

IN THE COURT OF COMMON PLEAS OF HARRISON COUNTY, OHIO

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN :
ATTORNEY GENERAL OF OHIO :

Plaintiff, :

CASE NO. 16128

-vs- :

~~ARGO SALES COMPANY, INC.~~ :
Rd. #3 Fernwood Road :
Wintersville, Ohio 43953, :

and :

GARY SMITH :
Rd. #3 :
Fernwood Road :
Wintersville, Ohio 43953, :

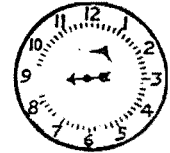
CONSENT JUDGMENT

SEP 8 '81

and :

DONALD E. WALKER, II, :
Rd. #1 :
Hopedale, Ohio, :

Defendants. :



FILED
DONALD N. JONES
Clerk of Courts Harrison County, Ohio

The complaint having been filed herein on September 4, 1981, and with Plaintiff and Defendants having consented without trial or adjudication of any issue of fact or law herein to the entry of this Consent Judgment, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors, and assigns; in addition, the provisions of this Consent Judgment shall apply to all persons, firms, and corporations having actual notice of this Consent Judgment by personal service, or otherwise, and who are in active concert or privity with the defendants to this action or their officers, directors, agents, servants, employees, successors and assigns.

II

The parties acknowledge that Defendants have not caused damage to German Township Road 164 through Defendant's activities on Walker's property.

III

Defendants shall take the following corrective measures with respect to an area of land owned by Donald E. Walker, II, and Nancy Walker, located in German Township, Harrison County, Ohio:

A. Backfill, grade, and seed the area not to be affected by construction of a dwelling pursuant to the requirements of Ohio Revised Code Chapter 1513, by November 15, 1981.

B. Backfill, grade, and re-seed the area to be affected by construction of a dwelling by November 15, 1981, unless excavation for such dwelling begins prior to that date.

C. Post a Two Thousand Dollar (\$2,000.00) certified check to the Clerk of German Township as performance bond for .2 miles of township road.

IV

The Consent Judgment shall in no way relieve Defendants of their obligations, if any, to comply with any other local, state, or federal law in any way related to the substance of this Consent Judgment.

V

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at anytime to be necessary to carryout this judgment.

Edward D. Mosser
EDWARD D. MOSSER, JUDGE

Approved and Consented To:

J. J. Bruzzese, Jr.
J. J. Bruzzese, Jr.
Freifield, Bruzzese, Wehr,
Careland & England Co., L.P.A.
600 Heritage Bank Building
Greubenville, Ohio 43952

Attorney for Defendants

William J. Brown
Attorney General of Ohio

BY: *Dominic J. Hanhet*
Dominic J. Hanhet
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Attorney for Plaintiff

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