



October 14, 2013

Michelle Yost  
GCSW Watershed Assistance Program  
PO Box 996  
Tannersville, New York, 12485

RE: Magnotta Property 185.02-2-6  
518 High Falls Extension  
Catskill, Greene County, New York, 12414  
KA Project No. 81513.37.06

Dear Michelle:

Kaaterskill Associates (KA) is pleased to submit this Phase I Environmental Site Assessment report for the above referenced property (the site). The primary purpose of this assessment was to identify *recognized environmental conditions* in connection with the subject property. Recognized environmental conditions are defined as the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property.

In conducting this assessment, KA followed the E1527-00 American Society for Testing and Materials (ASTM) document entitled "Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment Process" for real estate.

We appreciate the opportunity to provide you with these services. Please do not hesitate to contact us at your convenience, should you have any questions or comments regarding this report or our recommendations. It has been a pleasure working with you on this project.

Sincerely,  
**Kaaterskill Associates**

Darrin Elsom, PE  
Principal Engineer

Michael P. Bliss  
Senior Environmental Project Manager

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## PHASE I ENVIRONMENTAL SITE ASSESSMENT

Phase I Environmental Site Assessment  
**Magnotta Property 185.02-2-6**  
518 High Falls Extension  
Catskill, Greene County, New York, 12414  
KA Project No. 81513.37.06

### 1.0 INTRODUCTION

On August 5, 2013, Kaaterskill Associates,(KA) was contracted by Michelle Yost (client) to conduct a Phase I Environmental Site Assessment of property referenced as tax parcel 185.02-2-6, 518 High Falls Extension, Catskill, Greene County, New York, 12414, KA Project No. 81513.37.06

This assessment conforms substantially to the scope and limitations set forth in the E1527-00 American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process." The primary purpose of this assessment was to identify *recognized environmental conditions* in connection with the subject property. ASTM defines recognized environmental conditions as the presence or likely presence of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property.

In accordance with the above-referenced agreement, Mike Bliss of KA performed a visual reconnaissance of the site, noted use of adjacent properties, and conducted historical and regulatory record research. The following provides a more detailed description of the scope of services:

- Visual assessment of the site buildings and grounds to identify potential for on-site oil or hazardous material release(s) and issues of non-compliance.
- Visual assessment of the site to assess the presence or absence of possible sources of Polychlorinated Biphenyl's (PCBs), i.e. transformers.
- Visual assessment and categorization of the use of abutting and adjacent properties as potential off-site sources of chemical contamination.
- Review of local records related to historical ownership, usage and site development.
- Review of published federal regulatory records related to on-site activities and to potential off-site sources of oil or hazardous material contamination. Federal records reviewed include, but are not limited to, the following:
  - National Priorities List (NPL)
  - Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)
  - Resource Conservation and Recovery Act (RCRA)
  - Emergency Response Notification System (ERNS)

- Review of readily available state regulatory records and publications for environmental activities related to the site and potential off-site sources of oil or hazardous material contamination. State records reviewed include, but are not limited to, the following:
  - New York List of Leaking UST Cases
  - New York CERCLIS Sites
  - New York Underground Storage Tank Database List
- Review readily available historic site documents to assess for potential on-site sources of oil or hazardous material contamination.
- Review readily available plans and documents relative to construction materials utilized at the site and any historical renovation activities.
- Determination and review of any current permits associated with the site.
- Determination for the likelihood of elevated Radon levels.
- Preparation of a Phase I Environmental Site Assessment Report.

## 2.0 PROJECT SUMMARY

On August 5, 2013, KA was contracted by the client to conduct a Phase I Environmental Site Assessment of property referenced as tax parcel 185.02-2-6, 518 High Falls Extension, Catskill, Greene County, New York, 12414, KA Project No. 81513.37.06. The scope of this assessment included a visual reconnaissance of the site, buildings and visual assessment of the surrounding properties from “curbside”, review of historical ownership and use, review of regulatory listings, and interviews. The following provides a summary of KA’s findings, conclusions, and recommendations.

### 2.1 Summary of Findings:

- **The subject site is located at 518 High Falls Extension, Catskill, Greene County, New York, 12414.** Due to flood damage from Tropical Storm Irene on August 28th 2011 at the site, the house has been vacant.

The parcel acreage is approximately .19 acres. The site is identified as tax map 185.02-2-6 by the Town of Catskill, County of Greene, N.Y. The site has become overgrown with weeds and saplings (see attached photos 1, 8, 10 & 11).

