



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST, P.O. BOX 9276, SPRINGFIELD, ILLINOIS 62794-9276
RENÉE CIPRIANO, DIRECTOR

RECEIVED
CLERK'S OFFICE
MAR 25 2002
STATE OF ILLINOIS
Pollution Control Board

(217) 782-9817

March 21, 2002

The Honorable Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

AC 05-48

Re: Illinois Environmental Protection Agency v. Tony Luttrell
IEPA File No. 93-02-AC; ID No. 0258095001

Dear Clerk Gunn:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Very truly yours,

Michelle M. Ryan
Assistant Counsel

Enclosures

GEORGE H. RYAN, GOVERNOR

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE
MAR 25 2002
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

TONY LUTTRELL,

Respondent.

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AC 02-48

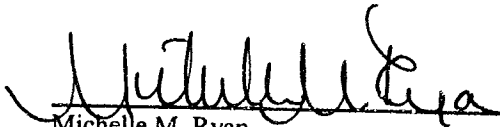
(IEPA No. 93-02-AC)

NOTICE OF FILING

To: Tony Luttrell
R.R. 2, Box 8
Xenia, Illinois 62899

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: March 21, 2002

VIOLATIONS

Based upon direct observations made by Kent Johnson during the course of his February 15, 2002 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2000).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2000).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2000), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 30, 2002, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2000), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2000), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2000), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

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PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2000). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Renee Cipriano
Renee Cipriano, Director *by wsc*
Illinois Environmental Protection Agency

Date: 3/21/02

Prepared by: Michelle M. Ryan, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

TONY LUTTRELL,

Respondent.

AC 02-48

(IEPA No. 93-02-AC)

FACILITY: Xenia/Luttrell, Tony

SITE CODE NO.: 0258095001

COUNTY: Clay

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: February 15, 2002

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

TONY LUTTRELL)

Respondent.)

AC 02-48
IEPA DOCKET NO.

93-02-AC

AFFIDAVIT

Affiant, Kent Johnson, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On February 15, 2002, between 12:52 P.M. and 1:05 P.M., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Clay County, Illinois, and known as the Tony Luttrell site by the Illinois Environmental Protection Agency. Said site has assigned site code number 0258095001.

3. Affiant inspected said Tony Luttrell site by an on-site inspection which included walking and photographing the site.

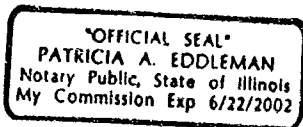
4. As a result of the material actions referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Tony Luttrell site.

Kent A. Johnson

Subscribed and Sworn to before me

this 22nd day of February, 2002.

Patricia A. Eddleman
Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)

Complainant,)

v.)

TONY LUTTRELL)

Respondent.)

AC 02-48
IEPA DOCKET NO.
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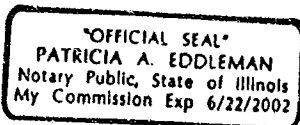
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Kent R. Johnson

Subscribed and Sworn to before me

this 22nd day of February, 2002.

Patricia A. Eddleman
Notary Public



INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: THIS ADMINISTRATIVE CITATION REFERS TO TWO SEPARATE STATE OF ILLINOIS AGENCIES. ONE IS THE ILLINOIS POLLUTION CONTROL BOARD LOCATED AT: STATE OF ILLINOIS CENTER, 100 WEST RANDOLPH STREET, SUITE 11-500, CHICAGO, ILLINOIS 60601. THE OTHER STATE AGENCY IS THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY LOCATED AT: 1021 NORTH GRAND AVENUE, EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276.

