 44 and a point 408.35 feet South as measured along the West property line of said railroad.

The parcel is located in the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin.

Parcel Seven

Beginning at the Northeast corner of Section Twenty-one (21), Township Fifteen (15) North of Range Seventeen (17) East, thence running West along the North line of said Section 21, 210 feet, thence South and parallel with the East line of said Section 21, 50 feet, thence running East and parallel with the North line of Section 21, 210 feet to the East line of said Section 21, thence North along the East line of said Section 21, and being the East line of Hickory Street, 50 feet to the place of beginning. Above land located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 21, Township 15 North of Range 17 East, Fond du Lac County, Wisconsin.

EXCEPTING THEREFROM the East Sixty (60) feet being used as Hickory Street.

ALSO:

Beginning at the Northeast corner of Section Twenty-one (21), Township Fifteen (15) North of Range Seventeen (17) East, thence running South 50 feet, thence West and parallel with the North line of said Section 21, 210 feet, thence South and parallel with the East line of said Section 21, 50 feet thence East and parallel with the North line of said Section 21, 210 feet to the East line of Hickory Street, thence North along the East line of said Section 21, 50 feet to the place of beginning. Above land located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 21, Township 15 North of Range 17 East, Fond du Lac County, Wisconsin.

EXCEPTING THEREFROM the East Sixty (60) feet being used as Hickory Street.

(continued)

SCHEDULE A**LEGAL DESCRIPTION**

Number GTS14069

ALSO:

Beginning at the Northeast corner of Section Twenty-one (21), Township Fifteen (15) North of Range Seventeen (17) East, thence running South along the East line of Hickory Street in said Section 21, 100 feet, thence West and parallel with the North line of said Section 21, 210 feet thence South and parallel with the East line of said Section 21, 50 feet, thence East and parallel with the North line of said Section 21, 210 feet, thence North along the East line of Hickory Street, 50 feet to the place of beginning.

Above land located in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 21, Township 15 North of Range 17 East, Fond du Lac County, Wisconsin.
EXCEPTING THEREFROM the East Sixty (60) feet being used as Hickory Street.

Parcel Eight

A part of Lot Number Forty-three (43) and Lot Number Forty-four (44) of Section Sixteen (16), Township Fifteen (15) North of Range Seventeen (17) East, City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows: Commencing at the Southeast corner of said Lot 43 and running thence North 89 degrees 47 minutes West along the South line of said Lot 43, 70.40 feet; thence North 46 degrees 36 minutes West along the Southeasterly extension of the Westerly line of lands recorded in Volume 534, at Page 497 and 498 of Records, Fond du Lac County Register of Deeds Office 29.73 feet to the Southwest corner of lands recorded in said Volume 435, at Page 497 and 498 of Records, which is the point of beginning; thence North 49 degrees 07 minutes East along the South line of lands recorded in said Volume 534, at Page 497 and 498 of Records and on its extension Northeasterly 324.24 feet to a point on the Westerly line of lands recorded in Volume 811, at Page 603 and 604 of Records, Fond du Lac County Register of Deeds Office; thence North 41 degrees 39 minutes 15 seconds West along said Westerly line of lands recorded in said Volume 811, at Page 603 and 604 of Records, 49.98 feet; thence South 49 degrees 07 minutes 00 seconds West along the South line of lands recorded in Volume 448, at Page 371 and 372 of Records, Fond du Lac County Register of Deeds Office, 33.34 feet; thence North 40 degrees 53 minutes 00 seconds West along the Westerly line of lands recorded in said Volume 448, at Page 371 and 372 of Records, 150.00 feet to the Northwest corner of right-of-way line of Military Road; thence South 49 degrees 07 minutes 00 seconds West along the Southerly right-of-way line of said Military Road, 310.25 feet to the Northwest corner of lands recorded in said Volume 534, at Page 497 and 498 of Records; thence South 46 degrees 36 minutes 00 seconds East along the Westerly line of lands recorded in said Volume 534, at Page 497 and 498, 200.97 feet to the point of beginning.

* * * * *

SCHEDULE A

LEGAL DESCRIPTION

Said parcels One through Eight inclusive also described as:

A part of Lots 7, 8, 9, 10, Block 3, Post's Fine Addition and Lots 37, 43, 44 and 45, located in the Southeast 1/4 of Section 16 and a part of the Northeast 1/4 of the Northeast 1/4 of Section 21, all located in T. 15 N.-R. 17 E., City of Fond du Lac, Fond du Lac County, Wisconsin and being more particularly described as follows:

Commencing at the Southeast corner of the Southeast 1/4 of said Section 16; thence South $89^{\circ}53'42''$ West along the South line of the Southeast 1/4 of said Section 16, 60.00 feet to the point of beginning; thence South $00^{\circ}43'25''$ East along the West right-of-way line of Hickory Street, 150.00 feet; thence South $89^{\circ}53'42''$ West, 150.00 feet; thence North $00^{\circ}43'25''$ West, 150.00 feet; thence South $89^{\circ}53'42''$ West along the South line of the Southeast 1/4 of said Section 16, 1,176.69 feet; thence North $47^{\circ}06'18''$ West along the Westerly line of lands recorded in Volume 534, Page 497 and 498 of Records, Fond du Lac County Register of Deeds Office and on its extension Southeasterly, 230.90 feet; thence North $48^{\circ}49'14''$ East along the Southeasterly right-of-way line of Military Road (U.S. Highway "151"), 311.28 feet; thence South $41^{\circ}10'46''$ East along the Southwesterly line of lands owned by Interstate Bakeries, Inc., recorded in Volume 448, Page 371 and 372, said Records, 150.00 feet; thence North $48^{\circ}49'14''$ East along the Southeasterly line of said lands, 35.26 feet; thence South $41^{\circ}09'58''$ East along the Southwesterly line of lands recorded in Volume 811, Page 603-605, said Records, 137.95 feet; thence North $52^{\circ}21'31''$ East along the Southeasterly line of lands recorded in said Volume 811, Page 603-605, 126.01 feet; thence North $01^{\circ}23'14''$ West along the East line of lands recorded in said Volume 811, Page 603-605, 384.85 feet; thence North $48^{\circ}49'14''$ East along the Southeasterly right-of-way line of Military Road (U.S. Highway "151"), 49.23 feet; thence South $89^{\circ}55'05''$ East along the North line of said Lot 44, 195.61 feet; thence North $01^{\circ}23'14''$ West along the centerline of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, 167.89 feet; thence North $48^{\circ}49'14''$ East along the Southeasterly right-of-way line of Military Road (U.S. Highway "151"), 171.44 feet; thence South $41^{\circ}28'40''$ East along the Southwesterly right-of-way line of Arlington Street, 214.47 feet; thence South $89^{\circ}58'40''$ East along said right-of-way line, 61.61 feet; thence South $00^{\circ}01'20''$ West along the East line of Lot 7, said Block 3, 120.00 feet; thence South $89^{\circ}58'40''$ East along the South line of said Block 3 and on its extension Easterly, 394.00 feet; thence South $00^{\circ}01'20''$ West along the West right-of-way line of Hickory Street, 659.85 feet to the point of beginning and containing 19.254 acres (838,894 Sq. Ft.) of land more or less and being subject to any easements of record.

708310.1

0740638

WARRANTY DEED

Document Number

Document Title

RECORDING FEE 11-
NO. OF PAGES 1
RECORDED ON:

RB Royal Industries, Inc. f/k/a Royal Brass, Inc., a Wisconsin corporation ("Grantor"), conveys and warrants to M & D Investors, LLP, a Wisconsin limited liability partnership ("Grantee"), the real estate in Fond du Lac County, Wisconsin described as follows:

102 MAR 14 PM 2 22

SALLY BARBEAU
REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

Lots 4, 5 and 6, Block 3 of Post's Fine Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Recording Area

Name and Return Address:

Louis J. Andrew, Jr.
PO Box 147
Fond du Lac, WI 54936-0147

15685

PIN: FDL-15-17-16-44-772-00

TRANSFER
\$ 2400
FEE

Exceptions to warranty: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated this 8th day of March, 2002.

RB Royal Industries, Inc.

By: John W. Neumann, Jr.
Name: John W. Neumann, Jr.
Its: Chief Executive Officer

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF FOND DU LAC)

Personally came before me this 8th day of March, 2002, the above named John W. Neumann, Jr., as Chief Executive Officer of RB Royal Industries, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same.

Barbara A. Loehr

Notary Public, State of Wisconsin
My Commission: July 7, 2002

This document was drafted by:
Hal Karas, Esq.
Michael Best & Friedrich LLP

The State of Wisconsin

DEPARTMENT



OF STATE

Register's Office
Fond du Lac County, Wis. 7th
Received for Record this
day of July A. D. 1908
at 10 o'clock AM and
recorded in Vol. 6 of Deeds
on page 13

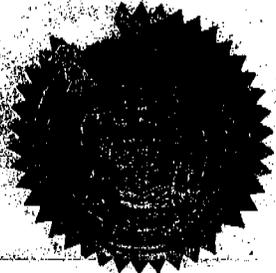
E. T. MARKS, Register of Deeds
By Geo. R. McIntosh
Deputy

To All to Whom these Presents shall Come:

I, J. A. Frear, Secretary of State of the State of Wisconsin,
do hereby certify that the annexed copy of the record of Plat
and appraisal Land Patent No.
of Section 36 Township 15 Range 17 E
Town of Fond du Lac in Fond du Lac County

has been compared with the original record of such ^{pl. lat} ~~plat~~ in the
office of the Commissioners of the Public Lands of the State of
Wisconsin, and that the same is a true copy thereof, and of the whole
of such original record.

In Testimony Whereof, I have hereunto
set my hand and affixed my official seal,
at the Capital in the City of Madison, this
6th day of July, A. D. 1908
J. A. Frear
Secretary of State.



