

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM AND
CLAIM PURSUANT TO WIS. STAT. §893.80**

BY PERSONAL SERVICE

TO: City Clerk
ATTN: CLAIMS
CITY OF MILWAUKEE
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

CLAIMANT: Will J. Sherard
2233 W. Capitol Dr.
Milwaukee, WI 53206
(414)444-5858

RONALD D. HOFFMANN
CITY CLERK
05 OCT 12 PM 12:09
CITY OF MILWAUKEE

PLEASE TAKE NOTICE THAT Will J. Sherard, by his attorney, Paul H. Beard, states that the following circumstances give rise to a claim:

1. Claimant Sherard, doing business as the WJ Sherard Realty Company is the owner and lessor of residential rental properties.
2. He owns a two family house located at 2935 N. 16th Street, Milwaukee, Wisconsin, 53206, Tax Key Number 311-1375-000, (hereinafter referred to as the "property").
3. In early June, 2005 the City of Milwaukee began an ongoing series of actions regarding that property which have interfered with Mr. Sherard's use of that property, which interference continues to this day. On or about June 6, 2005, Mr. Sherard received 5 day service order (serial number 005069251), with Inspection Date June 2, 2005, ordering repairs of 3 alleged violations: electrical, plumbing, and structural. He also received from tenant Shawanna Houston a document (serial number 005069291) ordering that the premises were placarded as unfit for habitation as of May 27, 2005.
4. On June 9, 2005, Mr Sherard appealed the placarding of the property to the Milwaukee Standards and Appeals Commission, but the City continued with its enforcement action, evicting the tenants on or about June 13, 2005, in violation of City of Milwaukee Ordinance 200-17-3-b.
5. At the hearing the City dismissed its action regarding the property.
6. On July 25, 2005, after the hearing before the Standards and Appeals Commission, the City of Milwaukee sent to Will Sherard a document (serial # 005151321) declaring the premises to be "placarded" and ordering that it be vacated within 5 days. This document stated it was based on the exact same 3 criteria as the Service Order (serial # 005069251) which Mr. Sherard received on June 6, 2005. It is troubling that this new "placard" (serial # 005151321) beginning the new series of continuing events leading to this Claim was based on an inspection date of May 27, 2005, whereas the Service Order received earlier on June 6, 2005 stated a later inspection date, June 2, 2005 (serial # 005069251).
7. Also, the July 25, 2005 document ordering the placarding of the property failed to provide sufficient notice because it gave only general descriptions of the conditions requiring the building to be placarded, without detailing the specific alleged defects, their locations, or the specific repairs. It listed "Repair or replace defective electrical system;" "Repair or replace defective plumbing system;" "Structural failure" and after each of these it made blanket statements that these systems must operate in accordance with law.

8. As further evidence of the City's continuing conduct toward the property and Mr. Sherard, on September 28, 2005, he was served with a Raze Order, which he timely appealed.

8. The City of Milwaukee has billed Mr. Sherard for the cost of boarding up the building on three occasions: on or about June 13, 2005 for \$177.00; on or about June 17, 2005, for \$413.00; and on or about July 13, 2005, for \$204.00, totaling . \$794.00

9. The City removed the tenants from the building on June 13, 2005 (serial #005083481). The City's actions in placarding the building and continuously preventing it from being rented to tenants have caused claimant Sherard lost rental income on a continuing basis for June, July, August, September, and October, 2005. The upper level unit rented for \$420.00 per month and the lower unit rented for \$395.00 per month for a total monthly rental income of \$815.00. $\$815.00 \times 6 \text{ months} = \$4,890.00$ lost rental income to date.

10. Because the City has caused the building to remain empty, claimant has had to hire someone to check on the building to make sure that it is still boarded up and has not been subjected to vandalism. This inspector visits the building 6 times per week at a cost of approximately \$20.00 per visit for a weekly total of \$120.00. The caretaker has been visiting the building since early June, resulting in fees already totaling \$2,160.00.

11. Because the building has been boarded up, Mr. Sherard has been unable to participate in a public program which would have upgraded the building's insulation. Because of this lost improvement in the building's insulation, Mr. Sherard has lost the future opportunity to charge an additional \$25.00 in rent per month.

