

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

Environmental Quality of MI

Plaintiff,

Case No. 12-26969-CE
Hón. Michael P. Hatty

v
Patrick Conely

Defendant.

ORDER

At a session of said court held in the City of Howell,
State of Michigan on the 12th day of
Sept, 2019.

The above matter having come before the court, and

after hearing on the concept proceeding

Now, therefore, IT IS ORDERED

that pursuant to the Order entered
this day Patrick Jay Conely shall be
released from the Livingston County Jail
forthwith

Michael P. Hatty
Michael P. Hatty P30990
Circuit Judge

Approved as to form
and substance:

[Signature]
(172189)

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 44TH JUDICIAL CIRCUIT
LIVINGSTON COUNTY

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

Case No. 12-26969-CE

v

HON. MICHAEL P. HATTY

PATRICK JAY CONELY d/b/a
SUPERIOR SANITATION,

Defendant.

Zachary C. Larsen (P72189)
Assistant Attorneys General
Michigan Department of Attorney
General
Attorneys for Plaintiff
P.O. Box 30755
Lansing, Michigan 48909
(517) 373-7540
LarsenZ@michigan.gov

David W. Brauer (P41974)
David W. Brauer, P.L.L.C.
515 E. Grand River Ave.
Howell, MI 48843
(517) 545-1998
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CONSENT ORDER RESOLVING CURRENT CONTEMPT PROCEEDING

At a session of said Court held in the Circuit
Courtrooms, Livingston County, Howell,
Michigan, on the 10 day of September, 2019.

PRESENT:

Hon. Michael P. Hatty
Judge of the 44th Circuit Court

This matter comes before the Court on the civil contempt proceeding against
Defendant Patrick Jay Conely, Sr. Under this Court's January 12, 2017 Order
Requiring a Bench Warrant to Issue and the attendant bench warrant, Defendant

Conely was jailed on September 6, 2019, which has continued through the date of this order and shall continue through the completion of the conditions identified in the following two paragraphs. Both parties having consented to resolve the current contempt proceeding as follows, and the Court being otherwise fully advised:

IT IS HEREBY ORDERED that Defendant Conely shall pay \$2,500 to Plaintiff the Department of Environment, Great Lakes, and Energy (EGLE), f/k/a MDEQ, and shall prepare and share with EGLE the financial disclosures and associated financial documents, including tax filings, that EGLE has previously identified as pertinent to Defendant Conely's claim of inability to pay;

IT IS FURTHER ORDERED that, upon confirmation by EGLE of the payment of \$2,500 and completion of the required financial disclosures, Defendant Conely shall be released from jail and the current bench warrant shall be withdrawn;

IT IS FURTHER ORDERED that, within 14 days of his release, Defendant Conely shall list the property at 9830 E. Grand River Ave. in Brighton, Michigan for sale with a licensed realtor and included within the multiple listing service (MLS) for a list price representing the fair market value of the property;

IT IS FURTHER ORDERED that the disposition of the 9830 E. Grand River Ave. property shall be made contingent upon the purchaser's removal of any underground storage tank(s) on the premises and assessment and removal of contaminated soils and upon EGLE's approval of the terms of the proposed sale, and all prospective purchasers shall be so informed by Defendant Conely;

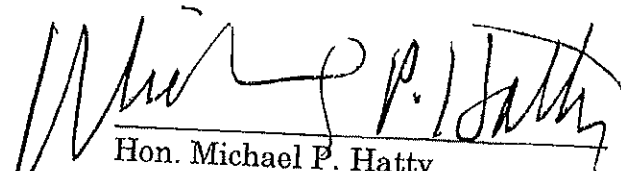
IT IS FURTHER ORDERED that Defendant Conely's counsel shall inform Plaintiff EGLE's counsel of and provide a copy to EGLE's counsel of any offers made on the 9830 E. Grand River Ave. property;