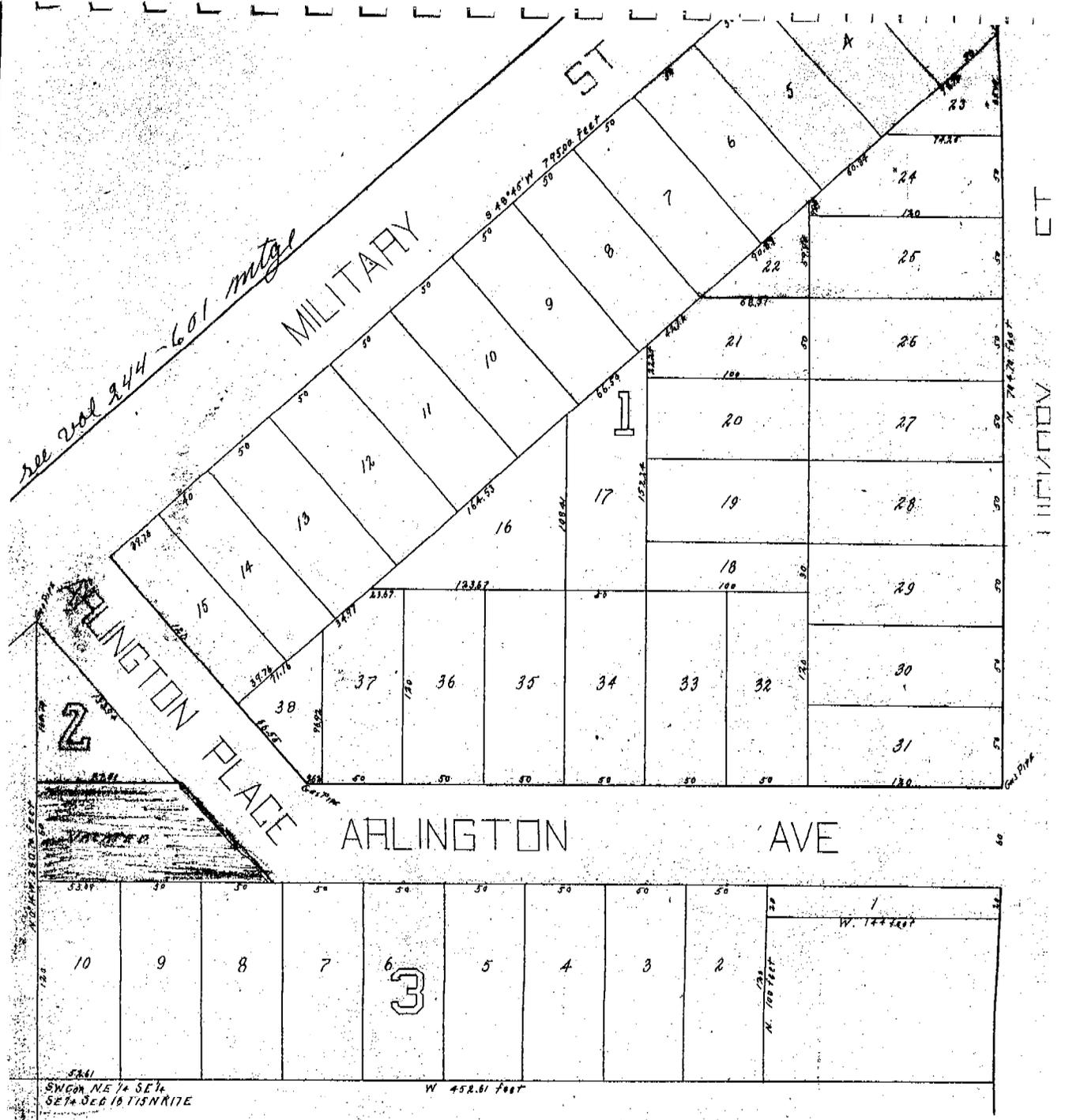
Sec. 16, Town 15, Range 17, Town of Fond du Lac

\$ 60					\$ 1
\$ 70					\$ 120
\$ 7	\$ 8	\$ 9	\$ 10	\$ 11	\$ 12
\$ 100	\$ 150	\$ 95	\$ 95	\$ 110	\$ 110
\$ 18	\$ 17	\$ 16	\$ 15	\$ 14	\$ 13
\$ 160	\$ 360	\$ 95	\$ 95	\$ 115	\$ 95
\$ 29	\$ 28	\$ 27	\$ 26	\$ 25	\$ 24
\$ 360	\$ 250	\$ 250	\$ 115	\$ 110	\$ 115
	\$ 30	\$ 31	\$ 32	\$ 33	\$ 34
	\$ 120	\$ 120	\$ 120	\$ 120	\$ 110
\$ 41	\$ 40	\$ 39	\$ 38	\$ 37	\$ 36
\$ 320	\$ 340	\$ 95	\$ 100	\$ 120	\$ 120
		\$ 42	\$ 43	\$ 44	\$ 45
		\$ 95	\$ 100	\$ 110	\$ 120

Roads laid out by Ordinance of 1874

Roads laid out by Ordinance of 1874

App. Plat. West and St. 5 & P. 102
Recorded 317



PLAT OF
POST'S FINE ADDITIC
 TO THE CITY OF FOND DU LAC
 SCALE 60 FEET TO 1 INCH

To
 Be
 de
 ce
 re
 d
 ed

Project No. 94137

SURVEYOR'S CERTIFICATE

June 22, 1994

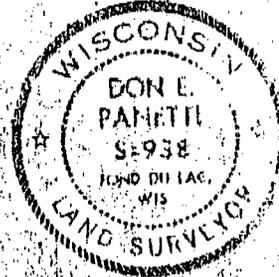
I hereby certify that on this date I have completed a survey at the order of Michael P. McNamara of R.B. Royal Industries, Inc. and have marked the corners or boundaries by setting iron pipe stakes as shown on the map below of the following described lots:

LOTS FOUR (4), FIVE (5) and SIX (6) of BLOCK THREE (3) of POST'S FINE ADDITION to the City of Fond du Lac, Wisconsin.

I further certify that the survey is a correct representation of all exterior boundaries of the land surveyed to the best of my knowledge and belief.

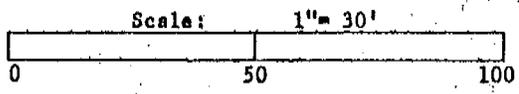
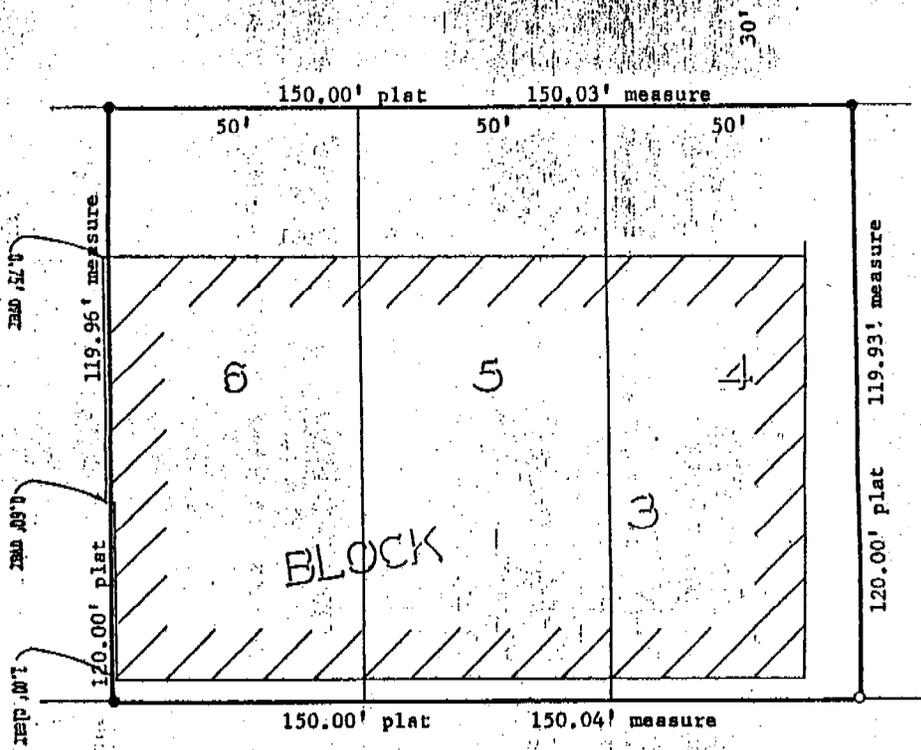
Don E. Panetti