According to the Property Description Report from Greene County available site utilities included electric, water and septic both by a private source (see attached Appendix J), both of which were not visually located and there age and type of construction or design is unknown.

- **Historical Deed research.** As requested by the client past ownership was researched back only as far as the EDR report provided which was 1990 (see attached Appendix E). The client has requested not to provide this research as they are having deed research done by others.
- **FIRM Maps** The National flood insurance rate map (36039C0436F-FEMA DFIRM) shows the site in ZONE AE (see attached Appendix I), which is in the 100 year floodplain with base flood elevations determined to be approximately 315’ above sea level.
- **Sanborn Maps** There were no Sanborn Maps available for this property (see attached Appendix B).
- **Environmental Data Resources, Inc.** Records indicate no leaking USTs on site or removal of any from the site (see attached Appendix A).

## 2.2 Recommendations:

- 1 **The Property:** According to ASTM Standard practice for Environmental Site Assessments: Phase I Environmental Site Assessment process and within the scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 1.1.1 (see attached Appendix G) ASTM Designation: E 1527-00, 1.1.1 page 161), **No Recognized Environmental Conditions were observed.** The term recognized environmental conditions means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.
- 2 **The building:** On the exterior of the house suspect asbestos containing material (ACM) was observed on the roof and the flashing around the chimney. The house was locked during the first visit on September 20, 2013 but was opened by the Town of Catskill Building Inspector (John Cashin) on October 16, 2013. From within the house suspect ACM such as drywall, joint compound, linoleum flooring on the main floor and in the cellar window glazing, troweled on surfacing material on the foundation walls and pipe penetration fire stopping material. According to New York State Industrial Code Rule (CR56) Section 56-5.1 *Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair*, (see attached Appendix H), an owner or his/her agents (except the owner of one and two family dwellings, who contracts for, but does not direct or control the work), shall have a survey conducted by a certified NYS asbestos inspector to determine whether or not the building or portion thereof to be demolished, renovated, remodeled, or have repair work contains asbestos or asbestos containing material. An asbestos survey needs to be performed prior to demolishing the home.
- 3 **Heating oil tank:** The 275 gallon heating oil tank that was observed in the cellar could be considered abandoned after two years. Oil fill and vent pipes should be removed. If a tank and its related piping is abandoned for whatever reason, the tank and all piping connected to it, including the outside fill and vent piping and any piping connected to the appliance, shall be emptied of all contents, cleaned, removed from the premises or property, and disposed of in accordance with all applicable local, state and federal rules and regulations.  
  
*New York State Fire Code: 3404.2.13.1 (old NY CRR 1164.5) requires that an oil tank which is no longer going to be used (a discontinued oil storage tank) shall be opened, cleaned, and abandoned (filled in-place or removed) within ninety days of the day on which it is no longer used. Piping is also removed (Avoid accidental filling of empty abandoned tanks or leaks from pipes no longer connected to tanks!).*
- 4 **The septic.** In order to decommission the septic tank, the tank will need to be pumped clean and crushed in place, slurry or sand filled or the tank can be removed from the site.
- 5 **The well.** The well also needs to be properly decommissioned as per DOH Appendix 5B.

## **3.0 PROPERTY DESCRIPTION**

### **3.1 Site Reconnaissance**

KA representative Michael P. Bliss, Senior Environmental Project Manager conducted a site visit on September 20, 2013 between the hours of 1pm and 2pm and again on October 16, 2013 between the hours of 2pm and 4pm. The site visit consisted of a walkthrough of the site. A visual reconnaissance of neighboring properties from “curbside” was also conducted.

During the first site visit, the weather was sunny with temperatures ranging between 74 and 76 °F, during the second visit the weather was cloudy with temperatures around 65°F.

On the exterior of the house suspect asbestos containing material (ACM) was observed on the roof and the flashing around the chimney (see attached photos 7 & 8 dated September 20, 2013). The house was locked during the first visit on September 20, 2013 but was opened by the Town of Catskill Building Inspector (John Cashin) on October 16, 2013. Along the west side of the house a propane cylinder pressure regulator was observed but no cylinder (see attached photos 47 & 48 dated October 26, 2013). The tank was either removed or it was washed away by flood waters.