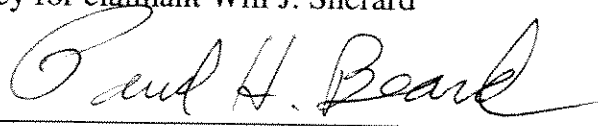
12. Because of the continuing acts of the City of Milwaukee which continue to deprive Mr. Sherard income from his rental property located at 2935 N. 16th Street, and cause him to incur the other costs as set forth above, Mr. Sherard has been required to retain an attorney and incur legal fees.

WHEREFORE, claimant, whose name and address are stated above, claims relief against the City of Milwaukee for

- the sum of \$7,844.00, and
- a stay of all code enforcement, condemnation, razing, and other actions by the City of Milwaukee regarding Mr. Sherard's property at 2935 N. 16th Street, Milwaukee, WI; Tax Key # 311-1375-000.

DATED: October 12, 2005

PAUL H. BEARD, ATTORNEY AT LAW
Attorney for claimant Will J. Sherard

By: 
Paul H. Beard
State Bar No.: 1018166

P.O. ADDRESS:
P.O. Box 904
Waukesha, Wisconsin 53187-0904
262-271-4189

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
Code Enforcement - Residential
4001 S. 6th St.
Milwaukee, WI 53221

JUN 06 REC'D

WILL J SHERARD
DBA W J SHERARD REALTY CO.
2233 W CAPITOL DR
MILWAUKEE, WI 53206

Serial #: 005069251
Inspection Date: June 02, 2005
District #: 51
CT: 66

dupl-cmp

Recipients:
WILL J SHERARD, DBA W J SHERARD REALTY CO., 2233 W CAPITOL DR, MILWAUKEE, WI 53206

Re: **2935 N 16TH ST**

Taxkey #: 311-1375-000

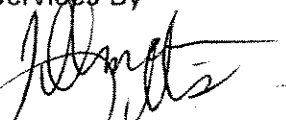
A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below **within 5 days of service of this order.**

General

1. 275-62
Repair or replace defective electrical system. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. Restore electrical system to a proper working condition - Permit required.
2. 275-53
Repair or replace defective plumbing system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a good, sanitary, working condition. Restore plumbing system to an operable condition - Permit required.
3. 275-32-2
Structural failure. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them. Repair or replace defective structural members - Permit required.

For any additional information, please phone **Inspector Tillman Pitts** at [414]-286-2352 between the hours of 7:00am-11:00am or 3:00pm-5:00pm Tuesday through Thursday.

Per Commissioner of Neighborhood Services By-


Tillman Pitts
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
Code Enforcement - Residential
4001-S. 6th St.
Milwaukee, WI 53221

JUL 25 REC'D

WILL J SHERARD
DBA W J SHERARD REALTY CO
2233 W CAPITOL DR
MILWAUKEE, WI 53206

*Re-issued order
from 6-02-05
Serial # 005069251*

Serial #: 005151321
Inspection Date: May 27, 2005
District #: 51
CT: 66

dupl-cmp

Recipients:

WILL J SHERARD, DBA W J SHERARD REALTY CO, 2233 W CAPITOL DR, MILWAUKEE, WI 53206

Re: **2935 N 16TH ST**

Taxkey #: 311-1375-000

Inspection of the above premises revealed conditions that violate the Milwaukee Code of Ordinances which cause this premises to be considered a hazard to the safety and welfare of the occupants or the public and is hereby **placarded** as unfit for human habitation, occupancy and use as is regulated by Section 200-11(5) and 218.01 (S.S.66.0413).

You are hereby ordered to **vacate the premises within 5 days of service of this order and to keep the premises vacated** until such time as the following conditions have been corrected and approved in writing by this Department.

Note: Pursuant to 200-42-1d, any building, structure or premise placarded and found unfit for human habitation or use under any order issued in accordance with this code shall not be occupied unless and until a certificate of occupancy has been obtained.