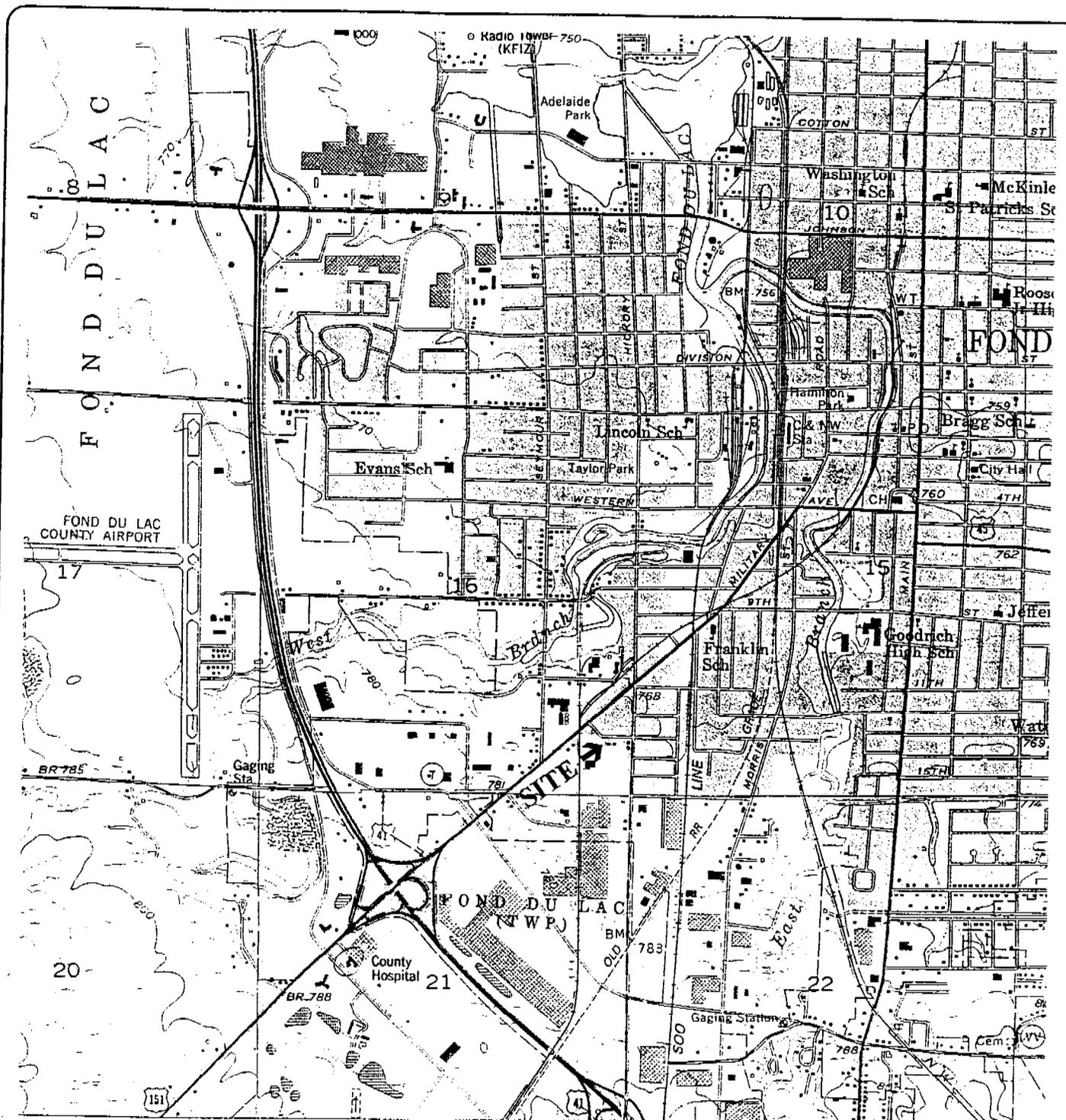
Don E. Panetti, RLS No. S-938
Panetti Surveying Co.
Fond du Lac, WI



- LEGEND-----
- Pipe located
 - 1" x 24" iron pipe set weighing 1.13 lb/ft

ARLINGTON AVE.



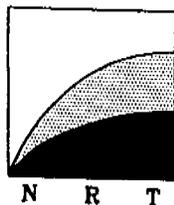


SOURCE: USGS 7.5 MINUTE QUADRANGLE,
FOND DU LAC. DATED 1955.
PHOTOREVISED 1985.



SCALE IN FEET

CONTOUR INTERVAL 10 FEET



Natural
Resource
Technology

USGS LOCATION MAP

RB ROYAL INDUSTRIES INC.
FOND DU LAC

PROJECT NO.
1022

DRAWING NO.
1022-A04

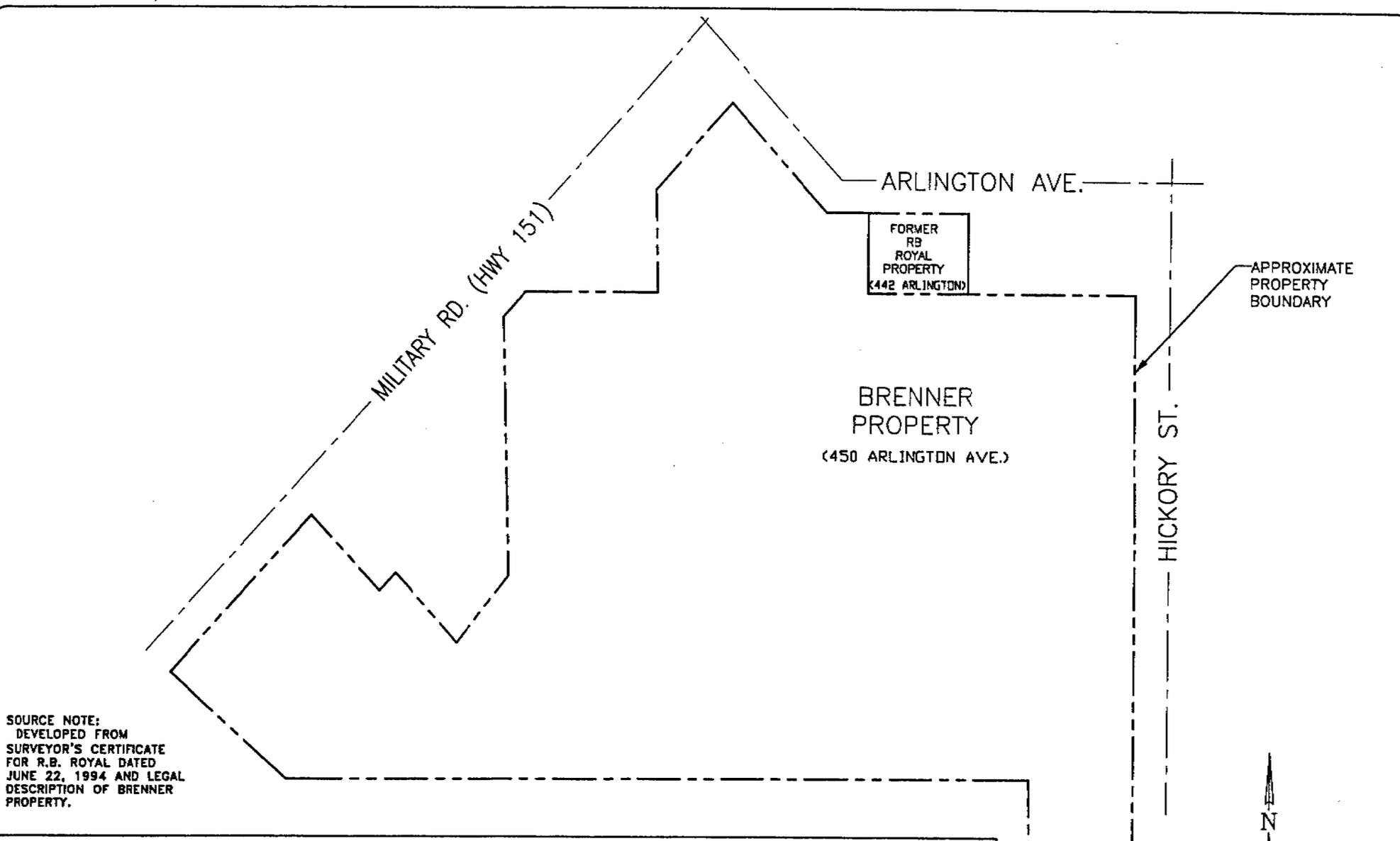
FIGURE NO.
1

DRAWN BY: RLH

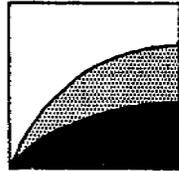
APPROVED BY: JHJ

DATE: 8/15/02

7



SOURCE NOTE:
 DEVELOPED FROM
 SURVEYOR'S CERTIFICATE
 FOR R.B. ROYAL DATED
 JUNE 22, 1994 AND LEGAL
 DESCRIPTION OF BRENNER
 PROPERTY.



Natural
 Resource
 Technology

REGIONAL LOCATION MAP

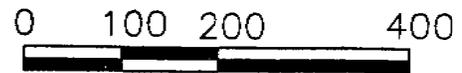
RB ROYAL INDUSTRIES INC.
 FOND DU LAC, WISCONSIN