From within the house suspect ACM such as drywall, joint compound (see attached photos 4, 6, 9-11, 14, & 37 dated October 16, 2013), linoleum flooring on the foyer, kitchen and bathroom floor (see attached photos 1 & 35 dated October 16, 2013), and in the cellar, window glazing (see attached photo 21 dated October 16, 2013), troweled on surfacing mortar on the foundation walls (see attached photo 22 dated October 16, 2013) and furnace cement around the pipe at the chimney was observed (see attached photo 32 dated October 16, 2013). Mold was also observed on the painted drywall wall surfaces (see attached photos 0-11, & 37 dated October 16, 2013).

To the east side of the main cellar there is another cellar space for what appears to have been an addition to the original main house above (see attached photos 26 & 34 dated October 16, 2013). The door into this space was jammed by what might be a freezer that could have been knocked over from the storm water. As a result access into this space was not possible (at this time) but with a camera (see attached photos 25 & 27 dated October 16, 2013) a 275 gallon fuel tank was observed and it appeared to also be dislodged from the storm waters and was leaning over. It could not be determined how much fuel (if any) was in the tank or if any spilled during the flood. There was no smell of oil and no oil staining on the floor in the adjacent cellar space to indicate that a spill had occurred.

### **3.2 General Site Conditions**

The Greene County Property Description report (see Appendix J) identifies the property as the following:

Town of Catskill, Greene County, New York, Tax Map 185.02-2-6. The area of the site is approximately 0.19 acres.

- 1 Site: Res 1,
- 2 Property Class: 210-1 Family Res
- 3 Zoning Code: 08-RA-1.5
- 4 Neighborhood Code: 06808

### **3.3 Site Improvements**

NA

#### **3.3.3 Utilities**

1. Private water: Location and type unknown.

2. Private sewage: The building inspector believes the tank is located to the west side of the house to the south west corner of the house where a waste pipe was observed exiting the cellar wall below a window opening (see attached photo 19 dated October 16, 2013).
3. Electric service is still connected to the utility pole (See attached photos 43-46 dated October 16, 2013)
4. Propane. Although no tank was observed a propane cylinder pressure regulator was observed along the west side of the house (see attached photos 47 & 48 dated October 16, 2013).

### **3.4 Tenant Operations**

NA

### **3.5 Environmental Setting**

#### **3.5.1 Topography**

The surface elevation of the site is approximately 303 feet above mean sea level. According to the EDR Geocheck documents, page A-2, the site is sloped, generally from north to south, and east to west (SSW) in the area of the site. (See EDR page A-2)

#### **3.5.2 Surface Water and Wetlands**

According to the EDR report and FEMA map, the site is located in a flood plain, and wetland areas are in the vicinity. (See EDR page A-3)

#### **3.5.3 Subsurface Geologic Conditions**

According to information obtained from the environmental database report from Environmental Data Resource, Inc. (EDR), the surficial geology at the subject site consists of Arnot soils. This soil is a very stony- silt loam classified as soils type C/D-Drained/undrained hydrology class of soils that can be drained and classified. Depth to bedrock is 10-20". See Appendix A- EDR Geocheck Report Pg. A-4.

#### **3.5.4 Groundwater Flow**

Surface topography may be indicative of the direction of surficial groundwater flow. Based on local surface topography, groundwater flow (See EDR page A-2) is assumed to be in a south, south/east direction. The depth to groundwater at the site is unknown. Actual local groundwater flow direction can be influenced by factors such as local surface topography, underground structures, seasonal fluctuations, soil and bedrock geology, and production wells.



## **4.0 HISTORICAL RECORDS REVIEW**

### **4.1 Prior Ownership and Usage**

The owners of the property were not available to interview at the time of this assessment. Again as per the client's request, the past ownership was only traced back to 1990 by reviewing deeds provided by the EDR (see attached Appendix E).

- According to Liber 724 page 60, recorded on March 2nd, 1990, between Donald J Stegall residing at RR 1, Box 271 Catskill, NY 12414 party of the first to Rocco A. Magnotta & Marsha Magnotta, his wife residing at 5 Upland Avenue, White Plains, NY 10604 party of the second.

### **4.2 Historic Aerial Photographs**

(See attached Appendix C)

### **4.3 Sanborn Fire Insurance Maps**

There were no Sanborn Maps referencing this property (See attached Appendix B).

### **4.4 Previous Environmental Assessments**

KA has not received or reviewed any previous environmental assessment reports at the time of this assessment.

## 5.0 REGULATORY AGENCY RECORDS SEARCH

KA procured and reviewed a database report from Environmental Data Resource, Inc. (EDR). The EDR report is referenced in Appendix A. A review of databases and files from federal, state, and local environmental regulatory agencies was conducted to identify use, generation, storage, treatment or disposal of hazardous materials and chemicals, or release incidents of such materials which may impact the site. The databases discussed in the following sections address ASTM requirements. Additional federal and state databases were reviewed. Please refer to the EDR report for a detailed listing.

