

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 2

OZAUKEE COUNTY

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STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2009-CX-0002

Complex Forfeiture: 30109

REGENCY HILLS  
DEVELOPMENT CORP.  
and  
POWERS LAKE  
CONSTRUCTION CO., INC.,

Defendants.

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STIPULATION AND ORDER FOR JUDGMENT AS TO REGENCY HILLS  
DEVELOPMENT CORP.

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The plaintiff State of Wisconsin brought this action against the defendants Regency Hills Development Corp. and Powers Lake Construction Co., Inc., seeking forfeitures, costs and injunctive relief for defendants' violations of Wisconsin's water pollution laws related to development activity at the Village Green site west of Highway 57 in T12N, R21E, Section 26, Village of Fredonia, Ozaukee County, Wisconsin. The State and Powers Lake Construction Co., Inc., resolved defendant Powers Lake Construction Co., Inc.'s liability in a separate stipulation and judgment. The State and the remaining defendant Regency Hills Development Corp. wish to resolve this matter without further litigation and therefore enter into this stipulation.

IT IS STIPULATED AND AGREED by the plaintiff State of Wisconsin and defendant Regency Hills Development Corp. that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The defendant Regency Hills Development Corp. shall pay a judgment in the amount of \$200,000, comprising forfeitures of \$140,052.92 for the violations described in the complaint, plus \$36,413.76 for the 26% penalty surcharge under Wis. Stat. § 814.75(18), \$14,005.29 for the 10% environmental surcharge under Wis. Stat. § 814.75(12), the \$25 court costs under Wis. Stat. § 814.63(1), the \$13 crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.75(3), the \$68 court support services surcharge as required by Wis. Stat. § 814.75(2), the \$1,400.53 jail surcharge under Wis. Stat. § 814.75(14), the \$21.50 justice information system surcharge required by Wis. Stat. § 814.75(15), plus \$5,000.00 for the costs of the Department of Natural Resources' investigation and \$3,000.00 as attorney fees for the Department of Justice under Wis. Stat. § 283.91(5).

2. Based on the defendant Regency Hills Development Corp.'s representations concerning its financial situation, the defendant Regency Hills Development Corp. shall pay the total amount of \$200,000 described in paragraph 1 above in installments of \$2,000 for each lot in the future phases of the Village Green subdivision upon which there is a successful real estate closing. Notwithstanding the sale of lots, the total amount due shall be paid no later than five years after entry of judgment.

3. Defendant Regency Hills Development Corp. shall pay the first \$5,000 by check made payable to the Department of Natural Resources and delivered to counsel for

plaintiff at the address listed below; shall pay the next \$3,000 by check payable to the Department of Justice and delivered to counsel for plaintiff at the address listed below; and shall pay the balance by checks payable to the Ozaukee County Clerk of Circuit Court and delivered to the clerk of court. Defendant shall send a photocopy of each check submitted to the clerk of court, and of the cover letter to the clerk identifying the case by name and number, to counsel for plaintiff at the address listed below.

4. The defendant Regency Hills Development Corp. represents that it has provided a full, true, and accurate presentation of the defendant Regency Hills Development Corp.'s financial conditions to the state during the negotiation of this stipulation and acknowledge that the parties have negotiated the terms of this Stipulation in good faith and in reliance on those representations.

5. If the defendant Regency Hills Development Corp. fails to mail a check for the required amount as provided in this stipulation, then defendant Regency Hills Development Corp. shall be in default of this stipulated judgment. If defendant Regency Hills Development Corp. is in default in any respect, all obligations remaining under this stipulation shall be accelerated and shall be immediately due and payable as set forth under this stipulation.

6. James Duerrwaechter is authorized to sign this stipulation for defendant Regency Hills Development Corp.

7. Except as between the parties to this action, nothing contained in this stipulation and order for judgment shall be construed as an admission of liability by the defendant Regency Hills Development Corp. in any proceeding now pending or hereafter

commenced.


8. This stipulation, as approved by the Court, shall apply to and be binding on defendant Regency Hills Development Corp. and its successors and assigns.


9. Entry and satisfaction of the judgment based on this stipulation shall fully release defendant Regency Hills Development Corp., and its officers, directors, employees and agents, of all liability for all violations described in the complaint.

10. The accompanying order for judgment and judgment may be entered incorporating the terms of this stipulation and docketed without further notice.

Dated: 4 December 2009  
J.B. VAN HOLLEN  
ATTORNEY GENERAL

Dated: 12/4/09  
REGENCY HILLS DEVELOPMENT CORP.

  
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Assistant Attorney General  
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JAMES DUERRWAECHTER  
President and Principal Officer of Defendant  
Regency Hills Development Corp.  
5008 Green Bay Road  
Kenosha, Wisconsin 53142  
(262) 945-2100

#### ORDER FOR JUDGMENT

The court approves the terms of the foregoing stipulation in *State v. Regency Hills Development Corp. and Powers Lake Construction Co., Inc.*, Case No. 09-CX-0002, which provides for the entry of judgment in favor of the State and against the defendant Regency

Hills Development Corp., along with the payment of forfeitures, assessments, costs and fees totaling \$200,000 according to a payment plan ending three years from the date of entry of judgment, and directs the clerk to enter the judgment incorporating the terms of this stipulation, and to docket the judgment, this \_\_\_\_ day of December, 2009. This is a Final Order under Wis. Stat. § 808.03(1).

IT IS SO ORDERED.

BY THE COURT:

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TOM R. WOLFGRAM  
Circuit Court Judge