DRAWN BY: RLH 04/10/02 APP'D BY: JAZ DATE: 8/13/02

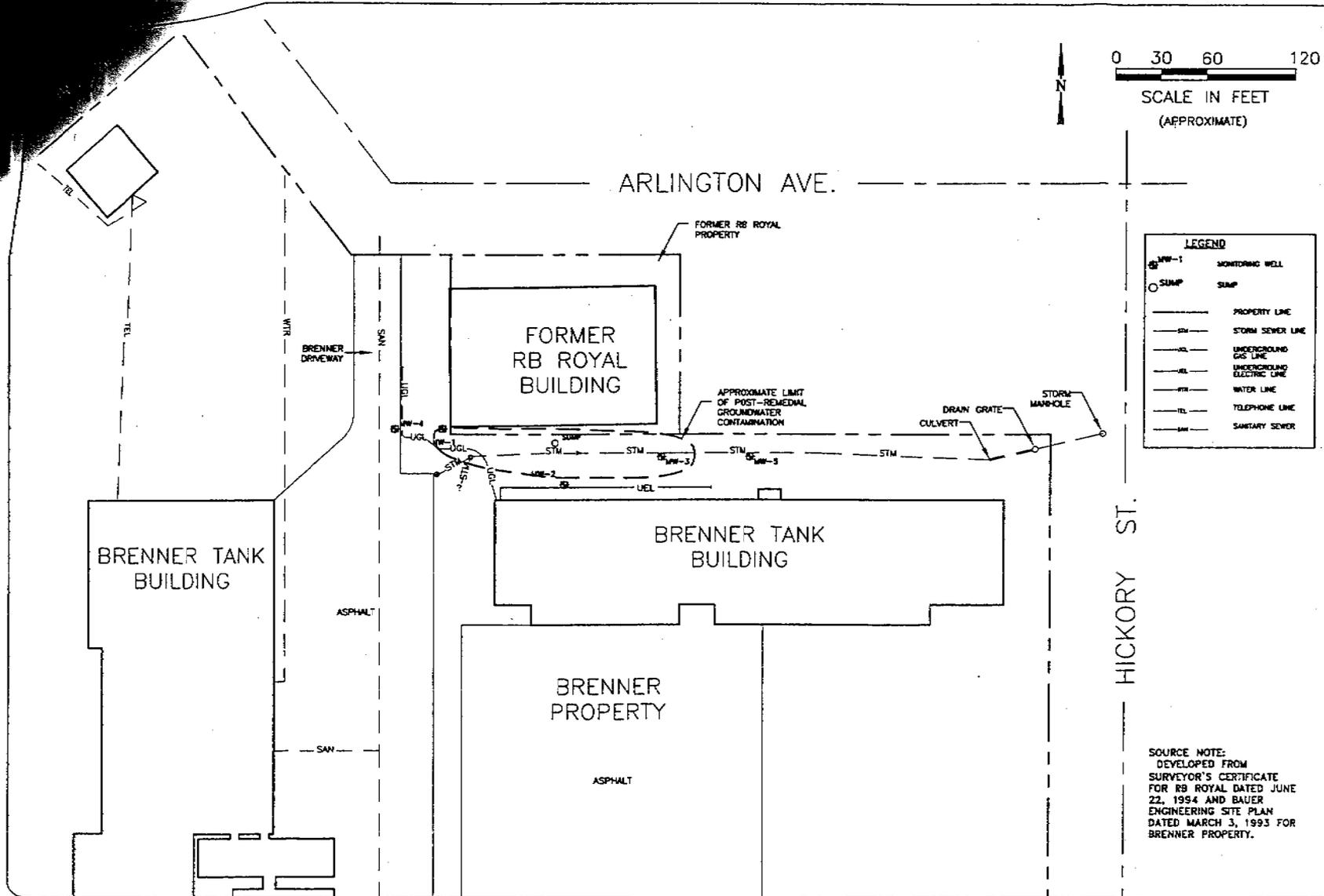
PROJECT NO.
 1022

DRAWING NO.
 1022-A05

FIGURE NO.
 2



SCALE IN FEET



LEGEND

	MONITORING WELL
	SUMP
	PROPERTY LINE
	STORM SEWER LINE
	UNDERGROUND GAS LINE
	UNDERGROUND ELECTRIC LINE
	WATER LINE
	TELEPHONE LINE
	SANITARY SEWER

0 30 60 120
 SCALE IN FEET
 (APPROXIMATE)

DATE: 04/10/02	DRAWN BY: RLH
DATE: 04/10/02	CHECKED BY: JAZ
DATE: 8/13/02	APPROVED BY: JAZ
AUTOCAD FILE: 1022-876.DWG	
DETAILED SITE MAP	
RB ROYAL INDUSTRIES, INC. FOND DU LAC, WISCONSIN	
PROJECT NO. 1022/7.3	
DRAWING NO. 1022-876	
FIGURE NO. 3	

SOURCE NOTE:
 DEVELOPED FROM
 SURVEYOR'S CERTIFICATE
 FOR RB ROYAL DATED JUNE
 22, 1994 AND BAUER
 ENGINEERING SITE PLAN
 DATED MARCH 3, 1993 FOR
 BRENNER PROPERTY.

BRENNER DRIVEWAY

GRASS

BRENNER TANK/FORMER RB ROYAL PROPERTY LINE

FORMER RB ROYAL BUILDING
442 ARLINGTON AVENUE

ELECTRO PLATING CO.
430 ARLINGTON

SB-102 MW-4 SB-101

MW-1 ES

ORIGINAL SUMP (APPROX. LOCATION)

14" CMP CULVERT BURIED 1' BCS

SUMP PAL

STORM SEWER DRAIN

SB-104 PAL (12/10/98)

MW-3 ES

MW-5

SB-103 PAL (12/10/98)

LEGEND

- PROPERTY LINE
- EXCAVATION LIMITS
- MW-1 MONITORING WELL
- SB-101 SOIL BORING WITH GROUNDWATER SAMPLE
- ⊕ STORM SEWER MANHOLE
- ⊕ STORM SEWER CATCH BASIN
- STM --- STORM SEWER LINE
- UGL --- UNDERGROUND GAS LINE
- UEL --- UNDERGROUND ELECTRIC LINE
- BCS BELOW GROUND SURFACE
- CMP CORRUGATED METAL PIPE
- ES NR140 ENFORCEMENT STANDARD EXCEEDANCE IN MOST RECENT ROUND (5/9/01)
- PAL NR140 PREVENTIVE ACTION LIMIT EXCEEDANCE IN MOST RECENT ROUND (5/9/01, EXCEPT WHERE NOTED)

CATCH BASIN FOR BRENNER PARKING LOT

GRAVEL

MW-2

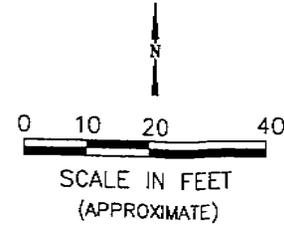
BRENNER TANK BUILDING

TRANSFORMER SLAB

APPROXIMATE POST-REMEDIAL EXTENT OF GROUNDWATER CONTAMINATION (ABOVE ES)

APPROXIMATE PRE-REMEDIAL EXTENT OF GROUNDWATER CONTAMINATION (ABOVE ES)

SOURCE NOTE:
ORIGINAL BASE MAP DEVELOPED FROM MAP PROVIDED BY J.E. MITCHELL AND ASSOCIATES, INC., FOND DU LAC. UPDATES OF THE BASE MAP ARE BASED ON FIELD MEASUREMENTS BY NATURAL RESOURCE TECHNOLOGY, INC. AND RB ROYAL INDUSTRIES INC.



DATE: 04/10/02
 DATE: 04/10/02
 DATE: 8/13/02

DRAWN BY: TAS/RLH
 CHECKED BY: JAZ
 APPROVED BY: JRL

AUTOCAD FILE: 1022-B75.DWG

EXTENT OF GROUNDWATER CONTAMINATION

RB ROYAL INDUSTRIES INC.
FOND DU LAC, WISCONSIN



Natural Resource Technology

PROJECT NO. 1022/7.3

DRAWING NO. 1022-B75

FIGURE NO. 5

Table 2 - Groundwater Analytical Summary - VOCs

RB Royal Industries, Inc.
Fond du Lac, WI

Sampling Location	Sampling Date	Volatile Organic Compounds Detected (ug/L)																						
		Acetone	Benzene	Bromoform	Chlorobenzene	Chloroform	Chloroethane	Methylene Chloride	MEK	Dichlorodifluoromethane	1,1-DCA	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,2-Dichloropropane	Naphthalene	Toluene	1,1,1-TCA	1,1,2-TCA	Tetrahydrofuran	TCE	1,2,4-Trimethylbenzene	Vinyl Chloride
MW-1	1/24/94	-	-	-	-	-	-	-	-	22	-	13	24	2.2	-	-	8.2	150	-	na	28	-	-	-
	5/2/94	-	-	-	-	-	-	-	-	8.5	-	8	8.7	-	-	-	-	100	-	na	19	-	-	-
	9/15/93	-	-	-	-	-	-	-	-	1.6	-	1.8	2.5	-	-	-	-	31	-	na	9.1	-	-	-
	12/14/95	-	-	-	-	-	-	-	-	5	-	4.4	6.5	-	-	-	-	66	-	na	14	-	-	-
	3/13/96	-	-	-	-	-	5.2 (L)	-	-	1.5	-	1.5	2.3	-	-	-	-	28	-	na	6.8	-	-	-
	12/11/96	-	-	-	-	-	-	-	-	3.6	-	3.9	4.0	-	-	-	-	59	-	na	11	-	-	-
	7/21/98	3.6	-	-	-	-	-	-	-	2.6	-	1.6	4.1	-	-	-	-	39	-	na	12	-	-	-
	2/17/99	na	-	na	-	-	-	na	-	1.1	-	0.91	-	-	-	-	-	18	-	na	4.1	-	-	-
	5/11/99	na	-	na	-	-	-	na	-	0.48 (J)	-	-	0.85 (J)	-	-	-	-	10	-	na	2.3	-	-	-
	8/11/99	na	-	na	-	-	-	na	-	2.8	-	2.9	3.7	-	-	-	-	42	-	na	11	-	-	-
11/14/00	na	-	na	-	-	-	na	-	2.2	-	1.7	2.6 (J)	0.35 (J)	-	-	-	29	-	na	7.4	-	-	-	
5/9/01	na	-	na	-	-	-	na	-	1.3	-	1.3	1.5	-	-	-	-	19	-	na	5.1	-	-	-	
MW-2	1/24/94	14	-	-	-	-	-	-	-	7.1	-	2.1	-	-	-	-	22	16	-	na	-	-	-	-
	5/9/94	-	-	-	-	-	-	-	-	12	-	4.3	-	-	-	-	-	38	-	na	-	-	-	-
	9/15/93	-	-	-	-	-	-	-	-	14	-	6.1	-	-	-	-	-	34	-	na	-	-	-	-
	12/14/95	-	-	-	-	-	-	-	-	3.2	-	1.6	-	-	-	-	-	17	-	na	-	-	-	-
	3/13/96	-	-	-	-	-	5.0 (L)	-	-	5.1	-	2.2	-	-	-	-	-	20	-	na	-	-	-	-
	12/11/96	-	-	-	-	-	-	-	-	4.0	-	3.1	-	-	-	-	-	28	-	na	-	-	-	-
	7/21/98	4.1	-	-	-	-	-	-	-	3.0	-	0.92	-	-	-	-	-	15	-	na	-	-	-	-
	2/17/99	na	-	na	-	-	-	na	1.5	5.1	-	2.4	-	-	-	-	-	20	0.34	na	-	-	-	-
8/11/99	na	-	na	-	-	-	na	53	-	-	-	-	-	-	-	-	4.7	-	na	-	-	-	-	
5/9/01	na	-	na	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-	
MW-3	1/24/94	-	-	-	-	-	-	-	-	6.9	-	34	6.9	-	-	-	4.6	300	1.6	na	92	-	-	1.1
	5/9/94	-	-	-	-	-	-	-	-	9.5	1.3	54	8.2	-	-	-	-	430	2	na	138	-	-	-
	9/15/93	-	-	-	-	-	-	-	-	13	1.1	51	16	-	-	-	-	270	1.9	na	98	-	-	-
	12/14/95	-	-	-	-	-	-	-	-	5.2	-	25	5.3	-	-	-	-	230	1.3	na	67	-	-	-
	4/25/96	5.1 (L)	-	-	-	-	-	-	-	4.5	-	26	4.1	-	-	-	-	218	1.4	-	65	-	-	-
	12/11/96	-	-	-	-	-	-	-	-	5.6	-	30	4.0	-	-	-	-	280	1.1	-	72	-	-	-
	7/21/98	-	-	-	-	-	-	-	-	9.6	-	19	10	-	-	-	-	180	1	-	58	-	-	-
	2/17/99	na	-	na	-	-	-	na	-	17	-	7.4	7.8	-	-	-	-	65	0.38	na	23	-	3.6	-
	5/11/99	na	-	na	-	-	-	na	-	9.1	-	15	8.8	-	-	-	-	92	0.48 (J)	na	43	-	3.8	-
	8/11/99	na	-	na	7.2	-	-	na	10	8.9	1.1 (J)	36	23	-	-	-	-	260	1.3	na	74	-	2.6	-
	11/14/00(E)	na	-	na	-	-	-	na	4.3 (J)	8.4 (J)	-	28	-	-	-	-	-	210	-	na	56	-	-	-
5/9/01(E)	na	-	na	-	-	-	na	-	6.7 (J)	-	31	2.5 (J)	-	-	-	-	200	-	na	51	-	-	-	
Wisconsin Ground Water Quality Standards, NR146.10																								
Preventive Action Limit	200	0.5	0.44	na	0.6	80	0.5	90	200	85	0.5	0.7	7	20	0.5	8	68.6	40	0.5	10	0.5	96	0.02	124*
Enforcement Standard	1000	5	4.4	na	6	400	5	460	1000	850	5	7	70	100	5	40	343	200	5	50	5	480	0.1	628*

