

STATE OF VERMONT

SUPERIOR COURT
ORANGE UNIT

CIVIL DIVISION
DOCKET NO. _____

**State of Vermont,
Department of Forests, Parks
and Recreation,**
Plaintiff

v.

**Bruce E. Limlaw, Ruth L. Limlaw,
and Bryce Limlaw,**
Defendants

CONSENT AND FINAL JUDGMENT ORDER

This action came before the Court pursuant to the parties filing of Pleadings by Agreement under Vermont Rule of Civil Procedure 8(g). Based upon those Pleadings by Agreement and the Stipulation for the Entry of Consent and Final Judgment Order, and pursuant to 13 V.S.A. § 3606 and the Court's inherent equitable powers, it is hereby ADJUDGED, ORDERED and DECREED as follows:

VIOLATIONS

1. Plaintiff State of Vermont, Department of Forests, Parks and Recreation (FPR) has alleged violation of 13 V.S.A. § 3606 for civil timber trespass on FPR land on Woodchuck Mountain in Newbury, Vermont.

2. Defendants admit the factual allegations set forth in paragraphs 4-9 of the Pleadings by Agreement solely for purposes of resolving this case, and neither admit nor deny liability for the alleged violation, but agree to the entry of this Consent and Final Judgment Order (Consent Order) to resolve this matter.

Defendants agree that the violation alleged in paragraph 10 of the Pleadings by Agreement is deemed proven and established as a “prior violation” in any future state proceeding that requires consideration of Defendants’ past record of compliance, such as permit review proceedings and calculating civil penalties under Title 10, section 8010.

DAMAGES

3. For the violation described above, Defendants shall pay damages in the amount of \$4,331.99 for the market value of the cut timber.

4. Defendants shall pay the damages within fourteen (14) calendar days of the Court’s entry of this Consent Order, through the Office of the Vermont Attorney General’s online payment portal:

<https://vt.accessgov.com/onlinepayment/Forms/Page/onlinepayment/ago-op/>.

BOUNDARY RESOLUTION

5. To ensure clarity of ownership, on December 23, 2024, Bruce E. Limlaw and Ruth L. Limlaw, as co-trustees of the Bruce E. Limlaw Trust and Ruth L. Limlaw Trust, and Murdo R. Limlaw conveyed land to FPR via quitclaim deed. The deed conveyed approximately 12 acres upon which the cutting occurred on Woodchuck Mountain in Newbury, Vermont. The deed describes the boundary line “as depicted by the sketch” prepared by FPR and attached to the deed, and specifically describes the conveyed land as “lying westerly of the following described line beginning at an unmarked point in the center of Legal Trail #5; Thence south 19°18’ West for a distance of 26.5’ to a ½” iron rod up 18” Thence; southwesterly

along a woven wire fence for a distance of approximately 810' to a ¾" iron rod up 24" in a stone cairn, said rod being South 15°25' East and a distance of 806.7' from last mentioned iron rod."

6. The deed and accompanying sketch were recorded with the Newbury Town Clerk on January 2, 2025, Book 187, Pages 692-695.

7. Defendants will pay the estimated cost of a new survey of the boundary line as described in the quitclaim deed and accompanying sketch, in the amount of \$6,000.

8. Defendants shall pay the \$6,000 within fourteen (14) calendar days of the Court's entry of this Consent Order. Defendants shall make the check out to "The Department of Forests, Parks and Recreation" and mail it to:

Ansley Bloomer
Business Manager
Department of Forests, Parks and Recreation
1 National Life Drive, Davis 2
Montpelier, VT 05620-3801

OTHER PROVISIONS

9. Defendants waive: (a) all rights to contest or appeal this Consent Order and (b) all rights to contest the obligations imposed upon Defendants under this Consent Order in this or any other administrative or judicial proceeding involving the State of Vermont.

10. This Consent Order is binding upon Defendants and their successors and assigns. Any change in Defendants' legal status, including but not limited to

any transfer of assets, shall in no way alter the responsibilities of Defendants or their successors and assigns under this Consent Order.

11. Nothing in this Consent Order shall be construed to create or deny any rights in, or grant or deny any cause of action to, any person not a party to this Consent Order.

12. This Consent Order shall become effective only after it is entered as an order of the Court. When entered by the Court, this Consent Order shall become a Final Judgment Order.

13. Any violation of this Consent Order shall be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties for contempt.

14. The State of Vermont and the Court reserve continuing authority and jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and circumstances set forth herein.

15. Nothing in this Consent Order shall be construed as having relieved, modified, or in any manner affected Defendants' obligations to comply with all other federal, state, or local statutes, regulations, permits, or directives applicable to Defendants. The State reserves all rights, claims, and interests not expressly waived herein.

16. Defendants shall not be liable for additional civil or criminal damages or relief with respect to the specific facts described in the Pleadings by Agreement, provided that the Defendants fully comply with the terms of this Consent Order.

17. This Consent Order may be altered, amended, or otherwise modified only by subsequent written agreement signed by the parties or their legal representatives and approved by this Court. Alleged representations not set forth in this Consent Order, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.

18. The Court hereby finds, based on the representations of the parties, that the parties have negotiated this Consent Order in good faith, that implementation of this Consent Order will avoid litigation between the parties, and that this Consent Order is fair, reasonable, and in the State of Vermont's interest.

19. The Court hereby enters this Consent Order as Final Judgment in this case.

SO ORDERED and ENTERED as FINAL JUDGMENT.

DATED at Chelsea, Vermont, this 27th day of March, 2025.

Electronically signed pursuant to V.R.E.F. 9(d)



Daniel Richardson
Superior Court Judge

Vermont Superior Court
Filed 03/27/25
Orange Unit