

STATE OF VERMONT
WASHINGTON COUNTY, SS.

STATE OF VERMONT,)
Plaintiff,)
)
v.) Washington Superior Court
) Docket No. Wncv
NELSON FARMS, INC. and)
DOUGLAS NELSON,)
Defendants.)

STIPULATION OF SETTLEMENT AND CONSENT DECREE

To resolve the allegations in the Complaint filed in the above captioned matter, Plaintiff State of Vermont and Defendants Nelson Farms, Inc. and Douglas Nelson, stipulate and agree to the following:

1. Defendants shall complete all essential maintenance practices (“EMP’s”) at the properties listed in Attachment A of the Complaint (“the properties”) as follows:
 - a. Not later than June 30, 2010 Defendants shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the lead law in the interiors of the properties;
 - b. Not later than July 30, 2010, Defendants shall have an EMP contractor who is certified by the Vermont Department of Health complete all EMPs required by the lead law on the exteriors of the properties; and
 - c. Not later than July 30, 2010, Defendants will file with the Vermont Department of Health, Defendants’ insurance carrier, and will give a copy to an adult in each rented unit of any the properties, a completed EMP compliance statement for the property, and will also provide a copy of the completed EMP compliance statement to: Robert F. McDougall, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609.
2. Defendant Douglas Nelson or his agent shall attend the EMP Training Course at the Northeast Regional Hospital, 1315 Hospital Drive, Business Center, Room 126, St. Johnsbury, VT on Tuesday, May 4, 2010 from 5 to 9 p.m.

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GENERAL
Montpelier,
Vermont 05609

3. Defendants shall report by May 15, 2010 to the Attorney General's Office, at the address listed in paragraph 1 above, the identity of the individual who attended the EMP Training Course and whether or not said individual completed the course. If the individual did not complete the course, Defendants shall identify a certified EMP contractor who will be performing the EMP work described in paragraph 1.

4. Should Defendants wish to otherwise extend any of the above dates by agreement with the Attorney General's Office, including extensions relating to any vacant properties, such request shall be made no later than 10 days in advance of the dates specified in this Consent Decree.

5. Defendants shall not rent, or offer for rent, any unit which becomes vacant in a building that is not EMP compliant until such time as the EMP work is complete and the EMP compliance statement is distributed as described in paragraph 1 above.

6. Defendants shall fully and timely comply with the requirements of the Vermont lead law, 18 V.S.A., Chapter 38, as long as he maintains any ownership or property management service interest in the properties and in any other pre-1978 rental housing in which he acquires an ownership interest.

PENALTIES

7. Not later than June 1, 2010, Defendants shall pay two thousand five hundred dollars (\$2,500.00) in civil penalties to the State of Vermont. Payment shall be made to the "State of Vermont" and shall be sent to the Attorney General's Office at the address listed in paragraph 1.

8. Unless Defendants have complied with the provisions of paragraphs 1 through 5, not later than September 1, 2010, or thirty days from any extension of time which has been

previously granted pursuant to paragraph 4, Defendant shall pay two thousand five hundred dollars (\$2,500.00) in civil penalties to the State of Vermont. Payment shall be made to the "State of Vermont" and shall be sent to the Attorney General's Office at the address listed in paragraph 1.

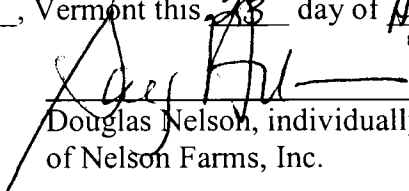
OTHER RELIEF

9. This Consent Decree is binding on Defendants, however, sale of any of the properties may not occur unless all obligations in paragraphs 1-5 and 7- 8 have been completed or this Consent Decree is amended in writing to transfer to the buyer or other transferee all remaining obligations. However, nothing in this Consent Decree in any way affects the obligations of future owners of any of the properties under Vermont law, including under the Vermont lead law.
10. Transfer of ownership of any of the properties shall be consistent with Vermont law, including the provisions of 18 V.S.A. § 1767 specifically relating to the transfer of ownership of pre-1978 rental housing.
11. This Consent Decree shall not affect marketability of title.
12. Nothing in this Consent Decree in any way affects Defendants' other obligations under state, local, or federal law.
13. In addition to any other penalties which might be appropriate under Vermont law, any future failure by Defendants to comply with the terms of this Consent Decree shall be subject to a liquidated civil penalty in the amount of ten thousand dollars (\$10,000.00) and additional penalties of no less than one thousand dollars (\$1,000.00) per violation of the Consent Decree per day for each day the violation exists.

STIPULATION

Defendants Nelson Farms, Inc. and Douglas Nelson acknowledges receipt of and voluntarily agree to the terms of this Consent Decree and waive any formal service requirements of the Complaint, Consent Decree, and Decree, Order and Final Judgment.

DATED at Montpelier, Vermont this 23rd day of April, 2010.



Douglas Nelson, individually and on behalf
of Nelson Farms, Inc.

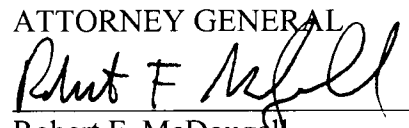
ACCEPTED on behalf of the State of Vermont:

DATED at Montpelier, Vermont this 23rd day of April, 2010.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609

DECREE, ORDER AND FINAL JUDGMENT

This Consent Decree is accepted and entered as a Decree, Order and Final Judgment of this Court in the matter of: *State of Vermont v. Nelson Farms, Inc. and Douglas Nelson*,
Docket No. _____ Wncv.

SO ORDERED.

DATED at Montpelier, Vermont this _____ day of _____, 2010.

Washington Superior Court Judge

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