Table 2 - Groundwater Analytical Summary - VOCs

RB Royal Industries, Inc.
Fond du Lac, WI

Sampling Location	Sampling Date	Volatile Organic Compounds Detected (ug/L)																							
		Acetone	Benzene	Bromoform	Chlorobenzene	Chloroform	Chloroethane	Methylene Chloride	MEX	Dichlorodifluoroethane	1,1-DCA	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,2-Dichloropropane	Naphthalene	Toluene	1,1,1-TCA	1,1,2-TCA	Tetrahydrofuran	TCB	1,2,4-Trimethylbenzene	Vinyl Chloride	Xylenes/Styrene
MW-4	2/17/99	na	-	na	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	8/11/99	na	-	na	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	5/9/01	na	-	na	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
MW-5	2/17/99	na	-	na	-	-	-	na	-	0.45	-	-	-	-	-	-	-	-	7.5	-	na	-	-	-	-
	8/11/99	na	-	na	-	-	-	na	5.3	1.9	-	-	-	-	-	-	-	-	5.5	-	na	-	-	-	-
	5/9/01	na	-	na	-	-	-	na	-	2.8	-	0.61 J	-	-	-	-	-	-	11	-	na	-	-	-	-
Sump**	1/24/94	-	-	-	-	-	-	-	-	3,000	-	4,900	3,500	-	-	-	-	220	35,000	690	na	13,000	-	-	-
	5/2/94	-	-	-	-	-	-	-	-	3,500	-	-	3,700	-	-	-	-	-	33,000	790	na	13,000	-	-	-
	9/13/95	-	-	-	-	-	-	15	-	9.4	-	7.9	6.4	-	-	-	-	60	2.5	na	24	-	-	-	
	12/14/95	-	-	-	-	-	-	-	-	6.9	-	5.7	15	-	-	-	-	28	-	na	19	-	-	-	
	4/25/96a	5.2 (L)	0.60	-	-	-	-	-	-	22	-	25	53	1.6	-	-	-	190	1.6	-	64	-	1.6	-	
	12/11/96	-	-	-	-	-	-	-	-	64	7.3	63	180	3.3	-	-	-	220	3.6	37	27	-	2.7	-	
	7/21/98	-	-	-	-	-	-	-	-	3.1	-	3.1	9.8	-	-	-	-	8.2	-	6.4	1.7	-	0.83	-	
	2/17/99	na	-	na	-	-	-	na	-	74	1.2	16	49	1.5	-	-	-	300	3.6	na	2.8	-	160	-	
	5/11/99	na	-	na	-	-	-	na	-	25	-	5.9	17	0.43 (J)	-	-	-	57	-	na	3.5	-	31	-	
	8/11/99	na	-	na	-	-	-	na	-	51	0.85 J	39	70	2.6	1.3 J	-	-	140	1.4	na	49	-	71	-	
	1/11/00	na	-	na	-	-	0.37 (J)	na	-	72	1 (J)	14	42	2.1	0.78 (J)	-	-	180	3.3	na	6.2	-	120	-	
	5/9/01 (E)	na	-	na	-	-	-	na	-	26	-	-	10	-	-	-	-	56	-	na	-	-	-	-	
Geoprobe Water Samples																									
SB-101	12/4/98	4.2	-	-	-	-	-	-	-	2.1	-	-	0.41	-	-	-	-	0.4	-	-	-	-	-	-	-
SB-102	12/10/98	na	-	-	-	-	-	na	-	-	-	-	-	-	0.43	-	-	-	-	na	-	0.75	-	1.1	
SB-103	12/10/98	na	-	-	-	-	-	na	-	8.9	-	1.3	-	-	-	-	0.44	16	-	na	L1	-	-	-	
SB-104	12/10/98	na	-	0.2	-	-	-	na	-	2.2	0.91	-	-	-	-	-	-	2.6	-	na	-	-	-	-	
Wisconsin Ground Water Quality Standards, NR140.10																									
Preventive Action Limit		200	8.5	0.44	na	0.4	80	0.5	90	200	85	0.5	0.7	7	20	0.5	8	48.6	40	0.5	10	0.5	96	0.02	124*
Enforcement Standard		1000	5	4.4	na	6	400	5	460	1000	850	5	7	70	100	5	40	343	200	5	50	5	480	0.2	620*

Table 2 - Groundwater Analytical Summary - VOCs

RE Royal Industries, Inc.
Fond du Lac, WI

Volatile Organic Compounds Detected (ug/L)																									
Sampling Location	Sampling Date	Acetone	Benzene	Bromoform	Chlorobenzene	Chloroform	Chloroethane	Methylene Chloride	MEK	Dichlorodifluoromethane	1,1-DCA	1,2-DCA	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1-Dichloropropane	Naphthalene	Toluene	1,1,1-TCA	1,1,2-TCA	Tetrahydrofuran	TCE	1,2,4-Trimethylbenzene	Vinyl Chloride	Xylenes/Styrene
Quality Assurance/Quality Control Samples																									
MW-A (Dup. of MW-3)	1/24/94	-	-	-	-	-	-	-	-	-	6.8	-	33	7.4	-	-	-	4.1	310	1.7	na	90	-	-	-
MW-E (Dup. of MW-3)	12/14/95	-	-	-	-	-	-	-	-	-	5	-	23	4.6	-	-	-	-	230	1.3	na	71	-	-	-
MW-G (Dup. of MW-2)	3/13/96	-	-	-	-	-	-	5.4 (L)	-	-	3.6	-	1.6	-	-	-	-	-	13	-	na	-	-	-	-
MW-Z (Dup. of Sump)	12/11/96	-	-	-	-	-	-	-	-	-	60	1.3	58	170	2.9	-	-	-	240	3.8	38	28	-	1.9	-
MW-99 (Dup. of MW-1)	2/17/99	na	-	na	-	-	-	-	na	-	1	-	8.89	1.3	-	-	-	-	16	-	na	3.5	-	-	-
MW-99 (Dup. of MW-3)	5/11/99	na	-	na	-	-	-	-	na	-	4.8	-	3.2	2.5	-	-	-	2.4	21	-	na	6.7	-	-	-
MW-99 (Dup. Of MW-3)	8/11/99	na	-	na	1.1	0.49 (J)	-	-	na	8.9	9.2	1.9	35	23	-	-	-	-	260	1.3	na	78	-	2.7	-
MW-99 (Dup. Of MW-3)	11/14/00	na	-	-	-	-	-	4.1 (J)	na	5.5 (J)	8.4 (J)	-	28	-	-	-	-	-	220	-	na	59	-	-	-
MW-99 (Dup. of MW-1)	5/9/01	na	-	na	-	-	-	-	na	-	1	-	8.91	1.2	-	-	-	-	16	-	na	3.8	-	-	-
Trip Blank	1/24/94	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	5/2/94	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	12/14/95	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	3/13/96	6.0	-	-	-	1.2	-	5.0 (L)	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	12/11/96	6.4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	7/21/98	3.8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	2/17/99	na	-	na	-	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	8/11/99	na	-	na	-	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	11/14/00	na	-	na	-	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
	5/9/01	na	-	na	-	-	-	-	na	-	-	-	-	-	-	-	-	-	-	-	na	-	-	-	-
Wisconsin Ground Water Quality Standards, NR140.10																									
Preventive Action Limit		200	8.5	0.44	na	0.6	88	6.5	90	200	85	0.5	0.7	7	20	0.5	8	68.6	40	0.5	14	0.5	96	0.02	124*
Enforcement Standard		1000	5	4.4	na	6	400	5	460	1000	850	5	7	78	100	5	40	343	200	5	58	5	480	0.2	620*