IF YOU ELECT TO CONTEST THE ENCLOSED ADMINISTRATIVE CITATION, YOU MUST FILE A PETITION FOR REVIEW WITHIN THIRTY-FIVE DAYS OF THE DATE THE ADMINISTRATIVE CITATION WAS SERVED UPON YOU. ANY SUCH PETITION FOR REVIEW MUST BE FILED WITH THE CLERK OF THE ILLINOIS POLLUTION CONTROL BOARD BY EITHER HAND-DELIVERING OR MAILING TO THE BOARD AT THE ADDRESS GIVEN ABOVE. A COPY OF THE PETITION FOR REVIEW SHOULD BE EITHER HAND-DELIVERED OR MAILED TO THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AT THE ADDRESS GIVEN ABOVE AND SHOULD BE MARKED TO THE ATTENTION OF DIVISION OF LEGAL COUNSEL.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Clay LPC#: 0258095001 Region: AC02-48
 Location/Site Name: Xenia/Luttrell, Tony Date: 02/15/2002 Time: From 12:52 PM To 1:05 PM Previous Inspection Date: 8/16/01
 Inspector(s): K. Johnson Weather: Mostly sunny, cool, damp soil, windy
 No. of Photos Taken: # 8 Est. Amt. of Waste: 25* yds³ Samples Taken: Yes # No
 Interviewed: None Complaint #: C-02-016-M

Responsible Party
 Mailing Address(es)
 and Phone Number(s):

Tony & Crystal Luttrell
 R. R. 2
 Xenia, IL 62899
 618/678-2798

RECEIVED
 FEB 25 2002
 ILL-DEPC

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE-DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Bureau of Land

0258095001 — Clay County
Xenia/Luttrell, Tony
Inspector Kent Johnson
February 15, 2002
FOS File

RECEIVED
FEB 25 2002
IEPA-DLPC

Open Dump Inspection Report Narrative

This unpermitted facility was inspected on February 15, 2002 by this author representing the Agency. The inspection took place from approximately 12:52 to 1:05 P.M., and was conducted as a follow-up inspection to an inspection conducted on August 16, 2001. Weather at the time of the inspection was mostly sunny and cool with damp soil conditions and moderate to strong wind. No interviews were conducted and no samples were taken during this inspection. Eight photos {Photos 001-008} were taken during the inspection.

General Remarks/Inspection Findings

This site is located northeast of Xenia, Illinois at approximate coordinates 360N and 360E. The access to the site is from Clay County Road 350E north of Route 50. The site is apparently owned by Tony and Crystal Luttrell, R. R. # 2, Box 8; Xenia, IL 62899. The Luttrells' phone number is 618/678-2798. The site consists of a gravel drive leading to a recently developed pond just west of what will be called the area of concern. The area of concern is along a treeline, and contains piles of concrete with protruding rebar, soil mixed with demolition debris, and one area that now has only soil, even though a large waste pile was noted in this exact location on August 16, 2001. Site conditions seem to indicate that the waste may be buried in this location.

Since there is no residence at this location, I arrived at the site and proceeded to the area of concern to make physical observations. The area noted as having a large waste pile in August of 2001 now has piles of dirt {Photos 003-006}. This location was estimated at 72' long by 24' wide. Please note that landmarks observed on both dates indicate the dirt to be exactly where the waste previously existed, and the estimated width of the waste in August of 2001 was 23' as compared to soil piles 24' wide on this date. Tracks leading from the recently developed pond lead me to believe that the dirt removed to build the pond was used to make the soil piles, and likely could have been used to cover the waste pile previously observed in that location. A track hoe (Caterpillar Model # 311, Serial # 9LJ00672 {Photo 008}) was sitting less than 50 yards north of this location.

