

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

BROWN COUNTY

HILLIARD LIMITED PARTNERSHIP,

Plaintiff,

Case No. 08-CV-2265

vs.

Code No.: 30301

EVERGREEN DEVELOPMENT, LLC and
RONALD VAN DEN HEUVEL,

Defendants.

DEFENDANTS EVERGREEN DEVELOPMENT, LLC
AND RONALD VAN DEN HEUVEL'S AMENDED ANSWER TO COMPLAINT

NOW COME THE DEFENDANTS Evergreen Development, LLC, and Ronald Van Den Heuvel, by Stellflug Law, S.C., and hereby amend their answer the Complaint of the Plaintiff as follows:

1. Defendants reallege and incorporate herein by reference Paragraphs 1 through 11, inclusive, and Paragraphs 13 and 14, inclusive, with like force and effect as if fully realleged herein.

2. As to Paragraph 12 of its original Answer, Defendants hereby amend that paragraph under Affirmative Defenses in that it is hereby affirmatively alleged that at the time Plaintiff executed the Promissory Note or sometime prior thereto, Plaintiff and Defendants entered into an agreement whereby Defendants caused an affiliate, Eco Fibre, Inc., to execute a mortgage in favor of the Plaintiff to secure payment of the Promissory Note; and, in consideration for the same, Plaintiff agreed to refrain from any legal action and to postpone the due date of the Promissory Note until Eco-Fibre, Inc., completed the sale and expansion of their



facility in DePere, Wisconsin, which has not yet occurred. The mortgage was recorded July 27, 2007 as Document No. 2325129, Brown County records.

WHEREFORE, Defendants hereby demand judgment as follows:

- A. For dismissal of the Complaint with prejudice;
- B. For an award of statutory costs, disbursements and attorney fees as permitted by law;
- C. For any other and further relief that the Court may deem just and equitable.

DATED this 31st day of December, 2008.

STELLPFLUG LAW, S.C.

By: 

Michael J. Kirschling
State Bar Member No.: 1004642
C. David Stellpflug
State Bar Member No.: 1010142
Attorney for Defendants

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I CERTIFY THAT ON DECEMBER 31, 2008
I SERVED THE WITHIN DOCUMENT, BY
U.S. MAIL, POSTAGE PREPAID, PURSUANT
TO RULE 801.14(2) WIS. RULES OF CIVIL
PROCEDURE.
Stellpflug Law, S.C.

BY: 

TO: Attorney Ross J. Nova