

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

FILED

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

Plaintiff

vs

ROBERT E. GIBBS, etal

Defendants

CASE NO. 85 CIV 0815

SEP 17 2 26 PM '86

LAKE COUNTY COURT

JUDGMENT ENTRY AND
PERMANENT INJUNCTION

OFFICE OF THE ATTORNEY GENERAL
RECEIVED CLAIMS SECTION
SEP 22 PM 4:30

By stipulation and agreement of the parties hereto, it is hereby ORDERED that the following conditions shall act in full satisfaction of all outstanding motions as well as all counts in the Amended Complaint currently pending before this Court in Case No. 85 CIV 0815.

1. Judgment be and hereby is rendered in favor of plaintiff, State of Ohio, against defendants, Robert E. Gibbs and Gibbs Industrials, Inc., in the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) for a civil penalty and fine. Said TWO HUNDRED THOUSAND DOLLARS (\$200,000) includes a THIRTY THOUSAND DOLLAR (\$30,000) fine for all pending contempt of court charges and a ONE HUNDRED SEVENTY THOUSAND DOLLAR (\$170,000) civil penalty in favor of plaintiff State of Ohio. Said monies shall be paid in accordance with the following terms and conditions:

A. Ten percent (10%) interest shall accrue on said monies from the date of the filing of this Judgment Entry on all unpaid portions of the monies owed. All interest shall be added to the civil penalty and paid to the State of Ohio.

B. The payment of said monies shall be made in five (5) annual installments in accordance with the following schedule:

1. The first four (4) payments shall be credited to the principal only and shall each be in the amount of FORTY THOUSAND DOLLARS (\$40,000). The THIRTY THOUSAND DOLLAR (\$30,000) contempt fine shall be paid directly to the General Fund of the County of Lake, as a part of the first FORTY THOUSAND DOLLAR (\$40,000) payment. The remaining TEN THOUSAND DOLLARS (\$10,000), and all subsequent payments shall be paid in accordance with paragraph 1(D) below.

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2. The first payment shall be made on or before September 1, 1987, with subsequent annual payments of FORTY THOUSAND DOLLARS (\$40,000.00) to be made on or before September 1, 1988, September 1, 1989, and September 1, 1990.

3. The final payment shall be made on or before September 1, 1991. This final payment shall include the remaining FORTY THOUSAND DOLLARS (\$40,000.00) of the principal amount as well as SIXTY THOUSAND DOLLARS (\$60,000.00) in accrued interest for a total payment of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

4. In the event that no sewer line or method of sewage disposal is constructed in accordance with Paragraph 4A or 4B, then the payment schedule shall be accelerated to on or before January 1, 1987, January 1, 1988, January 1, 1989, January 1, 1990, and January 1, 1991.

C. All parties hereby represent to this Court that accelerated payments are acceptable and will serve to accordingly reduce the interest owed on September 1, 1991. At all times, however, interest shall be assessed on the outstanding unpaid balance.

D. All payments of ^{civil penalties} ~~said monies~~ shall be made to J. Michael Marous, Assistant Attorney General, State Office Building, Environmental Enforcement Section, 30 East Broad Street, Columbus, Ohio, 43215, or his successor at the Ohio Attorney General's Office and be payable to Treasurer-State of Ohio.

2. Simultaneously with the filing of this Judgment Entry, Defendants shall provide Plaintiff with two (2) Mortgage Deeds, each in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), in the name of the STATE OF OHIO for the real estate and buildings known as Defendant Gibbs' personal residence home located at 120 Johnnycake Ridge Road, Painesville, Ohio, consisting of approximately 0.579 acres and being known as part of Permanent Parcel No. 11A-007-00-002 in the Lake County Tax Records and the Gibbs Industrial Park on North Ridge Road, Painesville, Ohio, consisting of seven (7) buildings on approximately 12.24 acres and being known as Permanent Parcel Nos. 11B-029A-

00-001, 11B-029A-00-002, 11B-029A-00-003, 11B-029A-00-004 and 11B-029A-00-007 in the Lake County Tax Records. Defendant Gibbs' wife, E.L. Eighmy, aka Evelyn Gibbs, is the current title holder of record for these two (2) described properties. Said Mortgage Deeds shall be satisfied, discharged and released of record upon written confirmation by the Ohio Attorney General's Office that all monies due and owing under this Judgment Entry, including interest and any additional penalties which may become due by virtue of Paragraphs 3 and 4, have been paid.

3. If the Defendants should fail to make any installment payment on or before the dates specified in Paragraph 1B (2), (3) or (4) above, then the judgment rendered herein shall automatically be increased by an additional TWO HUNDRED THOUSAND DOLLARS (\$200,000.00). This additional TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), as well as any remaining outstanding balance on the original TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), shall then become immediately due and owing with all accumulated interest. This entire accelerated sum shall be paid to Plaintiff at the address specified in Paragraph 1D above.

