



November 11, 2002

Office of Milwaukee City Clerk
Attn: Robert M Overholt
200 E Wells St, Room 205
Milwaukee, WI 53202

RE: C.I. File No. 02-S-286
Our Claim Number: KD1988
Date of Loss: 8-13-02
Our Insured Home: 5208 W Norwich

Dear Mr Overholt,

We are in receipt of your letter of October 11, 2002 in which you outline your denial of our claim. The denial is based on the heavy rain in the area and that the exercise of due diligence by the city could not prevent damage to the houses due to the heavy rain. If this were true, then all the homes on the 5200 block would have sustained damage. In reality only four of the homes sustained damage. This indicates that the storm sewer system for the balance of the block was clear and the system near the corner was sufficiently blocked to cause damage to the insured's house at 5208 and three of her neighbors while the balance of the block escaped damage..

Please revisit this loss and reconsider our request for payment.

Sincerely,

Tom McDermott
Senior Claims Representative

CITY OF MILWAUKEE
2002 NOV 12 PM 1:42
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
02 NOV 12 PM 3:58
OFFICE OF THE
CITY ATTORNEY



October 9, 2002

CITY OF MILWAUKEE
RECEIVED
'02 OCT 10 PM 1:54
OFFICE OF
CITY ATTORNEY

Office Of The City Clerk
City of Milwaukee
200 E Wells, Rm 205
Milwaukee, WI 53202

RE: Property Owner/Our Insured: Mary Kwiatkowski
Date of Loss: 8-13-02
Place of Loss: 5208 W Norwich, Milwaukee, WI 53220
Our Claim Number: KD1988
Type of Claim: Drain Back Up

Dear City Clerk,

Acuity Insurance carries the homeowners policy on Mary Kwiatkowski at 5208 W Norwich, Milwaukee, WI 53220. On 8-13-02 water backed up through the drain in the basement floor and caused damage to the building and the contents.

We have paid the sum of \$4516.50 in damages and our insured paid the sum of \$100, all for a total of \$4616.50. A copy of the proof of loss is attached.

The loss was caused by the city's failure to clean the storm sewer in front of the home. By reason of our payment we are subrogated to our insured's right of recovery and seek repayment from the city of Milwaukee. We have also placed the Office of The City Attorney on notice. They have established claim number 02-S-286 and the file is being supervised by Bob Overholt of the City Attorney Office.

Sincerely,

Tom McDermott
Senior Claims Representative

Claim Number: KD1988 Claim Adjuster: Tom McDermott
Policy Number: M14166 Agency: Robertson-Ryan
Amount of policy at time of loss: \$102,500 Date Issued: 7-26-02 Date Expires: 7-26-03

To ACUITY, A Mutual Insurance Company of Sheboygan, Wisconsin

At time of loss, by the above indicated policy of insurance you insured Mary Kwiatkowski, 5208 W Norwich, Milwaukee, WI 53220 against loss by Drain Backup to the property described under Schedule A, according to the terms and conditions of the said policy and all forms, endorsements, transfers and assignments attached thereto.

A Drain Backup loss occurred about the hour of 230 o'clock PM on the 13th day of August, 2002. The cause and origin of the said loss were Rain water backed up through the basement floor drain damaging the house and its contents.

The building described, or containing the property described, was occupied at the time of the loss as follows, and for no other purpose whatever: Residence

At the time of the loss the interest of your insured in the property described therein was sole owner. No other person or persons had any interest therein or incumbrance thereon, except: no exception.

Since the said policy was issued there has been no assignment thereof, or change of interest, use, occupancy, possession, location or exposure of the property described, except: no exception.

The total amount of insurance upon the property described by this policy at the time of the loss was \$102,500 as more particularly specified in the apportionment attached under Schedule C, besides which there was no policy or other contract of insurance, written or oral, valid or invalid.

The actual cash value of said property at the time of the loss was \$102,500.

The whole loss and damage was \$4,616.50.

The amount claimed under the above numbered policy is \$4516.50.

The said loss did not originate by any act, design or procurement on the part of your insured, or this affiant; nothing has been done by or with the privity or consent of your insured or this affiant, to violate the conditions of the policy, or render it void; no articles are mentioned herein or in annexed schedules but such as were destroyed or damaged at the time of said loss; no property saved has in any manner been concealed, and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of the above insurance company is not a waiver of any of its rights.

