

When recorded, return to:

[Name of Owner or person designated by Owner]

[Address]

**CANCELLATION (MODIFICATION) OF A
NOTICE OF VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTION
BY OWNER(S)**

[ADEQ Program Name]
[Facility Name]
[Facility Address]

CANCELLATION (MODIFICATION) OF A NOTICE OF
VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTION

This Cancellation (Modification) of a Notice of Voluntary Environmental Mitigation Use Restriction (“Cancellation”) is executed and recorded by

_____ [state the person’s full name and legal status, for example, unmarried man, husband and wife, an Arizona corporation, etc.] (“Owner”).

RECITALS

A. On _____ [date], [original owner] executed a written Notice to Voluntary Environmental Mitigation Use Restriction (“Notice”) that limited the use of the real property located at _____ [state street address or, if none, identify the nearest land references; for example, corner of Route 9 and the Arizona Canal near Bisbee, Arizona], _____ [state the name of the city, town or county], Arizona (“Property”), to nonresidential use and that required the maintenance of the institutional control(s) contained within the Notice. The Arizona Department of Environmental Quality (“ADEQ”) reviewed and approved the Notice prior to its recording.

B. The Notice was recorded in the Office of the _____ County Recorder on _____ [date] and given instrument number _____.

C. A deed setting forth the legal description of the property and illustrating property ownership is attached and marked “Exhibit 1.” A map illustrating the location of the property is attached and marked as “Exhibit 2.” The property’s tax parcel number(s) subject to this Cancellation is/are _____ . The legal description as defined in the Notice of the portion of the Property that is restricted to non-residential use and is subject to the Notice is attached and marked “Exhibit 3.”

D. ADEQ has reviewed and approves the requested modification of the Notice as stated in this Cancellation.

CANCELLATION

Now, therefore, Owner hereby cancels the Notice as follows:

1. The basis for this Cancellation is: *[state the exact terms of the cancellation]*
2. Effect of this Cancellation. All other provisions of the Notice remain in full force and effect as if this Cancellation had not been entered into.
3. Recording. After approval and signature by ADEQ, Owner shall record this Cancellation in the Office of the _____ County Recorder.
4. Effective date. This Cancellation is effective when signed by the Parties.

Owner *[state full name]*

[signature]

[current address of Owner]

Owner *[if more than one; state full name]*

[signature]

[current address of Owner]

Owner *[if more than one; state full name]*

[signature]

[current address of Owner]

October 29, 2008

Owner *[if more than one; state full name]*

[signature]

[current address of Owner]

This Cancellation of a Notice of Voluntary Environmental Mitigation Use Restriction was subscribed and sworn before me this _____ day of _____, 20__, by:

[state full name and legal status of each Owner]

Notary Public

My commission expires: _____

This Cancellation of a Notice of Voluntary Environmental Mitigation Use Restriction is approved this _____ day of _____, 20__, by the Arizona Department of Environmental Quality.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, an agency of the State of Arizona,

by:

[signature of the Department's authorized agent]

Name _____
[print name of the authorized agent]

Its _____
[state person's official title]

This Cancellation of a Notice of Voluntary Environmental Mitigation Use Restriction was subscribed and sworn before me this _____ day of _____, 20__, by the Arizona Department of Environmental Quality.

October 29, 2008

[state full name and title of Department's agent]

Notary Public

My commission expires: _____

October 29, 2008