The federal records reviewed include Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), National Priorities List (NPL), Resource Conservation Recovery Information System (RCRIS), and Emergency Response Notification System (ERNS).

New York State records reviewed include Leaking Underground Storage Tank (LUST) Cases, Underground Storage Tank (UST) Database List, Chemical Bulk Storage (CBS) database List, Major Oil Storage Facilities (MOSF) database List, State Hazardous Waste Disposal Site (SHWS) database List, Landfills (LF) database List and New York CERCLIS sites.

According to EDR Building Permit Report (see Appendix D) they have no access to any building permits for this City. As a result, KA contacted local building officials to obtain more information about the demolition of the building which took place in February of 2012 and any other permits they had on file.

### 5.1 Federal Regulatory Records

The United States Environmental Protection Agency (USEPA) May 10, 1999 National Priorities List (NPL) records were reviewed to identify facilities within 1.0 miles of the site which the USEPA has determined to represent a possible threat to public health or the environment. The subject site was not listed, nor was any facility listed within 1.0 mile of the site.

The USEPA 05/02/2011 Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list of known, alleged, or potentially hazardous waste sites were reviewed to identify facilities within .5 miles of the site. The subject site was not listed, nor was any facilities listed within .5 mile of the site. A site's presence on the CERCLIS list does not necessarily imply federal activity at that site, nor does it indicate that hazardous conditions necessarily exist at the location.

The 08/08/2011 Resource Conservation and Recovery Information System (RCRIS) List of hazardous waste generators was reviewed. The RCRIS list identifies large quantity generators (LQG) and small quantity generators (SQG), which are facilities that generate, treat, transport, store, and dispose of hazardous waste. A facility's inclusion on this list does not necessarily indicate that hazardous conditions exist at that location. The subject site was not listed, nor was any facilities listed within 0.25 mile of the site.

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported releases of oil and hazardous material. The database contains information from spill reports made to Federal authorities including the EPA, the US Coast Guard, The National Response Center and the Department of Transportation. According to the EDR report, the site is not referenced on the ERNS List dated 11/11/2011.

## **5.2 State Regulatory Records**

The New York Department of Environmental Conservation (NYSDEC) underground storage tank (UST) database list was reviewed for facilities within a 0.25-mile radius of the site. The subject site was not listed.

The list of Leaking Underground Storage Tank (LUST) Cases were reviewed for facilities within a 0.5-mile radius of the site. The subject site was not listed,

Review of the Spills database dated 01/25/2012 was reviewed for facilities within .5-mile of radius of the site. The subject site was not listed.

Review of the Major Oil Storage Facilities Underground Storage Tank Database (MOSF UST) and the Major Oil Storage Facilities Aboveground Storage Tank Database (MOSF AST) dated 03/2/2012 did not list the site or any other facilities within .5 mile.

Review of the State Hazardous Waste Disposal Site database (SHWS) dated 11/30/2006 was reviewed for facilities within 1.0-mile of radius of the site. The subject site was not listed, nor was any facilities listed within 1.0 mile of the site.

Review of the Facility Register (LF) Database for landfill facilities within 0.5-mile of radius of the site. The subject site was not listed, nor was any facilities listed within 1.0 mile of the site.

Review of the Chemical Bulk Storage (CBS UST) Database dated 03/22/2002 was reviewed for facilities within 0.25-mile of radius of the site. The subject site was not listed, nor was any facilities listed within 0.25 mile of the site.

Review of the State and Tribal Leaking Storage Tank Lists (LTANKS) Database dated 05/21/2013 was reviewed for facilities within 0.5-mile of radius of the site. The subject site was not listed. One site was noted within the distance specified. According to a summary provided, one gallon of kerosene spilled during a fill of the storage tanks. No additional reports were filed regarding this incident, and it is considered to be inconsequential.

Included in the EDR database report is an orphan summary. This summary identifies facilities that are contained on one of the above referenced databases or lists, but that did not contain complete or accurate geographic data. Consequently, EDR was unable to map the facilities in relation to the site. The Orphan Summary (see EDR page 8) listed a few potentially contaminated sites near the target property; these sites do not appear to be a threat to the target property in the future.