South of the aforementioned dirt piles, I saw a pile of soil mixed with demolition debris {Photos 001-002}. This pile appeared to contain more than 250 cubic feet of material. Between the track hoe and the dirt piles, a pile of concrete with protruding rebar was observed {Photo 007}. The concrete/rebar also was estimated at more than 250 cubic feet.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

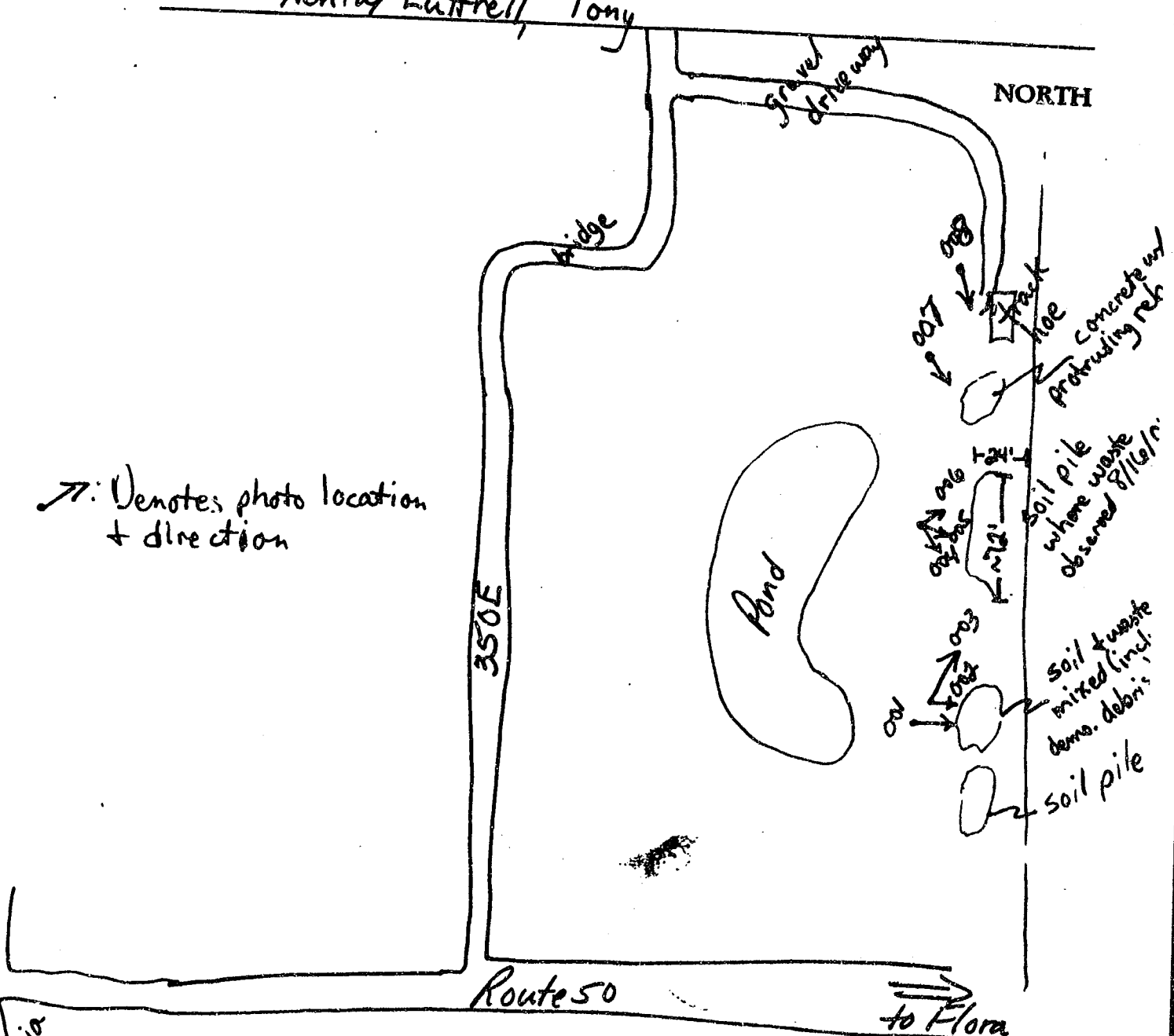
Inspection Date: February 15, 2002

Inspector: K. Johnson

LPC #: 0258095001

County: Clay

Site Name: Xenia/Luttrell, Tony



00: Denotes photo location + direction

Route 50

to Flora

Site sketch is not to scale (site dimensions shown larger than road dimensions)

to Xenia

LPC # 0258095001 - Clay County
Xenia/Luttrell, Tony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 2/15/02
TIME: 12:56 PM
DIRECTION: East
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001~02152002-001
COMMENTS:



