

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

WAUKESHA COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 10-CX-0004
Complex Forfeiture: 30109

BERG CONSTRUCTION, INC.
a domestic corporation
461 River Crest Court
Mukwonago, Wisconsin 53149,

and

CHERYL A. BERG
461 River Crest Court
Mukwonago, Wisconsin 53149,

Defendants.

FILED
IN CIRCUIT COURT
SEP 02 2011
WAUKESHA CO. WI
CIVIL DIVISION

CLERK OF CIRCUIT COURT
CIVIL DIVISION
2011 SEP -1 AM 9:59

JUDGMENT

The plaintiff, State of Wisconsin, is a sovereign state of the United States of America, with its principal offices at the State Capitol in Madison, Wisconsin.

Defendant Berg Construction, Inc. is a domestic corporation with its principal office at 461 River Crest Court, Mukwonago, Waukesha County, Wisconsin 53149. It is in the real estate development business in Waukesha and Walworth Counties.

Defendant Cheryl A. Berg is an adult resident of the State of Wisconsin, whose business address is 461 River Crest Court, Mukwonago, Wisconsin 53149. She is also President of and Registered Agent for Berg Construction, Inc.

Based on the Stipulation between the plaintiff and the defendants, and upon the Court's order, the terms of which are to be incorporated into this judgment in their entirety, judgment is hereby granted in favor of the plaintiff State of Wisconsin and against the defendants Berg Construction, Inc. and Cheryl A. Berg, in the amount of \$45,000. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$24,724.45 under Wis. Stat. §§ 283.91(2) and 281.98; \$6,428.36 for the 26% penalty surcharge provided for in Wis. Stat. § 814.75(18); \$2,472.45 for the 10% environmental surcharge provided for in Wis. Stat. § 814.75(12); the \$25 court costs pursuant to Wis. Stat. § 814.63(1); the \$13 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3); the \$68 court support services surcharge pursuant to Wis. Stat. § 814.75(2); \$247.24 for the 1% jail surcharge pursuant to Wis. Stat. § 814.75(14); the \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15); and \$11,000 for the costs of investigation and prosecution pursuant to Wis. Stat. §§ 281.98 and 283.91(5).

Defendants will pay and judgment will be entered against them and in favor of the State of Wisconsin in the amount of \$45,000.00 for the violations described in the Complaint.

The total judgment of \$45,000.00 set forth in the previous paragraph shall be paid as follows:

a) \$34,000.00 in forfeitures, court costs and surcharges payable to the Court shall be paid by check or money order made payable to the Waukesha County Clerk of Circuit Court and delivered to the Clerk of Court at the Waukesha County Courthouse, 515 West Moreland Boulevard, Waukesha, Wisconsin 53118-2428, with a letter to the clerk identifying the case by name and number. A copy of the check and cover letter shall be simultaneously mailed as proof of payment to counsel for plaintiff, Assistant Attorney General Diane Milligan, Wisconsin Department of Justice, Post Office Box 7857, Madison, WI 53707-7857.

b) Payment in the amount of \$3,000.00 shall be made by the defendant by check payable to the Department of Natural Resources and delivered to counsel for plaintiff at the address noted in paragraph a) above.

c) Payment in the amount of \$8,000.00 shall be made by the defendant by check payable to the Department of Justice and delivered to counsel for plaintiff at the address noted in paragraph a) above.

Defendants shall have five (5) years from the date of judgment to pay the amounts identified in the previous paragraph. In the event that defendants are able to sell the vacant lands on or near Mukwonago Drive and Bay View Drive in the Village of Mukwonago, Tax Key Nos. MUKV2009956001, MUKV2009954002, MUKV2009954001 and MUKV2009956007, the first \$700,000 in proceeds can be paid

to satisfy the Citizens Bank mortgage liens on those properties. The next \$45,000 in proceeds shall be paid to satisfy the judgment herein.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin and Berg Construction, Inc. and Cheryl A. Berg, and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

The terms of the Stipulation and Order for Judgment are incorporated in their entirety.

Dated this 2 day of Sept, 2011.

BY THE COURT:

Kathleen A. Madden

Suzanne A. Madden
Waukesha County Circuit Court

CLERK OF CIRCUIT COURT
CIVIL DIVISION
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