RELEASE AND SUBROGATION ASSIGNMENT

IN CONSIDERATION of the sum of Forty five Hundred Sixteen and 50/100 DOLLARS, paid by ACUITY, A Mutual Insurance Company, the receipt whereof is hereby acknowledged, I or we do hereby release and forever discharge the said company from all claims because of loss or damage to the above described vehicle or expense in connection therewith and resulting or to result from the above loss which occurred on or about the 13th day of August, 2002, hereby expressing myself or ourselves fully paid and satisfied for all claims against said company arising out of or as the result of said above loss under its Policy Number M14166. And in further consideration of the sum aforesaid, I or we do hereby sell, assign and subrogate to the said company, any and all claims or demands that I or we may have both at law and in equity against other party or parties because of the loss aforesaid and the damage resulting therefrom and agree to assist said company to recover from such other party or parties and the company may bring an action, therefore, in my or our name.

Date October 7, 2002

Mary Kwiatkowski (Seal)
(Signature)
Mary Kwiatkowski

State of WISCONSIN

Subscribed and sworn to before me

SS this 7th day of October, 2002
Margaret A. Stawigak
Notary Public

County of MILWAUKEE

State law, in some states, requires that we advise you of the following: A person commits insurance fraud which is a crime if he or she knowingly and with intent to defraud any insurance company or person, files a statement of claim or makes application for insurance containing any false or deceptive information.

Steamatic112 E Washington St
Milwaukee WI 53204**KWIATKOWSKI, MARY****Room: Family Room****LxWxH 35'0" x 14'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
Water extraction from floor	490.00 SF@	0.32=	156.80
Apply anti-microbial agent	490.00 SF@	0.18=	88.20
Apply anti-microbial agent 2' up walls	196.00 SF@	0.18=	35.28
Clean floor	490.00 SF@	0.24=	117.60

Room: Laundry Room**LxWxH 18'0" x 14'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
Apply anti-microbial agent 2' up walls	128.00 SF@	0.18=	23.04
Water extraction from floor	252.00 SF@	0.32=	80.64
Apply anti-microbial agent	252.00 SF@	0.18=	45.36
Clean floor	252.00 SF@	0.24=	60.48

Room: Storage**LxWxH 14'0" x 9'0" x 8'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
Apply anti-microbial agent 2' up walls	92.00 SF@	0.18=	16.56
Water extraction from floor	126.00 SF@	0.32=	40.32
Apply anti-microbial agent	126.00 SF@	0.18=	22.68
Clean floor	126.00 SF@	0.24=	30.24

KWIATKOWSKI, MARY

08/15/2002 Page: 2

Steamatic**112 E Washington St
Milwaukee WI 53204****Room: Storage****LxWxH 14'0" x 11'0" x 5'0"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
Apply anti-microbial agent 2' up walls	100.00 SF@	0.18=	18.00
Apply anti-microbial agent	154.00 SF@	0.18=	27.72
Clean floor	154.00 SF@	0.24=	36.96

Room: Staircase**Formula Stairway 10'0" x 3'0" x 8'8"**

DESCRIPTION	QNTY	UNIT COST	TOTAL
R&R Carpet - (material and labor)	56.00 SF@	2.87=	160.72
R&R Carpet pad	56.00 SF@	0.63=	35.28
Apply anti-microbial agent	56.00 SF@	0.18=	10.08
Clean floor	56.00 SF@	0.24=	13.44
Waste Rem - Carpet - (material and labor)	8.40 SF@	2.72=	22.85

Room: Miscellaneous

DESCRIPTION	QNTY	UNIT COST	TOTAL
Emergency service call - after business hours	1.00 EA@	175.00=	175.00
Dehumidifier unit (2 units for 5 days) - No monitoring	10.00 EA@	45.00=	450.00
Drying fan (2 units for 5 days) - No monitoring	10.00 EA@	27.00=	270.00
Content Manipulation & cleaning charge - per hour	20.00 HR@	28.90=	578.00

KWIATKOWSKI,MARY**08/15/2002 Page: 3**

08/15/02 09:27 STEAMATIC
Steamatic

112 E Washington St
Milwaukee WI 53204

CONTINUED - Miscellaneous

DESCRIPTION	QNTY	UNIT COST	TOTAL
Clean ductwork - Interior - vacuum & sanitize	1.00 EA@	450.00=	450.00