4. Within ninety (90) days of the filing of this Judgment Entry, Defendants shall bring the Gibbs Industrial Park into compliance with all applicable state and county laws and regulations pertaining to solid waste disposal, open burning, sewage treatment and disposal, industrial waste treatment and disposal, water supply and building codes relating to water usage and supply. If said laws and regulations are not complied with within the ninety (90) day period, upon application by the Attorney General's Office to this Court, Defendant shall be ORDERED to immediately serve thirty (30) days consecutively in the Lake County Jail to answer for contempt of court, and shall pay the Plaintiff, in addition to all monies discussed above, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) as a penalty.

Defendants shall be deemed in compliance with this Paragraph, if they do any of the following:

A. Install, construct and commence operation of a sewer line to Painesville City or to Lake County.

B. Install, construct and commence operation of a method of sewage disposal acceptable to and approved by the Ohio Environmental Protection Agency.

C. Convert the use of the Industrial Park to a non-water use operation which is in compliance with all Ohio and County laws and regulations pertaining to the supply of water and sanitary facilities.

D. Sell the property to an informed buyer after the State of Ohio's Mortgage Deed applicable thereto has been satisfied.

E. If a foreclosure action is filed in the Lake County Court of Common Pleas prior to ninety (90) days after the filing of this Judgment Entry for said Gibbs Industrial Park property on North Ridge Road and Defendants, or any immediate relative of Defendant, Robert E. Gibbs, are no longer involved in any manner in the management, control, operation, collection or receipt of rents, or maintenance of said Gibbs Industrial Park, then Paragraph 4 shall be considered complied with until such time as Defendants, or any immediate relative of Defendant, Robert E. Gibbs, should regain control over said Gibbs Industrial Park.

F. Shut down said Gibbs Industrial Park and all non-complying business operations therein and permit no access thereto except for maintenance or storage and not reopen until compliance with Paragraph 4A-E herein.

5. Defendants shall clear and maintain in a healthy and safe condition as required by all health code regulations, the property known as Parcel No. 9 on Mantle Road Extension. This property is zoned Industrial and is recorded in the name of Evelyn Gibbs. The clearing and maintenance shall include:

A. Demolishing all structures presently located on the property in a safe manner. All debris from this demolition shall be disposed of in accordance with Ohio law.

B. Clearing and cutting of all weeds and unsightly overgrowth in accordance with Ohio law.

This Paragraph is not intended to suggest that Defendants maintain the property by landscaping but they shall maintain it in a healthy and safe condition in accordance with all Lake County Health Code Regulations.

Failure to comply with this Paragraph will result in Defendants being held in contempt of this Court.

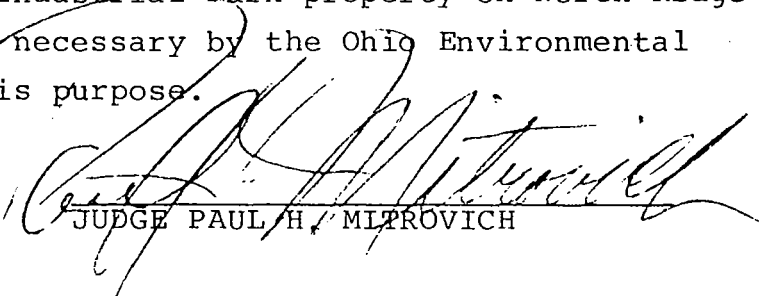
Defendants shall comply with the provisions of this paragraph within thirty (30) days of the filing of this Judgment Entry.

6. Defendants are further PERMANENTLY ENJOINED from causing or allowing the discharge or placement of sewage, industrial waste and or other waste from the aforementioned property known as Gibbs Industrial Park on North Ridge Road, Painesville, Ohio, to any property, man-holes, catch basins, sewers, pipes, drainageways, streams, highways or other areas which adjoin, abut, or are adjacent to the aforementioned Gibbs Industrial Park.

7. Defendants are further PERMANENTLY ENJOINED from causing or allowing open burning of any materials in a restricted area. All properties presently owned by Defendant Gibbs or presently operated and/or managed by him are located within the statutory restricted area, therefore, Defendant shall not cause or allow open burning on any of the properties presently owned by E.L. Eighmy, aka Evelyn Gibbs, and managed, operated and/or maintained by Defendant Gibbs.

8. For the purposes of determining compliance with this Judgment Entry and for otherwise determining compliance with Ohio and Lake County laws and regulations, representatives of the Ohio Environmental Protection Agency and the Lake County Department of Health shall be permitted access to said Gibbs Industrial Park property on North Ridge Road at reasonable times deemed necessary by the Ohio Environmental Protection Agency to achieve this purpose.

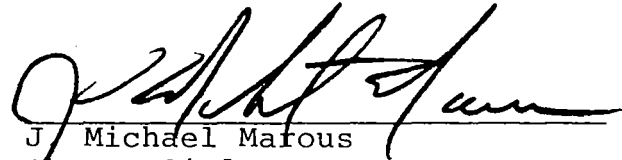
Sept 17, 1986
Date


JUDGE PAUL H. MLTROVICH

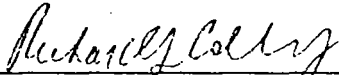
APPROVED:

STATE OF OHIO, ex rel
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

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