STATE OF SOUTH DAKOTA	)	IN CIRCUIT COURT
	:SS	
COUNTY OF PENNINGTON	)	SEVENTH JUDICIAL CIRCUIT

CITY OF RAPID CITY, a Municipal Corporation, Plaintiff, v. GEORGE FISH, CLIFFORD FISH, RANDALL MEIDINGER and FISH GARBAGE SERVICE, INC., a South Dakota Corporation, Defendants. RANDALL MEIDINGER, Third Party Plaintiff, v. JERRY WRIGHT, JOHN LEAHY, LINDA HANSEN, and DARYL BISHOP, Third Party Defendants.	Civil No. 09-2171 **CONFESSION OF JUDGMENT OF FISH GARBAGE SERVICE, INC., A SOUTH DAKOTA CORPORATION**

STATE OF SOUTH DAKOTA)
) SS:
COUNTY OF PENNINGTON)

COMES NOW, the Affiants, George Fish and Clifford Fish as shareholders, officers and directors of Fish Garbage Service, Inc., a South Dakota Corporation, and being first duly sworn upon oath, each of them deposes and state as follows:

1. At all times relevant to this litigation we have been shareholders, officers and directors of Fish Garbage Service, Inc., a South Dakota Corporation, hereinafter ("FGS").

2. At all times relevant to this litigation, the City of Rapid City ("City") had a tipping fee schedule which identified charges for refuse taken to the Rapid City Landfill, hereinafter ("Landfill"), which tipping fees schedule ("Schedule") identified fees dependent on the type of refuse dumped.

3. FGS as a licensed commercial refuse collector, licensed by the City, was aware that the Schedule identified different rates dependent on the type of refuse, and FGS was obligated to accurately identify refuse taken to the Landfill.

4. FGS at times after January, 2003 misidentified refuse taken by FGS to the Landfill so as to obtain a financial benefit for FGS and a financial loss to the City.

5. FGS understood that by misidentifying refuse taken by FGS to the Landfill, FGS would be charged less than the amount due to the City for misidentified loads and that would be a financial benefit to FGS.

6. FGS recognized that the City relied upon the representations of FGS as to the content of its loads.

7. FGS misidentified to the City the contents of a number of loads, resulting in an underpayment to City for tonnage in an amount of not less than $375,000.

8. FGS and Defendants, George Fish and Clifford Fish, entered into a Settlement Agreement with the City, a copy of which is attached as Exhibit 1 and incorporated herein by this reference.

9. The Settlement Agreement and the Confession of Judgment shall be simultaneously executed and shall be filed with the Pennington County Clerk of Court's Office, and the Court shall enter a Judgment in the amounts set forth herein against FGS which shall be subject to immediate execution and attachment.

10. Each of us individually and on behalf of FGS have been fully apprised of our legal rights as it concerns this Confession and Judgment, the Settlement Agreement and the Assignment of Promissory Note as well as any other documents executed relative to the Confession of Judgment, by our counsel of record Terry Hofer, Bangs McCullen Law Firm, who also has fully explained the consequences associated with this Confession of Judgment and all other documents.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Dated this 27 day of Aug, 2012.

Fish Garbage Service, Inc.

By: George E. Fish
George Fish
Its: VP

VERIFICATION

STATE OF SOUTH DAKOTA)
)
COUNTY OF PENNINGTON)

George Fish, being first duly sworn on oath, deposes and states that he is the VP of Fish Garbage Service, Inc., that he has read the Confession of Judgment in this matter, and that he knows the contents hereof to be true of his own knowledge, and that this Verification is made consistent with the provisions of SDCL 21-26-2.

Fish Garbage Service, Inc.

By: George E. Fish
George Fish
Its: VP

Subscribed and sworn to before me this 27th day of August, 2012.

CYNDI L. RONFELDT NOTARY SEAL PUBLIC State of South Dakota

(SEAL)

Cyndi L. Ronfeldt
Notary Public, South Dakota
My Commission Expires: 10/26/15

Dated this 27 day of Aug, 2012.

Fish Garbage Service, Inc.

By: _____
Clifford Fish
Its: President

VERIFICATION

STATE OF SOUTH DAKOTA)
)
COUNTY OF PENNINGTON)

Clifford Fish, being first duly sworn on oath, deposes and states that he is the President of Fish Garbage Service, Inc., that he has read the Confession of Judgment in this matter, and that he knows the contents hereof to be true of his own knowledge, and that this Verification is made consistent with the provisions of SDCL 21-26-2.

Fish Garbage Service, Inc.

By: _____
Clifford Fish
Its: President

Subscribed and sworn to before me this 27th day of August, 2012.

_____
Notary Public, South Dakota
My Commission Expires: 10/26/15

(SEAL)

CYNDI L. RONFELDT NOTARY SEAL PUBLIC State of South Dakota