

State of Vermont
Superior Court – Environmental Division

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ENTRY REGARDING MOTION

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Town of Berlin vs. Magoon

Docket No. 72-6-12 Vtec

Title: Motion for Default Judgment (Filing No. 1)

Filed: October 19, 2012

Filed By: Plaintiff Town of Berlin

Response: None

X Granted ___ Denied ___ Other

Based upon a Motion for Entry of Default and Supporting Affidavit filed on behalf of the Town of Berlin (Plaintiff), the Court finds:

1. Lilian Magoon (Defendant) was properly served with the Complaint in this matter.
2. Following service, Defendant failed to enter her appearance either pro se or through counsel, and she failed to answer or file any responsive pleading.
3. The Plaintiff’s factual allegations are, therefore, treated as admitted and we conclude that the Plaintiff has made sufficient allegations showing it is entitled to judgment.

Based upon the foregoing, it is hereby ORDERED:

1. Plaintiff’s Motion for Default Judgment is GRANTED.
2. Judgment is entered in favor of Plaintiff and against Defendant as follows:
 - a. The Court finds that Defendant has violated the Zoning Regulations of the Town of Berlin, specifically Section 4.02(E) regarding the storage of uninspected motor vehicles and Section 1.03(B) by constructing building additions without obtaining a zoning permit.
 - b. Defendant is ordered to remove all uninspected vehicles from the front yard of the subject property and place them in an enclosed building or in a side or rear yard screened from view from the public road, or entirely remove the vehicles from the property.
 - c. Defendant is further ordered to take steps to either obtain all necessary permitting for the building additions or remove all building additions.
3. With respect to Plaintiff’s request for penalties, Plaintiff is directed to file with the Court on or before **Friday, November 16, 2012**, an affidavit or other evidentiary support showing the amount of penalty being requested, how it is established, and an offer of why the penalty is fair and reasonable. In the absence of this filing, the Court will hold an evidentiary hearing on the potential penalty.

Thomas G. Walsh, Judge

November 2, 2012
Date

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Date copies sent to: _____ Clerk's Initials _____

Copies sent to:
Stephen L. Cusick, Attorney for Plaintiff Town of Berlin
Lilian Magoon, Defendant