Notes:
 Bold numbers indicate a Preventive Action Limit exceedance.
 Bold and outlined numbers indicate an Enforcement Standard exceedance.
 Italicized dates represent data collected after excavation activities.
 - = not detected
 na = parameter not analyzed.
 VOCs analyzed by EPA Method 8240 with the exception of analyses on 4/25/96 and 12/11/96 by U.S. EPA Method 8260A. Samples collected on and after 7/21/98 analyzed by U.S. EPA Method 8260B/8021A.
 * - NR 140 Groundwater Quality Standards gives for Xylenes.
 ** - Sump samples from 09/25/95 and after is from a sump which replaced the original sump excavated during remedial activities. Location is approximately 10 feet from the original sump.
 # = MW-3 and sump were sampled on April 25, 1996 rather than March 13, 1996 due to ice frozen in sump/well.
 (J) = Detected between laboratory LOQ and LOD
 (L) = Common lab solvent and co-contaminant.
 (E) = Elevated detection limits, refer to laboratory reports for detection limits.

by: d/rj/ag/d/v/p/s/m/j/z/b/v/p/j/a/n/v/a/s/j/b
 checked by: j/g/d/r/j/a/g/g/r/p/c/w/j/a/n/j/z/b/v/j/a/z

Table 1 - Water Table Elevations

RB Royal Industries, Inc.
Fond du Lac, WI

Monitoring Location	Date	Top of PVC Elevation (feet)	Ground Surface Elev. (Approx.) (feet)	Bottom of Well Elevation (Approx.) (feet)	Depth to Water (feet)	Water Table Elevation (feet)		
MW-1	01/24/94	100.98	99.6	85.9	7.74	93.24		
	02/04/94				8.24	92.74		
	02/16/94				8.43	92.55		
	02/28/94				6.11	94.87		
	05/02/94				4.43	96.55		
	09/15/95				5.14	95.84		
	12/14/95				5.02	95.96		
	3/13/96				4.53	96.45		
	12/11/96				5.36	95.62		
	7/21/98				6.08	94.90		
	2/17/99				4.60	96.38		
	5/11/99				3.63	97.35		
	8/11/99 ⁵	100.98				85.9	4.82	96.16
	12/7/99						5.37	95.61
	11/14/00 ⁶	99.66			98.4	84.6	4.52	95.14
5/9/01				4.12	95.54			
8/14/01				5.99	93.67			
MW-2	01/24/94	103.00	100.4	85.2	9.41	93.59		
	02/04/94				8.46	94.54		
	02/16/94				8.64	94.36		
	02/28/94				6.16	96.84		
	05/02/94				5.60	97.40		
	09/15/95				7.90	95.10		
	12/14/95				6.76	96.24		
	3/13/96				5.78	97.22		
	12/11/96				6.22	96.78		
	7/21/98				5.66	97.34		
	2/17/99				6.05	96.95		
	5/11/99				5.76	97.24		
	8/11/99 ⁵	103.14				85.3	5.74	97.40
	12/7/99						6.15	96.99
	11/14/00 ⁶	101.84			99.3	84.0	6.11	95.73
5/9/01				5.63	96.21			
8/14/01				5.97	95.87			
MW-3	01/24/94	98.55	96.4	83.3	4.50	94.05		
	02/04/94				4.30	94.25		
	02/16/94				4.23	94.32		
	02/28/94 ³				2.17	96.38		
	05/02/94				2.49	96.06		
	09/15/95				4.89	93.66		
	12/14/95				2.67	95.88		
	4/25/96				2.69	95.86		
	12/11/96				2.71	95.84		
	7/21/98				2.78	95.77		
	2/17/99				2.70	95.85		
	5/11/99				2.53	96.02		
	8/11/99 ⁵	100.52			98.8	83.3	4.25	96.27
	12/7/99						4.28	96.24
	11/14/00 ⁶	99.16			97.4	81.9	4.28	94.88
5/9/01				4.18	94.98			
8/14/01				4.21	94.95			

Table 1 - Water Table Elevations

**RB Royal Industries, Inc.
Fond du Lac, WI**

Monitoring Location	Date	Top of PVC Elevation (feet)	Ground Surface Elev. (Approx.) (feet)	Bottom of Well Elevation (Approx.) (feet)	Depth to Water (feet)	Water Table Elevation (feet)
MW-4	2/17/99	99.88	100.2	87.4	4.05	95.83
	5/11/99				3.70	96.18
	8/11/99 ⁵	99.98		87.5	4.28	95.70
	12/7/99				4.75	95.23
	11/14/00 ⁶	98.64	98.9	86.1	4.22	94.42
	5/9/01				3.89	94.75
	8/14/01				6.50	92.14
MW-5	2/17/99	98.20	95.7	81.8	13.10	85.10
	5/11/99				2.45	95.75
	8/11/99 ⁵	100.44	98.6	81.8	3.79	96.65
	12/7/99				4.00	96.44
	11/14/00 ⁶	98.99	97.1	80.3	3.99	95.00
	5/9/01				4.15	94.84
	8/14/01				4.07	94.92
SUMP ⁴	9/15/95	98.41	99.3	82.1	12.61	85.80
	12/14/95				2.35	96.06
	3/13/96 ³				1.62	96.79
	4/25/96				2.12	96.29
	12/11/96				2.15	96.26
	7/21/98				2.06	96.35
	2/17/99				2.10	96.31
	5/11/99				2.04	96.37
	8/11/99 ⁵	98.54		82.2	2.07	96.47
	12/7/99				2.10	96.44
	11/14/00 ⁶	97.21	98.0	80.9	2.10	95.11
	5/9/01				2.10	95.11
	8/14/01				2.07	95.14

Notes:

1. Depths taken from top of well casing; elevation tied to local benchmark (reference elevation of 100 feet).
2. Italicized dates represent data collected after excavation activities.
3. This measurement is the top of the ice in the well - water in the well was frozen.
4. Sump measurements from 09/15/95 and after are from a sump which replaced the original sump excavated during remedial activities. Location is approximately 10 feet from the original sump. Depth to groundwater was not stabilized on 9/15/95.
5. The top of PVC casing and ground surface were raised at MW-3 and MW-5 in June 1999. The top of PVC casings at all wells were resurveyed following this. Elevations were referenced to MW-1 Top of PVC elevation.
6. The wells were resurveyed with a new site benchmark on 11/14/00, using the northwest corner of the transformer concrete slab as a benchmark of 100.00 ft.

(O-dtr/jag 9/95)
(U-jag/dvp 12/96)
(U-jaz/dvp 11/24/98)
(U-jam/jaz 3,6,9,12/99)
(U-jtb/aas 11/00, jaz 2,8/01)

Table 3 - RNA Parameter Results

RB Royal Industries Inc.
Fond du Lac, WI

Sample Location	Sample Date	Field Parameters					Lab Parameters (mg/L)						Lab Parameters (µg/L)		
		Specific Conductance (mS/cm)	Temperature (°C)	pH (s.u.)	ORP (mV)	Dissolved Oxygen (mg/L)	Sulfate	Nitrate, as NO ₃ -N	Iron, dissolved	Chloride	Alkalinity	Total Organic Carbon	Methane	Ethane	Ethene
MW-1	2/17/99	0.818	5.83	8.88	139	3.61	37	0.2	<0.139	100	290	6.4	1.0	<0.5	<0.5
	5/11/99	0.737	10.08	5.87	219	1.91	26	0.11	-	71	na	na	0.84 (J)	0.56 (J)	-
	8/11/99	0.928	20.85	7.08	339	2.2	35	-	-	65	na	na	4.2	-	-
Pre	11/14/00	0.898	12.4	7.26	367	3.66	na	na	na	na	na	na	na	na	na
Post	11/14/00	0.894	13.61	7.35	361	4.85	na	na	na	na	na	na	na	na	na
Pre	5/9/01	0.61	11.46	7.61	522	3.24	na	na	na	na	na	na	na	na	na
Post	5/9/01	1.074	8.91	7.64	541	4.42	22	na	na	92	na	na	-	-	-
MW-2	2/17/99	0.765	7.77	8.97	143	7.7	22	1	<0.139	250	210	3.3	0.6	<0.5	<0.5
	5/11/99	0.393	9.78	6.46	196	3.71	17	1.2	-	86	na	na	-	-	-
	8/11/99	0.35	20.4	7.72	316	6.94	14	0.34	-	46	na	na	-	-	-
Pre	5/9/01	0.296	9.99	7.79	529	3.61	na	na	na	na	na	na	na	na	na
Post	5/9/01	0.532	9.22	7.94	542	5.56	9.3	na	na	42	na	na	-	-	6.8
MW-3	2/17/99	2.438	5.18	9.09	95	5.93	30	0.21	<0.139	590	280	4.0	220	7.8	10
	5/11/99	1.255	8.9	7.33	67	4.24	9.1	0.32	-	180	na	na	800	11	14
	8/11/99	1.051	18.49	7.14	179	3.94	50	0.25	-	92	na	na	140	-	-
Pre	11/14/00	1.257	11.49	7.32	363	4.91	na	na	na	na	na	na	na	na	na
Post	11/14/00	1.214	11.82	7.38	369	7.92	na	na	na	na	na	na	na	na	na
Pre	5/9/01	0.669	10.19	7.74	537	2.21	na	na	na	na	na	na	na	na	na
Post	5/9/01	1.158	8.3	7.73	554	2.84	51	na	na	90	na	na	1300	-	-
MW-4	2/17/99	2.38	8.85	8.79	150	5.58	74	0.15	<0.139	490	510	4.5	6.9	<0.5	<0.5
	5/11/99	1.159	10.09	6.25	190	2.63	82	3.2	-	450	na	na	1.4 (J)	-	-
	8/11/99	2.655	18.56	7.02	342	1.29	85	0.35	-	560	na	na	1.5	-	-
Pre	5/9/01	2.165	9.19	7.21	539	1.05	na	na	na	na	na	na	na	na	na
Post	5/9/01	3.968	10.34	7.31	552	2.53	51	na	na	1000	na	na	18	-	-
MW-5	2/17/99	0.931	10.34	9.06	133	5.35	100	0.16	<0.139	88	300	5.4	5.1	<0.5	<0.5
	5/11/99	0.88	12.33	5.62	252	3.23	120	0.82	-	88	na	na	41	-	-
	8/11/99	1.144	21.51	7.25	38	1.55	110	0.84	-	79	na	na	38	-	-
Pre	5/9/01	0.732	9.42	7.75	536	1.06	na	na	na	na	na	na	na	na	na
Post	5/9/01	1.185	8.75	7.81	544	2.91	79	na	na	72	na	na	200	-	-
SUMP	2/17/99	4.693	2.67	9.16	142	6.73	32	0.29	<0.139	1,000	390	2.6	8.3	7.6	13
	5/11/99	4.901	9.43	6.44	226	0.67	29	2	-	890	na	na	0.98 (J)	-	-
	8/11/99	3.878	20.37	7.38	283	1.68	37	0.56	-	1,000	na	na	25	-	9.3
Pre	11/14/00	1.769	10.81	7.99	367	8.03	na	na	na	na	na	na	na	na	na
Post	11/14/00	2.031	10.98	7.76	369	6.81	na	na	na	na	na	na	na	na	na
Pre	5/9/01	3.299	2.72	7.45	577	5.63	na	na	na	na	na	na	na	na	na
Post	5/9/01	2.1	10.71	8.25	538	2.19	19	na	na	390	na	na	2.4	-	4.7

