

IN THE SUPERIOR COURT OF ELBERT COUNTY

STATE OF GEORGIA

N.E. GA. PET RESCUE, INC.
a domestic nonprofit corporation

*

*

and

*

DONALD L. GILBERT,

*

CIVIL ACTION NO.: 05EV681J

Plaintiffs

*

v.

*

ELBERT COUNTY

*

Defendant

*

* * * * *

CONSENT AGREEMENT

WHEREAS, Plaintiffs have brought this suit for declaratory and injunctive relief against Defendant, alleging that The Code of Ordinances for Elbert County, Chapter 10, Section 10-6 (hereinafter “the ordinance”) is unconstitutional; and

WHEREAS, Defendant denies the ordinance is unconstitutional or in any other manner invalid, but desires to amend the language of the ordinance to more accurately reflect its scope, effect and operation;

NOW, THEREFORE, the parties agree as follows, as evidenced by the signature of their respective counsel below:

1. Plaintiffs shall not pursue any declaratory or injunctive relief concerning the ordinance as presently worded;
2. Defendant agrees to stay enforcement of the ordinance as presently worded;

3. If Defendant amends the ordinance, it shall provide a copy of the amended ordinance to Plaintiffs' counsel sufficiently in advance of its effective date so as to provide Plaintiffs with a reasonable amount of time in which to seek judicial relief concerning the amended ordinance.

SO AGREED, THIS _____ DAY OF _____, 2005.

By:

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