1. Conditions requiring building to be placarded:

General

- 2. 275-62
Repair or replace defective electrical system. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. Restore electrical system to a proper working condition - Permit required.
- 3. 275-53
Repair or replace defective plumbing system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in a good, sanitary, working condition. Restore plumbing system to an operable condition - Permit required.
- 4. 275-32-2
Structural failure. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them. Repair or replace defective structural members - Permit required.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Department of Public Works

Jeffrey Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

June 15, 2005

JUN 20 0 REC'D

WILL J SHERARD
2233 W CAPITOL DR
MILWAUKEE, WI 53206

RE: Board-up Number 1195

Dear Property Owner:

In accordance with City of Milwaukee Ordinance No. 218-7, the Milwaukee Police Department ordered the premises (listed below) be secured, and the Department of Public Works carpentry staff in response to their request performed the necessary work to secure the following structure:

<u>Address</u>	<u>Tax Key</u>	<u>Date of Board-up</u>	<u>Charge</u>
2935 N 16TH ST	311-1375-000	06/10/2005	\$\$177.00

You have thirty (30) days from the date of this notice to appeal the necessity of and/or the amount of the special charge to the Administrative Review Appeals Board under the provisions of City Ordinance Section 309-72. Upon the expiration of the appeal period or the affirmation of the charge by the Administrative Review Appeals Board, the amount shown above shall be due. Failure to pay for this special charge shall result in this charge being placed on your property's tax statement for next year. If you choose to pay for this charge prior to it being placed on the tax roll, please make your check payable to 'City of Milwaukee' and mail with the attached coupon. If you have any questions regarding these charges or the appeal process, please contact Mr. David Lewis, Department of Public Works, at (414)286-3315

Please detach and return this portion with payment for
City of Milwaukee - DPW Board-up Charge

Bill To: **WILL J SHERARD**

Board-up Number: **1195**

Make check payable to: **City of Milwaukee**

Amount Due: **\$\$177.00**

Mail to: **Dept. of Public Works**
Attn: Jason Nygard
841 N. Broadway, Room 712
Milwaukee, WI 53202

CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
841 N BROADWAY ROOM 105
MILWAUKEE, WI 53202

JUN 21 RECD

06/17/2005

WILL J. SHERARD REALTY CO
2233 W. CAPITOL DR.
MILWAUKEE, WI 53206

Premise Address: 2935 N 16TH ST
Taxkey #: 3111375000
Reference #: 5049

You were notified by the Department of Neighborhood Services to correct a Boardup code violation at 2935 N 16TH ST. You failed to do so within the time prescribed in the order so the City boarded the building.

The cost to board the building was \$ 413.00. As indicated in the original order, this charge, if unpaid, will be placed on the property tax bill. If you wish to pay this amount rather than to have it appear on your tax bill, you may do so before September 15, 2005 at this address:

Department of Neighborhood Services
Attn: Cashier
841 N Broadway, Room 105
Milwaukee, WI 53202

Checks should be made payable to City of Milwaukee for the amount listed above. Please enclose a copy of this notice with your payment.

If you wish to discuss this please call 414-286-2558.
You may obtain a no-cost review by a supervisor if you wish.

If you wish to appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with the: Administrative Review Appeals Board, Office of the City Clerk, 200 E Wells St, Room 205, Milwaukee, Wisconsin 53202, 414-286-2221.

CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
841 N BROADWAY ROOM 105
MILWAUKEE, WI 53202

JUL 16 REC'D

07/13/2005

WILL J. SHERARD
2233 W. CAPITOL DR.
MILWAUKEE, WI 53206

Premise Address: 2935 N 16TH ST
Taxkey #: 3111375000
Reference #: 5056

You were notified by the Department of Neighborhood Services to correct a Boardup code violation at 2935 N 16TH ST. You failed to do so within the time prescribed in the order so the City boarded the building.

The cost to board the building was \$ 204.00. As indicated in the original order, this charge, if unpaid, will be placed on the property tax bill. If you wish to pay this amount rather than to have it appear on your tax bill, you may do so before September 15, 2005 at this address:

Department of Neighborhood Services
Attn: Cashier
841 N Broadway, Room 105
Milwaukee, WI 53202

Checks should be made payable to City of Milwaukee for the amount listed above. Please enclose a copy of this notice with your payment.

If you wish to discuss this please call 414-286-2558.
You may obtain a no-cost review by a supervisor if you wish.

If you wish to appeal this charge you must file that appeal within 30 days of the date of this letter. It must be filed with the: Administrative Review Appeals Board, Office of the City Clerk, 200 E Wells St, Room 205, Milwaukee, Wisconsin 53202, 414-286-2221.