DATE: 2/15/02
TIME: 12:56 PM
DIRECTION: East
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001~02152002-002
COMMENTS:



LPC # 025809501 - Clay County
Xenia/Luttrell, Tony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 2/15/02
TIME: 12:56 PM
DIRECTION: Northeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001-0252002-003
COMMENTS:



DATE: 2/15/02
TIME: 12:57 PM
DIRECTION: Southeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001-0252002-004
COMMENTS:



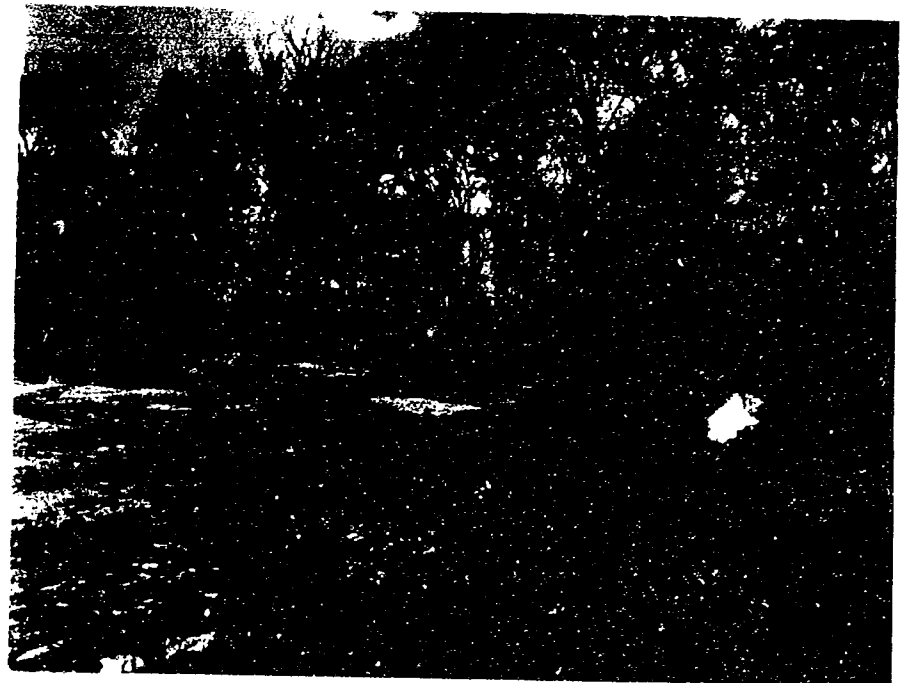
LPC # 0258095001 - Clay County
Xenia/Luttrell, Tony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 2/15/02
TIME: 12:57 PM
DIRECTION: East
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001-02152002-005
COMMENTS:



DATE: 2/15/02
TIME: 12:57 PM
DIRECTION: Northeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001-02152002-006
COMMENTS:



LPC # 0258095001 - Clay County
Xenia/Luttrell, Tony
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: 2/15/02
TIME: 1:00 PM
DIRECTION: Southeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001~02152002-007
COMMENTS:



DATE: 2/15/02
TIME: 1:01 PM
DIRECTION: South-
southeast
PHOTO by: K. Johnson
PHOTO FILE NAME:
0258095001~02152002-008
COMMENTS:



**CORPORATE
QUITCLAIM DEED**

THIS INDENTURE
WITNESSETH, that
Grantor, FIRST
NATIONAL BANK OF
KINMUNDY, an Illinois
Corporation, duly
authorized to transact
business in the State of
Illinois, for and in consid-
eration of Ten Dollars
(\$10.00) and other good and
valuable consideration, in
hand paid, the receipt of which is hereby acknowledged, and pursuant to authority given by
the Board of Directors, CONVEYS and QUITCLAIMS to:

CLAY COUNTY
REAL ESTATE
TRANSFER
11-17-98 *ll*
Tax Stamp \$1.00

STATE OF ILLINOIS 124,959
CLAY COUNTY
THIS INSTRUMENT WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF CLAY COUNTY, ABOVE SAID ON
THE 17th DAY OF November 1998
19 98 AT 0:30 O'CLOCK P.M.
AS MICROFILMED DOCUMENT #124959
Ray Mink
RECORDER

ILLINOIS CO. *Clay*
REAL ESTATE TRANSFER TAX
11-17-98 *ll*
341257
10 10 2 2
TWO DOLLARS TWO CENTS

TONY A. LUTTRELL and CRYSTAL K. LUTTRELL, Husband and Wife, as joint tenants with right of survivorship, not as tenants in common, the following described real estate, to-wit:

The NW 1/4 of the SE 1/4 of Section 34 EXCEPT five (5) acres of even width off of the South side thereof and EXCEPT ten (10) acres of even width off of the West side thereof and EXCEPT 3.066 acres platted and recorded in the Clay County, Illinois records as Document #50749, EXCEPT commencing in the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 34, thence North along the West line of the Southeast Quarter of said Section 34, also being the centerline of a Township Road, a distance of 789.62 feet to a point being located at the intersection with the centerline of a Township Road; thence North 78 degrees 35 minutes 38 seconds East along the centerline of said Township Road a distance of 250.26 feet to a point, thence South 00 degrees 42 minutes 22 seconds East a distance of 609.86 feet to an iron pin, thence North 88 degrees 31 minutes 04 seconds East a distance of 212.50 feet to an iron pin, being hereinafter known as the point of beginning; thence East 34 feet, thence North parallel with the East side of the East tract shown on a plat recorded in the Recorder's Office of Clay County, Illinois, as Document #50,748, to where said point would intersect with the center of public road, thence Southwesterly along the center of said public road to where said point intersects with the East line of the East tract on the aforesaid plat, thence South along the East side of the East tract as shown on the aforesaid plat to the point of beginning. Said tract containing .50 acres, more or less, EXCEPT a tract of land being located in the NW 1/4 of the SE 1/4 of Section 34, T3N.R5E. of the 3rd P.M., Songer Township, Clay County, Illinois, being more particularly described as follows: Commencing at the Southwest corner of the NW 1/4 of the SE 1/4 of said Section 34, thence North along the West line of said Section 34,

also being the centerline of a township road a distance of 789.62 feet to a point being located at the intersection with the center line of a township road; thence N. 78 degrees 35 minutes 38 seconds E. along the center line of said township road a distance of 250.26 feet to a point; thence S. 00 degrees 42 minutes 22 seconds E. a distance of 609.86 feet to an iron pin; thence N. 88 degrees 31 minutes 04 seconds E. a distance of 212.50 feet to an iron pin, said iron pin located at the SE corner of a tract of land platted August 15, 1980, said plat recorded as document #50,748 in the Recorder's Office of Clay County, Illinois, thence continuing N. 88 degrees 31 minutes 04 seconds E. a distance of 34.00 feet to the point of beginning of the tract of land herein described; from said point of beginning thence continuing N. 88 degrees 31 minutes 04 seconds E. a distance of 300.00 feet, thence Northerly parallel with the E. line of the tract recorded as document #50,748 to the centerline of said township road, thence Southwesterly along the centerline of said township road to a point directly North of the point of beginning, thence Southerly parallel with the E. line of the tract recorded as document #50,748 to the point of beginning, all in Section 34, T3N.R5E. of the Third Principal Meridian in Clay County, Illinois. **ALSO BEING DESCRIBED AS:**