Notes:
 ORP = oxidation /reduction potential.
 na=parameter not analyzed
 - = not detected
 (J) = Compound detected between laboratory LOQ and LOD.

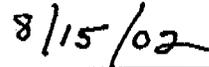
(O - DVP, Chkd-JAM 7/99)
 (U-JAM, Chkd-JAZ 9/99)
 (U- AAS, Chkd - JTB 11/00)
 (U-JTB, Chkd-JAZ 8/01)

CERTIFIED STATEMENT REGARDING LEGAL DESCRIPTIONS

On behalf of RB Royal Industries, Inc., I hereby certify, to the best of my knowledge, that the legal descriptions that are attached to this statement are complete and accurate for all of the properties within or partially within the contaminated site's boundaries that have groundwater contamination that exceeds ch. NR 140 enforcement standards at this time.



Michael P. McNamara, CPA
Vice President of Finance and Administration
RB Royal Industries, Inc.



Date

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RB ROYAL INDUSTRIES, INC.
1350 South Hickory Street
P.O. Box 1168
Fond du Lac, WI 54936-1168

Fax: 920-921-4713
Phone: 920-921-1550

www.rbroyal.com

March 8, 2002

Mr. Bruce Wadman
President
Brenner Tank LLC
450 Arlington Avenue
P.O. Box 670
Fond du Lac, Wisconsin 54936-0670

Via: Certified Mail, Return Receipt Requested

RE: DNR Case Closure Request for RB Royal Industries, Inc.

Dear Bruce:

As you know, groundwater contamination that appears to have originated on property owned by RB Royal Industries, Inc., located at 442 Arlington Avenue, Fond du Lac has been identified on your property at 450 Arlington Avenue, Fond du Lac. The levels of trichloroethene, 1,1,1-trichloroethane, and 1,1-dichloroethene contamination in the groundwater on your property are above the state groundwater enforcement standards found in chapter NR 140, Wisconsin Administrative Code. However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726, Wisconsin Administrative Code, and I will be requesting that the Department of Natural Resources accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken, other than the reliance on natural attenuation.

Since the responsible party has been identified as RB Royal Industries Inc., neither you nor any subsequent owner of your property will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. For further information on the requirements of section 292.13, Wisconsin Statutes, you may call 1-800-367-6076 for calls originating in Wisconsin, or 608-264-6020 if you are calling from out of state or within the Madison area, to obtain a copy of the Department of Natural Resources' publication #RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination.



Mr. Bruce Wadman
March 8, 2002
Page 2

The Department of Natural Resources will not review my closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the Department to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the Department of Natural Resources that is relevant to this closure request, you should mail that information to: Ms. Jennifer Pelczar, 625 East County Road Y, Suite 700, Oshkosh, Wisconsin, 54901.

If this case is closed, all properties within the site boundaries where groundwater contamination exceeds chapter NR 140 groundwater enforcement standards will be listed on the Department of Natural Resources' Geographic Information System (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where groundwater contamination above chapter NR 140 enforcement standards was found at the time that the case was closed. This GIS Registry will be available to the general public on the Department of Natural Resources' internet web site. Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect.

Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to call the Diggers Hotline (1-800-242-8511) if your property is located outside of the service area of a municipally owned water system, or contact the Drinking Water program within the Department of Natural Resources if your property is located within the designated service area of a municipally owned water system, to determine if there is a need for special well construction standards.

Once the Department makes a decision on my closure request, it will be documented in a letter. If the Department grants closure, you may obtain a copy of this letter by requesting a copy from me, by writing to the agency address given above or by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at www.dnr.state.wi.us/org/at/et/geo/gwur. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

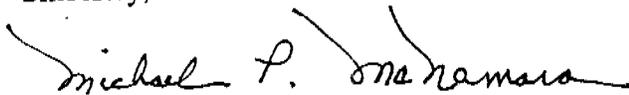
As you requested, I will provide you with a copy of the initial case closure request submittal (dated January 21, 2000), and the case closure re-evaluation submittal, as soon as the latter is completed. If you need more information, you may contact me at 1350 South Hickory Street, P.O. Box 1168, Fond du Lac, WI 54936-1168 (920-907-4228), or you may contact Ms. Jennifer Pelczar at 625 East County Road Y, Suite 700, Oshkosh, WI 54901(920-303-5447).

Mr. Bruce Wadman

March 8, 2002

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Sincerely,



Michael P. McNamara, CPA

Vice President of Finance and Administration, Secretary and Treasurer

Enclosures: Legal Description of Brenner Tank LLC Property
DNR Natural Attenuation Fact Sheet

pc: Jennifer Pelczar, Wisconsin Department of Natural Resources – Oshkosh (with
enclosures)

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APR 11 2002

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Phone: 920-921-1550

www.rbroyal.com

April 10, 2002

Mr. Michael A. Wagner and Mrs. Darla R. Wagner, Partners
M & D Investors, LLP
430 Arlington Avenue
P.O. Box 108
Fond du Lac, Wisconsin 54936-0108

Via: Certified Mail, Return Receipt Requested

RE: DNR Case Closure Request for RB Royal Industries, Inc.
Former RB Royal 442 Arlington Avenue Facility

Dear Mike and Darla:

As you know, groundwater contamination that appears to have originated from RB Royal Industries Inc., formerly located at 442 Arlington Avenue, Fond du Lac has been identified on the adjacent property located at 450 Arlington Avenue, Fond du Lac (Brenner Tank LLC). The 442 Arlington Avenue property (your property) is partially within the contaminated site boundaries due to its close proximity to the identified contamination. The levels of trichloroethene, 1,1,1-trichloroethane, and 1,1-dichloroethene contamination in the groundwater are above the state groundwater enforcement standards found in chapter NR 140, Wisconsin Administrative Code. However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726, Wisconsin Administrative Code, and I will be requesting that the Department of Natural Resources accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken, other than the reliance on natural attenuation.

Since the responsible party has been identified as RB Royal Industries Inc., neither you nor any subsequent owner of your property will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. For further information on the requirements of section 292.13, Wisconsin Statutes, you may call 1-800-367-6076 for calls originating in Wisconsin, or 608-264-6020 if you are calling from out of state or within the Madison area, to obtain a copy of the Department of Natural Resources' publication #RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination.

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Mr. Michael A. Wagner and Mrs. Darla R. Wagner

April 10, 2002

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The Department of Natural Resources will not review my closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the Department to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the Department of Natural Resources that is relevant to this closure request, you should mail that information to: Ms. Jennifer Pelczar, 625 East County Road Y, Suite 700, Oshkosh, Wisconsin, 54901.

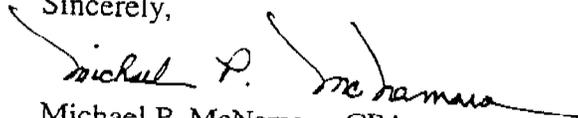
If this case is closed, all properties within the site boundaries where groundwater contamination exceeds chapter NR 140 groundwater enforcement standards will be listed on the Department of Natural Resources' geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where groundwater contamination above chapter NR 140 enforcement standards was found at the time that the case was closed. This GIS Registry will be available to the general public on the Department of Natural Resources' internet web site. Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect.

Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to call the Diggers Hotline (1-800-242-8511) if your property is located outside of the service area of a municipally owned water system, or contact the Drinking Water program within the Department of Natural Resources if your property is located within the designated service area of a municipally owned water system, to determine if there is a need for special well construction standards.

Once the Department makes a decision on my closure request, it will be documented in a letter. If the Department grants closure, you may obtain a copy of this letter by requesting a copy from me, by writing to the agency address given above or by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at www.dnr.state.wi.us/org/at/et/geo/gwur. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

I will provide you with a copy of the initial case closure request submittal (dated January 21, 2000), and the case closure re-evaluation submittal, as soon as the latter is completed. If you need more information, you may contact me at 1350 South Hickory Street, Fond du Lac, WI (920-907-4228) or you may contact Ms. Jennifer Pelczar at 625 East County Road Y, Suite 700, Oshkosh, WI 54901(920-303-5447).