IT IS FURTHER ORDERED that, immediately upon the sale of the 9830 E. Grand River Ave. property and the satisfaction of the current property tax obligations on the property and payment of the realtor's fee and any closing costs, any and all proceeds from the sale shall be paid to the State of Michigan Department of Environment, Great Lakes, and Energy into the Environmental Response Fund (ERF) or such sub-fund of the ERF as EGLE shall designate;

IT IS FURTHER ORDERED that, in the event that Defendant Conely fails to timely perform one or more of the obligations regarding the listing or sale of the 9830 E. Grand River Ave. property identified in the preceding paragraphs, then a bench warrant for his arrest shall issue for contempt of court;

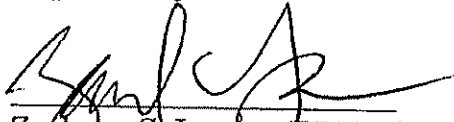
IT IS FURTHER ORDERED that nothing in this order negates or modifies any of Defendant Conely's independent obligations under this Court's prior orders or in any way prevents Plaintiff EGLE from subsequently petitioning this Court for issuance of a separate contempt order for his non-performance of such obligations.

IT IS SO ORDERED.

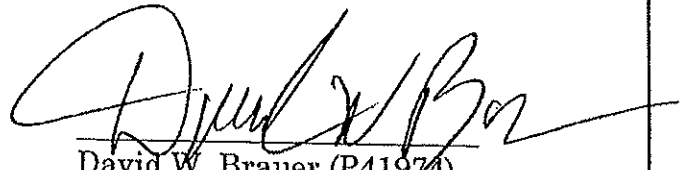

Hon. Michael P. Hatty
Circuit Court Judge
9-10-17

[Signatures of the attorneys on the next page]

Approved by the Parties:



Zachary C. Larsen (P72189)
Attorney for Plaintiff EGLE f/k/a MDEQ



David W. Brauer (P41974)
Attorney for Defendant Conely

Addendum to Order
Resolving Current Contempt Proceedings

In addition to the requirements noted in the above order, Defendant Conely's attorney shall provide to Plaintiff MDEQ's counsel within ~~5~~ ⁵ ~~7~~ _{business} days the following documents:

- The most recent 3 months worth of statements for any and all mortgages or liens on 8190 Fassett Rd., Fenton, ME 48430 and 9830 E. Grand River Ave., Brighton, ME

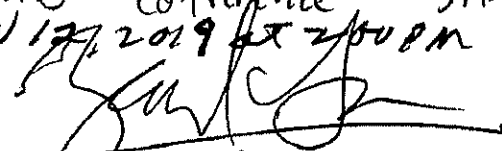
~~service on~~ Plaintiff's attorney of a notice of judgment lien shall constitute personal service of Plaintiff.


The most recent 3 months worth of electric bills & gas bills for the above properties;

The most recent 3 months of statements on any (all) auto loans or leases in Patrick Conely, Sr.'s name;

- 2012 Tax Returns;

A status conference shall be set in 60 days.
on Nov 17, 2019 at 2:00 PM

X 
Attorney for Plaintiff

X 
Attorney for Defendant

I, Katelyn Wysocki, employee of the State of Michigan Department of Environment, Great Lakes & Energy, have received from David W. Braver \$2,500 (two thousand five hundred dollars) in payment of the Consent Order Resolving Current Contempt Proceedings in Livingston County Circuit Court Case No. R-26969-CE, to be deposited as directed by EBLE's accounting service center.

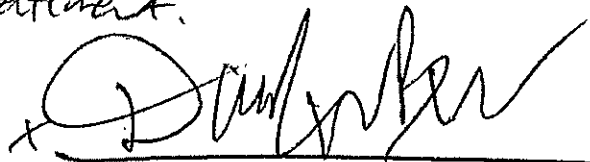
Signed:

X ~~Katelyn Wysocki~~ 9-10-19

Katelyn M. Wysocki

I, David W. Braver, on behalf of Patrick (one) Braver, paid \$2,500 (two thousand five hundred dollars) to Katelyn M. Wysocki. Consistent with ~~the~~ the above statement.

Signed

X 

David W. Braver