

IN THE COURT OF COMMON PLEAS

MORGAN COUNTY, OHIO

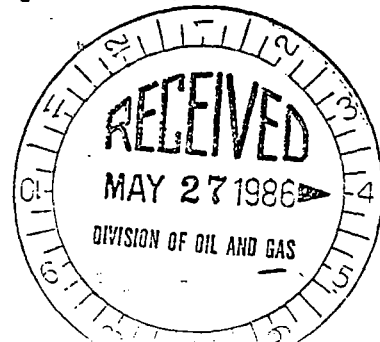
STATE OF OHIO, ex rel. : Case No. CV-83-38
ANTHONY J. CELEBREZZE, JR. : CV-83-131
ATTORNEY GENERAL OF OHIO, :
Plaintiff, :
vs. :
RESOURCES PLUS CORPORATION, et al :
Defendants. :

FILED
MORGAN COUNTY
CLERK
MAY 23 PM 3 30
James Howard Murphy

CONSENT JUDGMENT BETWEEN PLAINTIFF
AND DEFENDANT CRAIG NICHOLS

The Complaints having been filed by Plaintiff, State of Ohio, by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff"), in Case Number CV-83-38 on March 28, 1983, and in Case Number CV-83-131 on August 31, 1983; and the undersigned, Craig A. Nichols, having been named as a Defendant in each of the said cases; and the Court having ordered that the said cases be consolidated pursuant to Civ. R. 42, by Order dated January 28, 1986; and Defendant, Craig A. Nichols, on January 28, 1986, having consented to the withdrawal of his counsel, Curtis B. Nichols, for purposes of further proceedings in the above entitled cases; and the defendant, Craig A. Nichols, (hereinafter "Defendant") having consented to the entry of this Consent Judgment,

NOW THEREFORE, before the taking of testimony, without trial or adjudication of any issues of law or fact herein and without admission of any of the allegations contained in such Complaint, and upon consent of the above-stated parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:



1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 1509 and Chapter 6111 of the Ohio Revised Code, and jurisdiction over the parties hereto. Venue is proper in this Court.

2. The provisions of this Consent Judgment shall apply to and be binding upon Defendant, his agents, officers, employees, assigns, and successors in interest.

3. Plaintiff alleges in the separate Complaints, filed in Case Numbers CV-83-38 and CV-83-131, that Defendant has violated the water pollution requirements of Revised Code Chapter 1509 and Chapter 6111. Defendant denies these allegations. Compliance with the terms of the Consent Judgment shall constitute full satisfaction of any and all liability by Defendant to the State of Ohio for these alleged violations.

4. Within eighteen (18) months after entry of this Consent Judgment, Defendant shall pay to the State of Ohio a civil penalty of two thousand five hundred dollars (\$2,500.00). Defendant shall pay the first one thousand two hundred fifty dollars (\$1,250.00) of this penalty within six (6) months after entry of this Consent Judgment, except that Defendant may pay any or all of this amount after six (6) months but within eighteen (18) months provided Defendant pays interest on the balance unpaid after six (6) months at the statutory rate of ten percent (10%) per annum. Defendant shall pay the remaining one thousand two hundred fifty and 00/100ths Dollars (\$1,250.00) of the penalty within twelve (12) months after entry of this Consent Judgment, except that Defendant may pay any or all of this amount after twelve (12) months but within eighteen (18) months provided Defendant pays interest on the balance unpaid after twelve (12) months at the statutory rate of ten

percent (10%) per annum. These payments, including payments of all interest owed, shall be made by delivering to Plaintiff's counsel, for payment into the state treasury, certified checks drawn in such amounts made payable to the order of "Treasurer, State of Ohio."

5. Defendant is prohibited from violating the provisions of Ohio Revised Code Section 1509.22 by refraining from disposing of brine in a manner other than that approved by the chief of the division of oil and gas, and is prohibited from violating the provisions of Ohio Revised Code Section 6111.04.

6. Paragraph 5 of this Consent Judgment shall expire five years after the date of its journalization or upon full payment of the penalty described in paragraph 4 above, whichever occurs last.

7. By executing this Consent Judgment, Plaintiff does not discharge, release, or in any way affect any right, demand, claim, or cause of action which Plaintiff has, or may have, against any party other than Craig Nichols, and the State herein expressly reserves for further enforcement all rights, demands, claims, and causes of action which it has, or may have, against all other defendants in this action.

8. Defendant shall pay one-half (1/2) of the court costs due as of the date of the journalization of this Consent Judgment. However, should the entry of this executed Consent Judgment be at a date later than the entry of a consent judgment executed in this case by Defendant, Resources Plus Corporation, Defendant shall in addition pay all court

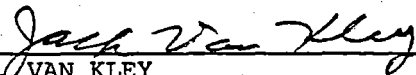
costs incurred after the entry of the Resources Plus Corporation Consent
Judgment.

Enter: _____, 1986

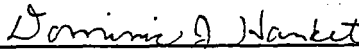

The Honorable, William H. Safranek

APPROVED:

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