Grand Total Areas:

2,272.00 SF Walls

1,078.00 SF Floor

648.00 SF Long Wall

1,061.70 SF Ceiling

119.78 SY Flooring

384.00 SF Short Wall

3,333.70 SF Walls & Ceiling

290.47 LF Floor Perimeter

290.47 LF Ceil. Perimeter

Steamatic

112 E Washington St
Milwaukee WI 53204

Summary for Water

Line Item Total	2,965.25
Replacement Cost Value	2,965.25
Less Deductible	(100.00)
Net Claim	2,865.25

Czarnecki, Tony

8-19-08 Mary Kwestkowski

Items damaged:

Curtains:

2 pairs – Sheer panels @ \$24.99 each	\$ 49.98
2 pairs – Tiers @ \$11.99 each	\$ 23.98
2 Valances @ \$10.99 each	\$ 21.98
4 Raile panel @ \$17.99 each	\$ 71.96
1 Raile Valance @ \$11.99 each	\$ 11.99
1 Swag pair @ \$15.99 each	\$ 15.99

1 Lightweight summer quilt w/shams	\$ 46.00
1 Afghan (made by my mother)	\$ 23.00
1 Holiday tablecloth	\$ 24.99
1 Damask Tablecloth	\$ 34.99
w/8 napkins—set of 4 @ \$12.99 (belonged to great aunt)	\$ 25.98
1 4 piece Full sheet set	\$ 29.99
1 Sofa slip cover	\$ 79.99
1 Love seat slip cover	\$ 64.99
5 16 x 20 Wood Frames w/scenic/floral prints \$14.97 each (frame price only)	\$ 74.85
1 16 x 20 Home Interiors designer frame w/print	\$ 24.99
1 Ironing Board Cover & Pad	\$ 12.98
1 Dirt Devil upright vacuum cleaner	<u>\$ 70.00</u>

TOTAL:

\$708.63

CLAIM #KD1988

2 - Area Rugs: 4'x6' -	24.97
6'x9' -	79.98
1 - Pressboard/wood trim folding table -	44.99
1 1/2 - Boxes Decorative Ceiling Tile	
\$21.12/box -	31.68

3 - Rooms Doll House Furniture
(Balsam wood w/material trim)
Average price of \$29.65/Room - 88.95

1 - Box Kitchen Decorations:

1 - Wreath w/silk floral -	19.99
2 - pictures \$9.99/ea. -	19.98
2 - matching wall hangings w/hearts made of straw \$14.99/ea. -	29.98

47 - Albums

Contacted Flipville Records which
deals in old LPs, 45s and 78s.

After describing the albums and
various ~~various~~ artists from the
50's, 60's and 70's was informed

that if the covers were still intact/
good condition the sale value would
range from \$5.00 to \$10.00 per album.

Since the covers were water damaged

they no longer are saleable
and have lost their value.

(Several of the artists had a
resale value of \$10.00/album)

Average estimate per album \$6.00/ea - \$282.00

Total \$622.52



02-5-286

August 25, 2002

CITY OF MILWAUKEE
2002 AUG 27 PM 4:40
RONALD D. LEONHARDT
CITY CLERK

Office Of The City Attorney
City of Milwaukee
200 E Wells St
Milwaukee, WI 53202

RE; Claim Number: KD1988
Date of Loss: 8-13-02
Our Insured: Mary Kwiatkowski
Place of Loss: 5208 W Norwich, Milwaukee, WI 53220

Dear City Attorney,

Acuity Insurance carries the homeowners policy on the above captioned address. On 8-13-02 water backed up through the floor drain and damaged the building and contents. Acuity is currently processing the repairs and/or replacement items.

Our investigation reveals the cause of the loss to be negligence on the part of the city in failing to clean and maintain the storm sewers in front of the home at 5208 W Norwich. Pursuant to the provisions of Wisconsin Statutes 893.80(1) we are placing the City of Milwaukee on notice of our right to recover against the city. We ask that you review this matter and contact the undersigned.

Sincerely,

Tom McDermott
Senior Claims Representative

CITY OF MILWAUKEE
RECEIVED
2002 AUG 28 PM 3:29
OFFICE OF
CITY ATTORNEY