

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

KENOSHA COUNTY

STATE OF WISCONSIN,

Plaintiff,

Case No. 2009-CX-0002

v.

Complex Forfeiture: 30109

REGENCY HILLS DEVELOPMENT CORP.
and JJD MASTERCRAFT BUILDERS, INC.,

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

The plaintiff State of Wisconsin brought this action against the defendants Regency Hills Development Corp. and JJD Mastercraft Builders, Inc., seeking forfeitures and costs for defendants' violations of Wisconsin's water pollution laws related to development activity at the Creekside Crossing site north of 93rd Street east of Old Green Bay Road, in the SW¼ SE¼ of Section 15, T1N, R22E, in the Village of Pleasant Prairie, Kenosha County, Wisconsin. The parties now wish to settle this action by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the parties that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The defendants shall pay a judgment in the amount of \$30,000, comprising forfeitures of \$14,505.48 for the violations described in the complaint, plus \$3,771.42 for the 26% penalty surcharge under Wis. Stat. § 814.75(18), \$1,450.55 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 \$145.05 jail surcharge under Wis. Stat. § 814.75(14), and 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 \$5,000.00 as attorney fees for the Department of Justice under Wis. Stat. § 283.91(5).

2. Based on the defendants' representations concerning their financial situation, the defendants shall pay the total amount of \$30,000 according to the following schedule:

a. Payment in the amount of \$5,000 shall be made by defendants by check payable to the Wisconsin Department of Justice and delivered to counsel for plaintiff at the address listed below by November 15, 2010.

b. Payment in the amount of \$5,000 shall be made by defendants by check payable to the Wisconsin Department of Natural Resources and delivered to counsel for plaintiff at the address listed below by November 15, 2010.

c. Payment in the amount of \$20,000 shall be made by defendants by check payable to the Kenosha County Clerk of Circuit Court and delivered to the clerk of court on or before November 15, 2011. Defendants shall send a photocopy of the 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.

3. Upon commencement of additional land disturbance activity related to the installation of utilities on the Creekside Crossing site at any time before November 15, 2011, the balance of the judgment will be payable within thirty days, as directed in paragraph 2 above.

4. The defendants and James Duerrwaechter represent that they have provided a full, true, and accurate presentation of the defendants' financial conditions to the state during the negotiation of this stipulation and they acknowledge that the parties have negotiated the terms of this Stipulation in good faith and in reliance on those representations.

5. If defendants fail to mail a check for the required amount on or before a payment date set forth in this stipulation, then defendants shall be in default of this stipulated judgment. If defendants are 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 defendants.

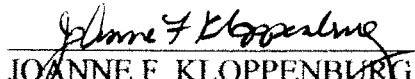
7. Except as between the parties to this action, nothing contained in this stipulation and order for judgment shall be construed as an admission of liability by the defendants in any proceeding now pending or hereafter commenced.

8. Entry and satisfaction of the judgment based on this stipulation shall fully release the defendants, and their officers, directors, employees, and agents, of all liability for all violations described in the complaint.

9. 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


JOANNE F. KLOPPENBURG
Assistant Attorney General

State Bar # 1012239
Attorneys for Plaintiff
Wisconsin Department of Justice
P. O. Box 7857
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Dated: 10/28/09

REGENCY HILLS DEVELOPMENT CORP.
JJD MASTERCRAFT BUILDERS, INC.


JAMES DUERRWAECHTER

President and Principal Officer of Defendants
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 JJD Mastercraft Builders, Inc.*, Case No. 09-CX-0002, which provides for the entry of judgment in favor of the State and against the defendants, along with the payment of forfeitures and costs totaling \$30,000 according to a payment schedule ending in November 2011, and directs the clerk to enter the judgment incorporating the terms of this stipulation, and to docket the judgment, this ____ day of November, 2009. This is a Final Order under Wis. Stat. § 808.03(1).

IT IS SO ORDERED.

BY THE COURT:

BRUCE E. SCHROEDER
Circuit Court Judge