

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT

Please read the filing instructions on the reverse side BEFORE completing this form.

PART I - TO BE COMPLETED BY TRANSFEROR (Please Type or Print Legibly)

TRANSFEROR Name Robert Bruce Haxton II & Donna D. Haxton Social Security No. 478-56-1637
(or Federal I.D. No.)
Address 840 Maple St. Waukee Iowa 50263
Number and Street or RR City, Town or P.O. State Zip
TRANSFeree Name Gerald Waltz & Judy Burkhead Waltz Social Security No. 483-62-2838
(or Federal I.D. No.)
Address 518 S. Division St. Stuart Iowa 50250
Number and Street or RR City, Town or P.O. State Zip
Address of Property Transferred R.R. Dexter Iowa 50070
Number and Street City, Town or P.O. State Zip
Legal Description of Property See legal description attached hereto.

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.
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.
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 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 or tanks on this property. The type(s), size(s), and substance(s) contained are described below.

Information, if any, required by statements checked above:

There are three (3) wells located on the property; one well is located 30 feet South of the main barn; the second well is located 60 feet east of the house; the third well is located northeast corner of 5.76 acres.

6-2-1989
GW2370
BK 125 PG 612

Attachment for Additional Information? Y/N If so, number of pages _____

I HEREBY DECLARE THAT THE INFORMATION CONTAINED IN PART I OF THIS STATEMENT IS TRUE AND CORRECT.

Signature: Robert Bruce Haxton II Telephone Number: (515) 987-4228
Robert Bruce Haxton II (Transferor)

PART II - TO BE COMPLETED BY RECORDER

Date of Instrument 5-5-89 Book/I.D. 125 Page/I.D. 612
Date of Recording 6-2-89 ☒ City or Township Penn
☐ Deed ☒
☐ Contract ☐ County Madison

INSTRUCTIONS FOR COMPLETING GROUNDWATER HAZARD STATEMENT

Transferor of real property is required to complete Part I of this form. The purpose of the statement is to satisfy legal requirements for filing instruments of conveyance of real property with the County Recorder (1987 Iowa Acts, H.F. 631, Sec. 307). The department of natural resources does not approve or disapprove of property transfers based on these statements. The statement must be signed by the person transferring the property interest, or that person's agent.

For the most part the information requested is clear (name, address, SSN, etc.). One statement under each of the numbered items (1, 2, 3, and 4) must be checked, and if one or more of the statements checked requires the transferor to provide additional information, that information is to be provided in Part I. Relate the additional information to the specific category of facility (well, etc.) by numbering it with the corresponding number (1, 2, 3, 4). If additional space is needed, type or print it legibly on a separate sheet or sheets, complete the statements at the end of Part I, and attach the additional information to all copies of the form. When describing the location of a facility on the property, be reasonably precise, such as a specific distance and general direction from a landmark or corner of the property. A professional survey is not necessary. The following definitions are for use in completing the form.

1. Wells - A "well" is any excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for accessing groundwater or for diverting surface water into the ground, including abandoned wells. "Well" does not include an open ditch or drainage tiles which discharge to the surface.

If a well is an "abandoned well" or an "agricultural drainage well", this must be identified and the status of the well with respect to Iowa Code sections 455B.190 (1987 Iowa Acts, H.F. 631, Sec. 305) and 159.29 (1987 Iowa Acts, H.F. 631, Sec. 303), respectively, must be stated. An "abandoned well" is a well no longer in use or in such state of disrepair that continued use is unsafe or impracticable. Abandoned wells are to be properly plugged in accordance with a prioritized schedule to be developed by rule of the department of natural resources. (The schedule is not yet developed.)

An "agricultural drainage well" is a well constructed for the purpose of draining, or which drains, water from agricultural land to an aquifer (underground), excluding drainage tile intakes which outlet to the surface. Agricultural drainage wells are required to be registered with the department by January 1, 1988, and the owner of the well and of the land drained by the well are to develop a plan proposing alternatives to the use of the well by January 1, 1991. (See 1987 Iowa Acts, H.F. 631, Sec. 303.)

2. Solid Waste - "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid material. It does not include dirt, stone, brick, or similar inorganic material used for fill, as long as no other solid waste is included. See 567--100.2(455B), Iowa Administrative Code (I.A.C.) for further definitions. A "disposal site" is any area on the property on, in, or under which solid waste has been disposed, whether or not the disposal is regulated by the department.

If the transferor or agent has not received notice from the department of natural resources that the disposal site has been deemed to be potentially hazardous, there is no duty to inquire to the department.

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% 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. EXCLUDED ARE:

- a. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- 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.