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| ***Remediation template: Affidavit Concerning Real Property Contaminated with Hazardous Substances****Delete the above text all red-italicized instructions before printing.**Leave three inches of space above title for recording information.* |

**AFFIDAVIT CONCERNING REAL PROPERTY**

**CONTAMINATED WITH HAZARDOUS SUBSTANCES**

STATE OF MINNESOTA )

 ) ss. ***Preferred ID*** *Enter BF# or SR#*

COUNTY OF NAME OF COUNTY)

 Name of affiant, the Title Select either "of" or "on behalf of" Name of company, as owner of the real property described herein, being duly sworn, states the following under oath:

 1. This Affidavit is made pursuant to Minn. Stat. § 115B.16, subd. 2, which requires that before any transfer of ownership of any property which the owner knows is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property and disclosing to any potential transferees: a) that the property has been used to dispose of hazardous waste or that the property is contaminated by a release of a hazardous substance(s); b) the identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or reasonably ascertainable; and c) that the use of the property or some portion of it may be restricted as provided in Minn. Stat. § 115B.16, subd. 1.

 2. Name(s) Select “is the owner of” or “are the owners of” certain real property located at Street address, if available, Name of City or Town in Name of County County, State of Minnesota, with parcel identification number(s) Enter PIN(s), as shown on **Exhibit 1** and legally described in **Exhibit 2** (hereinafter the “Property”).

 3. Describe the use of the property that resulted in the contamination and recite any relevant subsequent history of the property. Describe how and when the owner came to own the property.

 4. Enter the facts about the involvement of the Minnesota Pollution Control Agency (MPCA) with the property, such as through the Superfund program or the Voluntary Investigation and Cleanup (VIC) program.

5. Enter the facts about any site investigation and cleanup activities that occurred with respect to the property, including a description of the basis for the residual contamination levels (e.g., type of property use, contamination not accessible, etc.). The primary purpose of this affidavit is to document existing conditions (Item 6), not to present an exhaustive history of the investigation and cleanup. Typically the investigation and cleanup can be summarized in a few paragraphs. Do not cut-and-paste paragraphs from investigation or implementation reports. That level of detail is not needed here. Details regarding the investigation and cleanup activities conducted on the Property can be found in the MPCA’s file(s) for the name of VIC or Superfund site, BF or SR#.

 6. Enter a precise description of the identity, quantity, location, and condition of the residual contamination remaining on the property. In some cases a registered or recorded survey of the area of contamination may be necessary. Available information should be summarized; do not present a sample-by-sample recitation of detected contaminants.

 7. Describe if the response action at the property includes ongoing operation and maintenance of structures or equipment, such as monitoring wells. Recite the facts about the identity, location, and circumstances of those structures or equipment. If no response actions were needed at the property, or if no response action structures or equipment remain at the property, so state.

 8. Enter any other relevant history of the property, if any, such as whether a certificate of completion or other assurance letter is expected, following the recording of this affidavit.

 9. Any person who is planning any use or activity which may adversely affect the protectiveness of the response action or which has the potential to disturb the areas of contamination

*[delete if not needed:]* or response action structures and equipment described in Item 7 above should contact the MPCA prior to commencement of the planned activities.

 10. The response action decision at the property was made by the MPCA based on the assumption that the property was to be used for Enter the type of property use. If the property use is changed, the change could associate the property owner with the release or threatened release of hazardous substances, pollutants, or contaminants and could result in a requirement for response actions at the property.

FURTHER YOUR AFFIANT SAYETH NOT.

 Owner’s name – 1st

 By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Signature of affiant)*

 Print name of affiant

 Title of affiant

 Company name

*[Enter second Owner’s name – if not needed, delete this section.]*

 Owner’s name – 2nd

 By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Signature of affiant)*

 Print name of affiant

 Title of affiant

 Company name

**ACKNOWLEDGMENT**

State of Name of state )

 ) SS.

County of Name of County)

 On \_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_, this instrument was acknowledged before me, and the facts stated herein were Select either “sworn to by” or “affirmed by” Name of affiant, Title, Name of company.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature)

Notary Public

My Commission Expires \_\_\_\_\_\_\_\_\_\_\_