

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN :
ATTORNEY GENERAL OF OHIO, :
 :
Plaintiff : Case No. 80-CV-925
 :
v. : JUDGE FORD
 :
DAVID A. WALDRON AND ASSOCIATES, : CONSENT JUDGMENT
INC., et al., :
 :
Defendants. :

The Complaint having been filed on September 8, 1980, under Sections 6111.04, 6111.07, and 6111.09 of the Ohio Revised Code; and Plaintiff and Defendant Paul Schultz by his attorneys having consented, without trial or adjudication of any issue of fact or law herein, to the entry of this Consent Judgment;

THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

1. This Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Section 6111.07 and 6111.09 of the Ohio Revised Code.

2. The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees and successors.

3. Paul Schultz has violated Revised Code Sections 6111.04 and 6111.07 by causing or allowing oil and brine to be placed on the property as described on the deed which is attached as Exhibit A where such oil and brine caused pollution of the waters of the state.

4. Section 6111.01 of the Revised Code defines the following terms in the following manner:

(A) "Pollution" means the placing of any sewage, industrial waste, or other wastes in any waters of the state.

- (C) "Industrial Waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.
- (D) "Other waste" means garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage or industrial waste, and any other "pollutants" or "toxic pollutants" as defined in the "Federal Water Pollution Control Act" that are not sewage or industrial waste.
- (H) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata, in which underground water is located, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with material surface or underground waters.

5. Defendant is permanently enjoined from violating Revised Code Sections 6111.04 and 6111.07.

6. Defendant Schultz is further enjoined from causing or allowing disposal of "industrial waste" or "other waste" as those terms are defined in Section 6111.01 of the Revised Code on the premises described on the attached Exhibit A and/or causing "pollution" of "waters of the state" as those terms are defined in Section 6111.01 of the Revised Code as a result of any activities on the premises described on the attached Exhibit A.

7. Defendant Schultz shall pay any court costs attributable to the claims asserted in the Complaint against Defendant Schultz.

8. Defendant Schultz is further ordered to allow Plaintiff to enter on to the premises described on the attached Exhibit A, after notification by Plaintiff to Defendants' attorney, for the purpose of conducting any tests which Plaintiff determines are appropriate to the investigation of any violations of Chapter 6111 of the Revised Code. The right of entry conferred by this order shall extend until February 1, 1982.

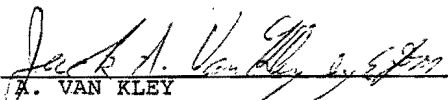
9. By executing this Consent Judgment, Plaintiff does not discharge, release, or in any way affect any right, demand, claim, or cause of action which Plaintiff has, or may have, against any party other than Paul Schultz and the State herein expressly reserves for further enforcement all rights, demands,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

HONORABLE DONALD R. FORD
JUDGE, COURT OF COMMON PLEAS

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: 
E. DENNIS MUCHNICKI
ASSISTANT ATTORNEY GENERAL

BY: 
JACK A. VAN KLEY
ASSISTANT ATTORNEY GENERAL
Environmental Law Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
(614) 466-2766
Attorneys for Plaintiff

BY: _____
WILLIAM J. URBAN, JR.
Attorney at Law
The Urban Building
444 High Street N.E.
Warren, Ohio 44481
Attorney for Defendant,
Paul Schultz

Know all Men by these Presents

That We, MITCHELL F. SHAKER and MARY K. SHAKER, Husband and Wife,
the Grantors,
who claim title by or through instrument, recorded in Volume 656, Page 233,
County Recorder's Office, for the consideration of -----
ONE DOLLAR and other valuable consideration-----Dollars (\$1.00 & o. v. p.)
received to our full satisfaction of

PAUL E. SCHULTZ, ALFRED SCHULTZ and ARTHUR SCHULTZ,

the Grantees,
whose TAX MAILING ADDRESS will be R.D. #1, Box 96, Kinsman, Ohio,
do

Give, Grant, Bargain, Sell and Convey unto the said Grantees, their
heirs and assigns, the following described premises, situated in the Township of
Kinsman, County of Trumbull and State of Ohio:

And known as being 117.82 Acres of land more or less, located in
Lot Nos. 12, 2 and 4 in Section 10 and 11 in the original survey of
said Township, and being all of the lands of the Grantors remaining
in said Sections following the appropriation of 212.73 Acres of land
by the United States of America, subject to all easements and re-
strictions of record and further excepting insofar as the same is per-
tinent the land described in Volume 110, page 94 of Trumbull County
Record of Deeds and the easement held by the State of Ohio for highway
purposes recorded in Volume 428, page 21 of said records.

REAL PROPERTY TRANSFER TAX
35 TRANSFERRED AND PAID

SEP 21 1970

In The Amount Of 9.00

W. C. Trumbur
Wm. C. TRUMBUR, County Auditor

EXHIBIT A

be the same more or less, but subject to all legal highways.

appurtenances thereof, unto the said Grantees, their heirs and assigns forever.

And we, Mitchell F. Shaker and Mary K. Shaker, the said Grantors, do for ourselves and our heirs, executors and administrators, covenant with the said Grantee s, their heirs and assigns, that and until the ensembling of these presents, we are well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever; Grantees herein assume and agree to pay taxes for the year 1969 and thereafter;

and that we will Warrant and Defend said premises, with the appurtenances thereunto belonging, to the said Grantee s, their heirs and assigns, against all lawful claims and demands whatsoever

And for valuable consideration we, Mitchell F. Shaker and Mary K. Shaker, do hereby remise, release and forever quit-claim unto the said Grantee s, their heirs and assigns, all our right and expectancy of ~~Power~~ in the above described premises.

In Witness Whereof We have hereunto set our hands, the 29th day of May, in the year of our Lord one thousand nine hundred and sixty-nine.

Signed and acknowledged in presence of Virginia M. DeMasi Kathryn M. Sprague

Mitchell F. Shaker Mary K. Shaker

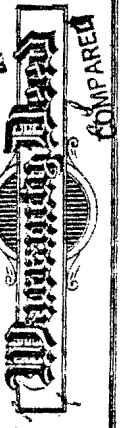
State of Ohio } Before me, a Notary Public Trumbull County, ss. in and for said County and State, personally appeared the above named Mitchell F. Shaker and Mary K. Shaker, Husband and Wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Niles, Ohio this 29th day of May, A. D. 1969.

This instrument prepared by Mitchell F. Shaker Attorney At Law, Niles, Ohio

VIRGINIA M. DeMASI, Notary Public Trumbull County, Ohio My Commission Expires October 26, 1971

719280



Mitchell F. Shaker and Mary K. Shaker

TO

Paul E. Schultz Alfred Schultz and Arthur Schultz R.D. #1, Box 96 Kinsman, Ohio

Transferred 19

COUNTY AUDITOR

State of Ohio

County of TRUMBULL \$5

Received for Record on the day of SEP 21 1970 at 9:55 o'clock A.M. and Recorded SEP 22 1970 in Book 918 Page 1265

Clare O'Brien COUNTY RECORDER Recorders fee \$3.00

This instrument prepared by Mitchell F. Shaker