

Responsiveness Summary
Bruce Titus Nissan Site
FSID#41363269

Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program

Site Manager: Panjini Balaraju
Public Involvement contact: Michael Bergman

Ecology received one comment on the draft Periodic (5-year) Review report for the Bruce Titus Nissan Dealership. The comment period ran from September 20 to October 22, 2012. The draft report is online at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=3481>.

Comment #1 – Ronald L. Coleman, Esq., Davies Pearson, P.C., Attorneys at Law
(See attached letter).

Ecology Response

Good morning Mr. Coleman,

Thanks for sending me a copy of the Acknowledgement of Declaration of Covenant and your letter of October 3, 2012 informing Ecology regarding the property transaction that occurred sometime in December 2002 between The Recoverable Trust of Brian Wilson and BLT Investments L.L.C., a Washington limited liability company, owned by Bruce Titus. Previously Ecology was not aware of this transaction since, Ecology was not informed by the previous property owner, Brian Wilson regarding this property transaction.

Based on your information, Ecology will update its records.



Davies Pearson

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October 3, 2012

SENT VIA EMAIL TO PBAL461@ECY.WA.GOV AND CONFIRMED BY MAIL

Department of Ecology
Attn: Panjini Balaraju
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Re: Site Name: Bruce Titus Nissan Dealership
Site Address: 4030 South Tacoma Way, Tacoma, Washington
Owner: BLT Investments, L.L.C.
Facility/Site ID: 41363269
Our File No. 12484-1

Dear Mr. Balaraju:

I have prepared and I am providing to you an original document entitled Acknowledgement of Restrictive Covenants. As you may or may not recall, the Declaration of Covenants was filed with regard to the property at issue on December 13, 2002 at a time when it was owned by Brian Wilson as Trustee of The Revocable Trust of Brian M. Wilson. Subsequently, the property was sold to BLT Investments, L.L.C., a Washington limited liability company, owned by Bruce Titus. Mr. Titus was not aware of the fact that Mr. Wilson had not notified the Department of Ecology of the transfer.

We have prepared the enclosed Acknowledgement so the Department of Ecology's records are clear as to Mr. Titus' acknowledgement of the existence of the Declaration of Covenants, as well as to advise the Department of the transfer of the property to BLT Investments, L.L.C. and to advise the Department that the current tenant is Universal Auto Group V, Inc. The use of the property has not changed and it continues to be used for the sales and service of motor vehicles.

With this information, I trust that the Department of Ecology's records will now be made current.

WHEN RECORDED RETURN TO:

**Ronald L. Coleman, Esq.
DAVIES PEARSON, P.C.
P.O. BOX 1657
TACOMA, WA 98401**

RECORDING SUMMARY

Document Title: Acknowledgement of Declaration of Covenants
Abbreviated Legal Description: A portion of the NE ¼ of the SE ¼ of S13, T20
N, R2E of W.M.
Assessor's Tax Parcel Numbers: 022013-4-014, 022013-4-015, 022013-4-016

ACKNOWLEDGEMENT

This Acknowledgement of Declaration of Covenants is entered into this 21st day of September 2012, by BLT Investments, L.L.C., a Washington limited liability company, hereinafter referred to as "BLT."

RECITALS

- A. This Acknowledgement is with regard to that certain Declaration of Covenants dated December 13, 2002 by Brian M. Wilson, Trustee of the Revocable Trust of Brian M. Wilson dated April 9, 1996, hereinafter referred to as "Declarant." The Declaration of Covenants was recorded on December 13, 2002 under Pierce County Auditor's Recording Number 200212130597.
- B. Declarant transferred its interest in the property described in the Declaration of Covenants to BLT on April 30, 2003.
- C. BLT leased the property to Tacoma Subaru, Inc. on May 1, 2003.
- D. BLT subsequently leased the property to Universal Auto Group V, Inc. on December 16, 2011.

COVENANTS

1. BLT for itself and its successors and assigns hereby acknowledges and agrees to be bound by the terms of the Declaration of Covenants identified above.
2. BLT hereby provides notice that it purchased the property from Declarant on April 30, 2003.