All that part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Three (3) North, Range Five (5) East of the Third Principal Meridian in Clay County, Illinois, lying South and East of a Township Road running through said tract. **LESS AND EXCEPT** therefrom Ten (10) acres of even width off of the West side of said Northwest 1/4 of the Southeast 1/4 of Section 34; **ALSO LESS AND EXCEPT** five (5) acres off of the South side of Thirty (30) acres of even width off of the East side of said Northwest 1/4 of the Southeast 1/4 of Section 34; **ALSO LESS AND EXCEPT** that portion of said Northwest 1/4 of the Southeast 1/4 of Section 34, described as follows: Beginning at the point of intersection of the centerline of the Township Road running through said tract with the East line of Ten (10) acres of even width off of the West side of said Northwest 1/4 of the Southeast 1/4, and from said point of intersection running thence South 00 degrees 42 minutes 22 seconds East a distance of 609.86 feet to a point; thence North 88 degrees 31 minute. 04 seconds East, a distance of 546.50 feet to a point; thence North 00 degrees 42 minutes 22 seconds West to a point of intersection with the center line of said Township Road; thence in a Southwesterly direction along said centerline of the Township Road to the point of beginning; **ALSO,**

All that part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-four (34), Township Three (3) North, Range Five (5) East of the Third Principal Meridian, Clay County, Illinois, lying South and East of the Township Road running through said tract of land.

Subject to any conditions or reservations of record; leases; right-of-ways of record; previous conveyances, reservations, grants or leases of the coal, oil, gas or other minerals appearing of record; all easements of record or visible on the ground; any defects which would be disclosed by an accurate survey and inspection of the premises.

Situate in the County of Clay, State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State. IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its' officers, this 7th day of November, 1998.

Glenn Doolen

Glenn Doolen - Exec VP

FIRST NATIONAL BANK
OF KINMUNDY

Larry Ritter

Larry Ritter - VP

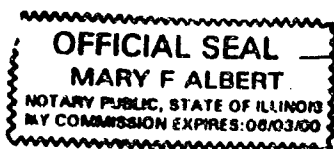
ATTEST:

STATE OF ILLINOIS)
) SS.
COUNTY OF MARION)

(Corporate Seal)



I, the undersigned, a Notary Public, in and for said County in the State of Illinois, do hereby certify that Glenn Doolen as Exec VP of the **FIRST NATIONAL BANK OF KINMUNDY**, a duly organized Illinois corporation, and Larry Ritter, as attesting officer of **FIRST NATIONAL BANK OF KINMUNDY**, who state that they are the Exec VP and VP, respectively of said corporation and personally known by me to be the officers of said corporation, and that the Corporate Seal of said corporation is affixed to this instrument is in behalf of said corporation by authority of its Board of Directors and as the free and voluntary act of said corporation, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth. Given under my hand and Notarial Seal this 7th day of November, 1998.



Mary F. Albert
NOTARY PUBLIC

PREPARED BY:
SAMUEL E. BAUERLE
ATTORNEY AT LAW
321 WEST McMACKIN STREET
SALEM, ILLINOIS 62891
(618) 548-1566

MAIL SUBSEQUENT TAXES TO:
TONY A. & CRYSTAL K. LUTTRELL
RURAL ROUTE #2, BOX 8
XENIA, ILLINOIS 62899

This instrument was prepared upon information provided by Grantor's agents and representatives and no examination of the title has been performed.

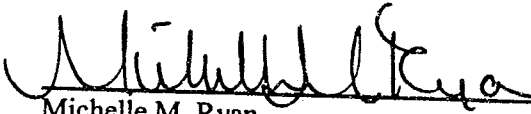
PROOF OF SERVICE

I hereby certify that I did on the 21st day of March, 2002, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Tony Luttrell
R.R. 2, Box 8
Xenia, Illinois 62899

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid.

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING SUBMITTED ON RECYCLED PAPER