## **5.3 Local Records**

Local records to review records of the prior ownership of the site were not reviewed at the Greene County Clerk's Office as per the client's request. Deeds were being researched by others. Other information obtained at the local agencies is included in other sections of this report.

## **6.0 ON-SITE ENVIRONMENTAL ASSESSMENT**

### **6.1 Storage Tanks**

#### **6.1.1 Underground Storage Tanks (USTs)**

No evidence of filler pipes for UST's was observed the day of the walk through.

#### **6.1.2 Aboveground Storage Tanks (ASTs)**

A 275 gallon fuel tank was observed and it appeared to be dislodged from the storm waters and was leaning over. It could not be determined how much fuel (if any) was in the tank or if any spilled during the flood. There was no smell of oil and no oil staining on the floor of the adjacent cellar to indicate that a spill had occurred.

### **6.2 Suspect Asbestos-Containing Materials (ACMs)**

On the exterior of the house suspect asbestos containing material (ACM) was observed on the roof and the flashing around the chimney. From within the house suspect ACM such as drywall, joint compound, linoleum flooring on the main floor and in the cellar, window glazing, troweled on surface mortar and furnace cement around the pipe at the chimney was observed.

### **6.2 Lead Based Paint**

Suspect lead based paint containing material was not observed on-site at the time of the assessment; but this does not rule out the possibility of its existence.

### **6.4 Hazardous Material Usage**

No hazardous material usage was observed on-site at the time of the assessment.

### **6.5 Solid Waste Management**

KA did not observe evidence of improper solid waste disposal during this assessment.

### **6.6 Hazardous Waste Management**

The 275 gallon heating oil tank that was observed in the cellar could be considered abandoned. Oil fill and vent pipes should be removed. If a tank and its related piping is abandoned for whatever reason, the tank and all piping connected to it, including the outside fill and vent piping and any piping connected to the appliance, shall be emptied of all contents, cleaned, removed from the premises or property, and disposed of in accordance with all applicable local, state and federal rules and regulations.

### **6.7 Polychlorinated Biphenyls (PCBs) Containing Equipment**

Any potentially PCB-containing equipment was not observed on site.

### **6.8 Water, Wastewater and Stormwater**

#### **6.8.1 Water Supply**

Water was supplied by a private source and will need to be decommissioned as per DOH Appendix 5B.

#### **6.8.2 Wastewater**

In order to decommission the septic tank, the tank will need to be pumped clean and crushed in place or

slurry or sand filled or the tank can be removed from the site.

### **6.8.3 Storm Water**

Storm water from adjacent buildings on to the site doesn't appear to be a problem. Concerns regarding any major discharge of storm water causing any erosion to neighboring property were not observed during this assessment.

### **6.9 Radon**

Radon is not a concern for this assessment (see attached EDR page A-9 for local test results).

### **6.10 Air Emissions**

There were no observed emissions from operations on site that required permitting, emission controls, or abatement activities. No additional controls were identified as being required during this assessment.

### **6.11 Permits**

Research through EDR found no building permits on file (see Appendix D).

### **6.12 Site Specific Environmental Issues**

None were observed the day of the assessment.

## **7.0 REVIEW OF NEARBY/ADJACENT PROPERTIES**

As previously discussed there was no listing of any neighboring property with a previous spill. Also the day of the walk around the property a single family residential dwelling unit to the west side of the property sustained damage from Irene and appeared to be in the process of repairs.

## **8.0 QUALIFICATIONS**

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with customary principles and practices in the fields of environmental science and engineering. KA is not responsible for the independent conclusions, opinions or recommendations made by others based on the records review, site assessment, and field exploration data presented in this report.

It should be noted that all surficial environmental assessments are inherently limited in the sense that conclusions are drawn and recommendations developed from information obtained from limited research and site evaluation. Subsurface conditions were not field investigated as part of this study and may differ from the conditions implied by the surficial observations. Additionally, the passage of time may result in a change in the environmental characteristics at this site and surrounding properties. This report does not warrant against future operations or conditions, nor does this warrant operations or conditions present of a type or at a location not investigated. This report is not a regulatory compliance audit.

This study is not intended to assess if any soil contamination, waste emplacement, or groundwater contamination exists by subsurface sampling through the completion of soil borings and the installation of monitoring wells. The scope of work, determined by KA and the client, did not include these activities.

KA reviewed past ownership of the project site only back to 1990 as per the client's request. KA is not a professional title insurance firm and makes no guarantee, explicit or implied, that the listing which was reviewed represented a comprehensive delineation of past site ownership or tenancy for legal purposes.