

Vermont Superior Court
Vermont Environmental Division
32 Cherry Street, 2nd Floor, Suite 303
Burlington, VT 05401



(802) 951-1740
www.vermontjudiciary.org

Docket Number: 157-11-13 Vtec

Town of Hinesburg v. Hinesburg Ctr LLC & Grabowski

September 3, 2014

Please see the enclosed ORDER issued by Judge Thomas G. Walsh on 9/3/2014

Electronically signed on September 03, 2014 at 02:22 PM pursuant to V.R.E.F. 7(d).

A handwritten signature in cursive script, reading "Diane C. Chamberlin".

Diane C. Chamberlin
Assistant Clerk

FILED

SEP - 3 2014

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

TOWN OF HINESBURG ,
Plaintiff

Vermont Superior Court

V.

Environmental Division

HINESBURG CENTER LLC and
BRET GRABOWSKI,
Defendants

Docket No. 157-11-13 VtEc

STIPULATION AND ORDER

Now come the Parties, by and through their undersigned counsel, and stipulate as follows:

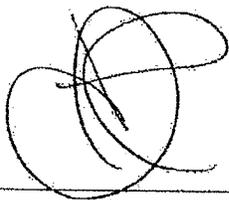
1. That the Defendants violated the Hinesburg Zoning Ordinance by leasing and permitting the occupation of four apartments prior to obtaining Certificates of Occupancy, as set forth in the Complaint.
2. That a fine of twenty-one thousand, six hundred dollars is a reasonable penalty for said violation and that said fine may be paid in twelve monthly installments of one thousand, eight hundred dollars each. Installments shall be paid by the Defendants on the first day of each month, commencing on October 1, 2014.
3. The Defendants shall be jointly and severally liable for the payment of the fine and shall contemporaneously execute a contingent assignment of their interests in the leases of the four apartments to secure the payment of said fine.

This matter having come before the Court on the stipulation of the Parties in settlement of the above-entitled matter, the Court finds as follows:

1. The Defendants violated the Hinesburg Zoning Ordinance by leasing and permitting the occupation of four apartments prior to obtaining Certificates of Occupancy.
2. A fine of twenty-one thousand, six hundred dollars is a reasonable penalty for said violation.

Whereby, it is hereby ordered that the Defendant shall pay a fine of twenty-one thousand, six hundred dollars to the Town of Hinesburg pursuant to the payment plan set forth in the stipulation above. The Defendants shall be jointly and severally liable for said amount.

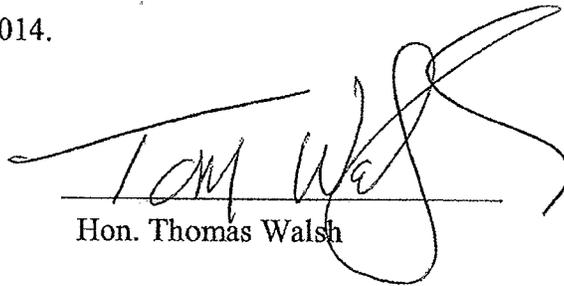
This 3rd day of September, 2014.



Carl H. Lisman,
Attorney for HINESBURG CENTER LLC and BRET GRABOWSKI,



E. M. Allen
Attorney for the Town of Hinesburg



Hon. Thomas Walsh

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

TOWN OF HINESBURG ,
Plaintiff

Vermont Superior Court

V.

Environmental Division

HINESBURG CENTER LLC and

BRET GRABOWSKI,

Docket No. 157-11-13 VtEc

Defendants

CONTINGENT ASSIGNMENT OF RENTAL PAYMENTS

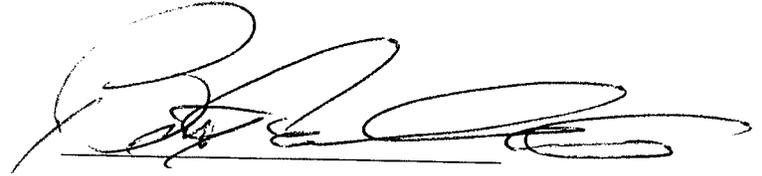
Now come the Parties and, for the purpose of securing the payment of the fine in the above-entitled matter, enter into the following agreement.

In consideration of being allowed to pay the fine over a twelve month period, the Defendants hereby assign their interest in the rental payments from the leases for 52 Farmall Drive, Unit 203; 22 Farmall Drive, Townhouse #1; 22 Farmall Drive, Townhouse #2; and 22 Farmall Drive, Townhouse #3 to the Plaintiff contingent upon the Defendants' being forty-five or more days in arrears on their payments of the fine.

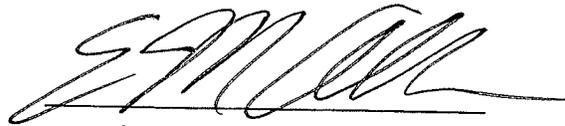
In the event that the Defendants are more than thirty days late with a payment of the fine, the Plaintiff will notify the Defendants through their attorney, Carl H. Lisman, Esq. If the payment is not received by the forty-fifth day after the payment is due, the Plaintiff is authorized to collect the rent from any or all of the tenants of the aforementioned units until the fine is fully paid. The Plaintiff will provide the

Defendants with an accounting of all rents collected pursuant to this agreement and will provide the tenants with receipts and copies of this assignment.

This 9 day of September, 2014.

A handwritten signature in black ink, appearing to read 'Brett Grabowski', written over a horizontal line.

Brett Grabowski for himself and
for Hinesburg Center LLC

A handwritten signature in black ink, appearing to read 'E. M. Allen', written over a horizontal line.

E. M. Allen, Town Agent