

IN THE COURT OF COMMON PLEAS, WAYNE COUNTY, OHIO

STATE OF OHIO, etc.

Plaintiff

Case No. 85-CI-179

v.

~~BURTNER~~-MORGAN-STEPHENS CO., et al.

Defendants

DONALD FRYBARGER, et al.

Plaintiffs

Case No. 85-CI-093

v.

OLYMPIC RESOURCES COMPANY, et al.

Defendants

CONSENT DECREE BETWEEN PLAINTIFFS AND DEFENDANTS BURTNER-MORGAN-STEPHENS,  
AND OLYMPIC RESOURCES AND MORGAN

The Amended Complaints in the above captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. and Plaintiffs Donald W. Frybarger and Barbara J. Frybarger (hereinafter "Plaintiffs") and the Defendants, Burtner-Morgan-Stephens Co., Olympic Resources Co., and James C. Morgan II (herinafter "Defendants"), having consented to entry of this Consent Decree;

Now, therefore, without trial of any issues of law or fact, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED AS FOLLOWS:

JURISDICTION

1. This Court has jurisdiction over the subject matter herein pursuant to common law and Chapters 6111 and 3767 of the Ohio Revised Code. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

PARTIES

2. The provisions of this Consent Decree shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest, and those persons in active concert or participation with them who receive actual notice of this Decree whether by personal service or otherwise.

SATISFACTION OF LAWSUIT

3. Compliance with this Consent Decree shall be full satisfaction for the Defendants' alleged liability for the matters alleged in the Complaints and Amended Complaints. In addition, compliance with this Consent Decree shall be full satisfaction of Defendants' liability under Ohio Revised Code Section 3745.12 for the matters described in the Complaints and Amended Complaints. The Complaints and Amended Complaints are hereby dismissed with prejudice.

INSTALLATION OF WATER TREATMENT

4. Defendants shall pay the sums of \$18,220.08 to Donald W. and Barbara J. Frybarger and \$14,800.00 to William and Virginia Manicapilli, all of whom shall give all defendants a full and complete release from

any and all claims, in form satisfactory to counsel for defendants. These sums shall be paid directly to said persons (Frybargers in care of their attorney, Stephen Reilly) in full satisfaction of any and all claims alleged in the Complaints and Amended Complaints or otherwise, except that the Oil and Gas Lease made between Donald W. Frybarger and Barbara J. Frybarger and Olympic Resources Company, with all exhibits, attachments, and amendments thereto, remains in full force and effect and any royalties and/or gas allowances due thereunder are not affected hereby. Said sums are intended to be sufficient to compensate said persons for any and all damages suffered and to perform appropriate remedial work, but the use to which said sums are put is within said persons' complete discretion.

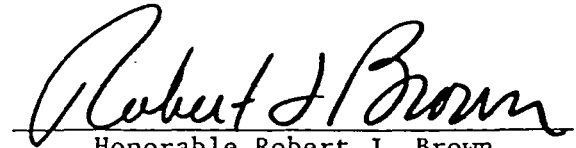
MISCELLANEOUS

5. Defendants Burtner-Morgan-Stephens Co. and Olympic Resources shall, within thirty (30) days after the entry of this Consent Decree, pay into the Immediate Removal Special Account created by Ohio Revised Code Section 3745.12 the total amount of Ten Thousand Dollars (\$10,000). This payment shall be made by delivering to Assistant Attorney General Jack VanKley a certified check in such amount made to the order of "Treasurer of the State of Ohio."

6. The motion of defendant J. C. Morgan II for summary judgment is hereby denied on the grounds it is moot.

7. Defendants shall pay court costs.

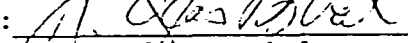
IT IS SO ORDERED.



Honorable Robert J. Brown  
Judge, Court of Common Pleas

APPROVED:

CRITCHFIELD, CRITCHFIELD & JOHNSTON

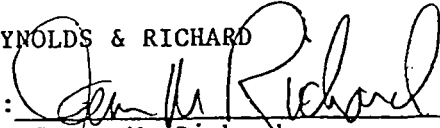
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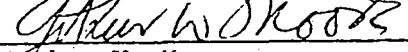
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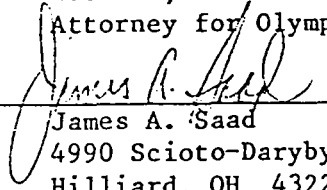
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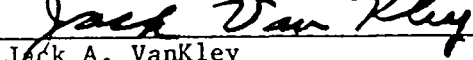
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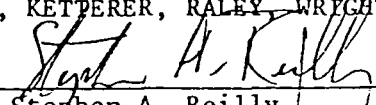
  
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