

STATE OF VERMONT

SUPERIOR COURT
Vermont Unit

ENVIRONMENTAL DIVISION
Docket No. 68-5-13 Vtec

ANR v. Foss & Yartz

ENTRY REGARDING MOTION

Count 1, ANR Enforcement of Administrative Order (68-5-13 Vtec)

Title: Motion for Reconsideration (Motion 5)
Filer: Agency of Natural Resources
Attorney: John Zaikowski
Filed Date: August 8, 2014

No response filed

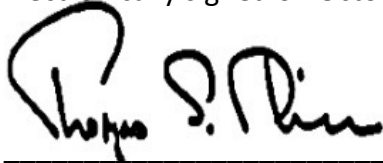
The motion is GRANTED.

In accordance with 10 V.S.A. § 8013(d), the Court does hereby reconsider and rescind its Entry Order of August 5, 2014 as follows: the injunctive award that directed Respondents Daniel Foss and Angela Yartz to complete certain remedial measures to cure the stated violations on their 10.1±-acre parcel of land along Vermont Route 100 in the Town of Hyde Park, Vermont are hereby **REINSTATED**.

The enforcement and collection of the award of \$18, 026.00 in penalties against Respondents, jointly and severally, and in favor of the Vermont Agency of Natural Resources is hereby **STAYED WHILE** Respondents' appeal to the Vermont Supreme Court remains pending, also in accordance with 10 V.S.A. § 8013(d), **PROVIDED HOWEVER** that in the event that Respondents' appeal proves to be unsuccessful, the stay imposed here shall automatically lift, and the full amount of penalties, together with interest that accrues from the July 23, 2014 Judgment Order, shall become immediately due and payable.

So ordered.

Electronically signed on October 09, 2014 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

Notifications:

John Zaikowski (ERN 4276), Attorney for Petitioner Agency of Natural Resources
Respondents Daniel Foss and Angela Yartz
Vermont Supreme Court (FYI purposes)