

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH *

WAUKESHA COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 2011-CX-

Complex Forfeiture: 30109

MICHAEL and SUSANNE MICHELS,

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

The plaintiff State of Wisconsin brought this action against defendants Michael and Susanne Michels, seeking forfeitures for defendants' violation of Wisconsin's water protection laws related to land disturbance and construction on Upper Nashotah Lake in Waukesha County, Wisconsin. The defendants having completed all required restoration work at the site, the parties now wish to settle this matter by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the parties that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The defendants shall pay a judgment in the amount of \$99,999, comprising forfeitures of \$67,939.80 for the violations described in the complaint, plus \$17,664.35 for the 26% penalty surcharge under Wis. Stat. § 814.77(11), \$13,587.95 for the 20%

environmental surcharge under Wis. Stat. § 814.77(5), the \$25 court costs under Wis. Stat. § 814.63(1), the \$13 crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.77(2), the \$68 court support services surcharge as required by Wis. Stat. § 814.77(1m), the \$679.40 jail surcharge under Wis. Stat. § 814.77(7), and the \$21.50 justice information system surcharge required by Wis. Stat. § 814.77(8).

2. Based on defendants' representations as to their financial situation, defendants shall pay the judgment amount of \$99,999 in 2 equal installments of \$49,999.50 each, and shall make each payment by check payable to the Waukesha County Clerk of Circuit Court and delivered to the clerk of court, along with a cover letter to the court identifying the case by name and number, on or before December 31, 2011 and December 31, 2012. Defendants shall simultaneously with each payment send a photocopy of the check and cover letter submitted to the clerk of court to counsel for plaintiff at the address listed below.

3. In addition to paying the amounts set forth in paragraphs 1 and 2 above, the defendants will by September 30, 2012, undertake additional restoration by planting, watering and thereafter maintaining \$5,000 worth of native perennials, trees, shrubs and bushes at the site that is the subject of the complaint.

4. Based on the defendants' having completed the extensive restoration and related corrective action required by the Department of Natural Resources, the Department grants defendants an after-the-fact permit under Wis. Stat. §§ 30.12(1)(a) and 30.19(1g)(c) for the work described in the complaint, as corrected and restored by the defendants.

5. Except as between the parties to this action, nothing contained in this stipulation and order for judgment shall be construed as an admission of liability by the defendants in any proceeding now pending or hereafter commenced.

6. Entry and satisfaction of the judgment based on this stipulation shall fully release the defendants of all liability for all violations described in the complaint.

7. The accompanying order for judgment and judgment may be entered incorporating the terms of this stipulation without further notice, and the judgment may be docketed pursuant to Wis. Stat. § 806.10(1):

Dated: 30 September 2011
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ORDER FOR JUDGMENT

The court approves the terms of the foregoing stipulation in *State v. Michael and Susanne Michels*, Case No. 11-CX-_____, which provides for the entry of judgment in favor of the State and against defendants Michael and Susanne Michels, along with the payment of forfeitures and statutory surcharges totaling \$99,999 in two equal installments and \$5,000 worth of additional restoration, and directs the clerk to enter the judgment incorporating the terms of this stipulation, and to docket the judgment; this _____ day of _____, 2011. This is a Final Order under Wis. Stat. § 808.03(1).

IT IS SO ORDERED.

BY THE COURT:

Circuit Court Judge