Sincerely,



Michael P. McNamara, CPA

Vice President of Finance and Administration, Secretary and Treasurer

Mr. Michael A. Wagner and Mrs. Darla R. Wagner
April 10, 2002
Page 3

Enclosures: Legal Description of 442 Arlington Avenue Property
DNR Natural Attenuation Fact Sheet

pc: Ms. Jennifer Pelczar, Wisconsin Department of Natural Resources – Oshkosh (with
enclosures)

041002MIKEWAGNER.LTR

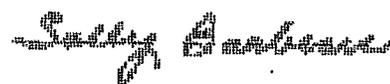
5/25
Document Number

Deed Restriction

DOC# 785121

Recorded
MAY 22, 2003 AT 11:46AM

In Re:
Lots 4, 5, and 6, Block 3 of Post's Fine Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.



SALLY BARBEAU
REGISTER OF DEEDS
FOND DU LAC COUNTY
Fee Amount: \$19.00

Recording Area

Name and Return Address
Cynthia E. Smith
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Ste. 3300
Milwaukee, WI 53202

Declaration of Restrictions

STATE OF WISCONSIN)
)ss
COUNTY OF FOND DU LAC)

FDL-15-17-16-44-772-00
Parcel Identification Number (PIN)

WHEREAS, M & D Investors, LLP, a Wisconsin Limited Liability Partnership, is the owner of the above-described property.

WHEREAS, one or more chlorinated solvent discharges have occurred on this property. Chlorinated-contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following location(s) on the following date(s): May 9, 2001 Monitoring Well (MW-1), Trichloroethylene (5.1 micrograms per liter); MW-3, 1, 1-Dichloroethylene (31 micrograms per liter), 1,1,1-Trichloroethane (200 micrograms per liter), Trichloroethylene (51 micrograms per liter) and Vinyl Chloride (less than 2.5 micrograms per liter); and at the Sump location Vinyl Chloride (less than 2.5 micrograms per liter). Location of monitoring wells and sump are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by ch. NR 811 and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

The following activities are prohibited on that portion of the property described above where a cap or cover has been placed (currently paved surfaces and existing building) (Figure 1), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. The cap or cover shall be maintained in accordance with a plan prepared and submitted to the Department of Natural Resources pursuant to s. NR 724.13(2), Wis. Adm. Code (1999).

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 14 day of 5, 2003

By signing this document, MICHAEL A. WAGNER acknowledges that [he/she] is duly authorized to sign this document on behalf of M & D Investors, LLP.

Signature: Michael A. Wagner

Printed Name: MICHAEL A WAGNER

Title: PRESIDENT

7

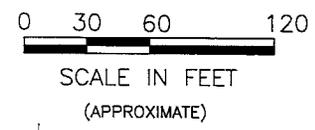
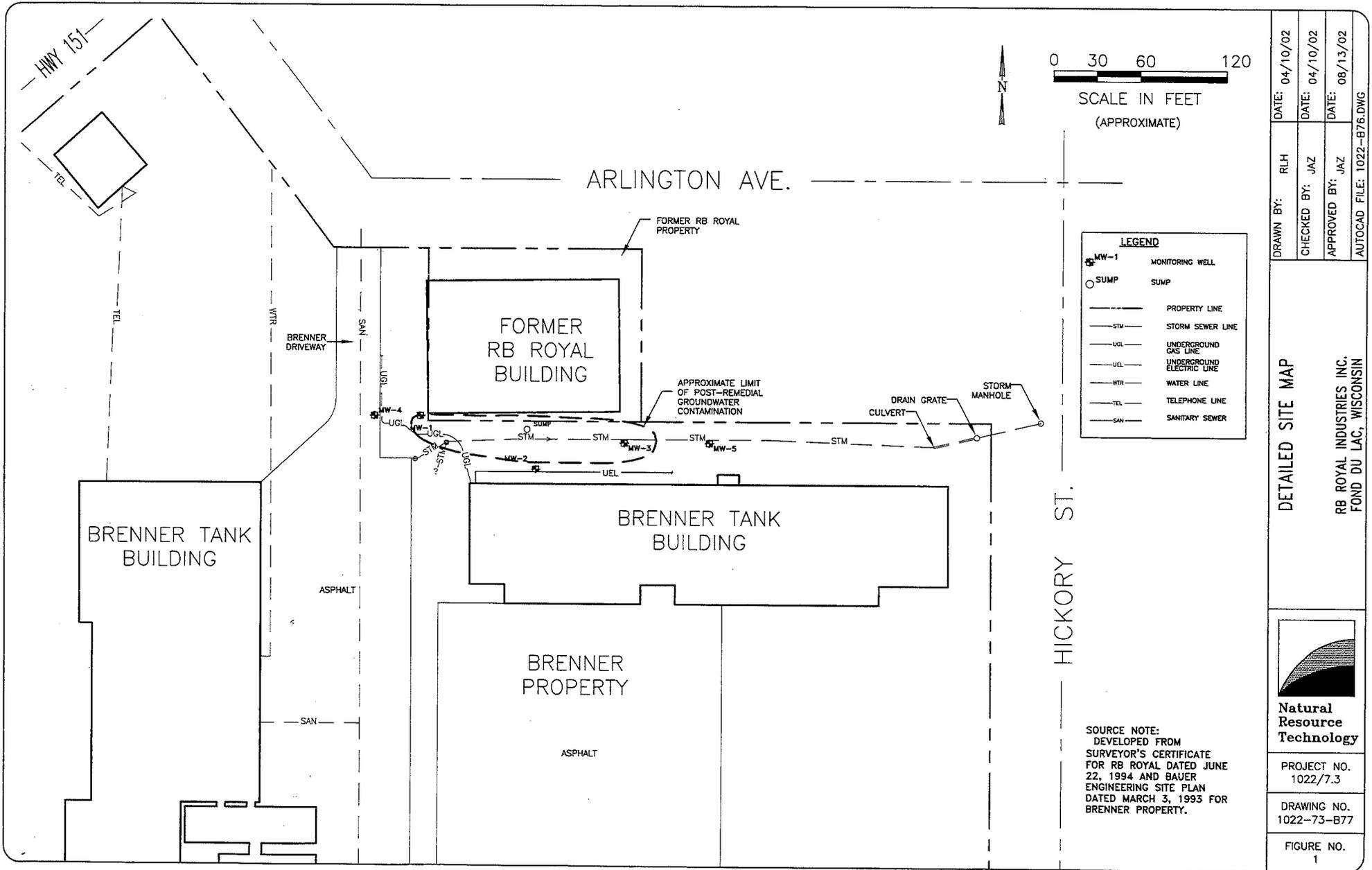
Subscribed and sworn to before me

This 14th day of May, 2003

Notary Public, State of Wisconsin

My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by _____
Natural Resources Technology, Inc.



LEGEND

	MONITORING WELL
	SUMP
	PROPERTY LINE
	STORM SEWER LINE
	UNDERGROUND GAS LINE
	UNDERGROUND ELECTRIC LINE
	WATER LINE
	TELEPHONE LINE
	SANITARY SEWER

DATE:	04/10/02
DRAWN BY:	RLH
DATE:	04/10/02
CHECKED BY:	JAZ
DATE:	08/13/02
APPROVED BY:	JAZ
AUTOCAD FILE:	1022-B76.DWG

DETAILED SITE MAP

RB ROYAL INDUSTRIES INC.
FOND DU LAC, WISCONSIN



PROJECT NO.	1022/7.3
DRAWING NO.	1022-73-B77
FIGURE NO.	1

SOURCE NOTE:
DEVELOPED FROM
SURVEYOR'S CERTIFICATE
FOR RB ROYAL DATED JUNE
22, 1994 AND BAUER
ENGINEERING SITE PLAN
DATED MARCH 3, 1993 FOR
BRENNER PROPERTY.

Cap Maintenance Plan

Former RB Royal Industries Property
442 Arlington Avenue, Fond du Lac, Wisconsin
BRRTS# 02-20-001551
Prepared 5/5/03

Legal Description: Lots 4, 5 and 6, Block 3 of Post's Fine Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

As part of the deed restriction and closure of the former RB Royal Industries site (currently owned by M & D Investors, LLP), a cap maintenance plan is required in accordance with NR 724.13, Wis. Adm. Code, for submittal to the Wisconsin Department of Natural Resources (WDNR) as stated in the closure letter, dated October 21, 2002. The WDNR requires that a deed restriction be recorded to address the issue of the remaining soil/groundwater contamination near the edge of the building footprint at the former RB Royal property. The recorded deed restriction is attached. The purpose of the restriction is to maintain a surface barrier (the building) over the remaining soil/groundwater contamination to prevent it from impacting human health and the environment.

The cap maintenance plan includes the following:

- The building over the impacted soil/groundwater will be inspected annually on the outside for surface water drainage concerns which may cause erosion near the building foundation. This includes ensuring roof drains or other drains are properly drained away from the building.
- The building floor will also be inspected on the inside for any major cracks or fissures. If any cracks or fissures develop, they would be filled with a compatible sealant.
- Any work inside the building which disturbs or damages the integrity of the building floor requires that the floor be restored to a sound condition (i.e. replacement section or crack/hole filling or sealing). Soils beneath the floor, if required to be removed, shall be disposed of in accordance with applicable solid and hazardous waste rules and regulations.

Inspection results will be documented in a written log, which will be kept with the current property owner at all times. Photographs may be taken, as necessary. The Department may request to see the inspection records at any time. A blank inspection/maintenance log is attached for this use. This log will be kept as long as the deed restriction requires maintenance of the building cap.