



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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2010-0449      **Communication**      **Introduced**

Communication from the City Attorney regarding the Order for Dismissal of the litigation of State Bank of Chilton v. City of West Allis (Case No. 09-CV-006824).

**Introduced:** 8/3/2010

**Controlling Body:** Common Council

**Sponsor(s):** Administration & Finance Committee

**COMMITTEE RECOMMENDATION** Place on File

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 03 2010	X		Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		X	Reinke	✓			
			Roadt				
			Sengstock				
			Vitale				✓
			Weigel				
			<b>TOTAL</b>	<u>4</u>			<u>1</u>

**SIGNATURE OF COMMITTEE MEMBER**

*Just Kopplin*      \_\_\_\_\_      \_\_\_\_\_  
 Chair      Vice-Chair      Member

**COMMON COUNCIL ACTION** PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 03 2010	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
			<b>TOTAL</b>	<u>9</u>			<u>1</u>



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

June 25, 2010

Common Council  
City of West Allis

RE: *State Bank of Chilton v. City of West Allis*  
Milwaukee County Case No. 09-CV-006824

Dear Mayor and Alderpersons:

This case concerned the building inspector's order to repair or raze the Paradise Theater. The Bank of Chilton, which held the mortgage on the property, filed this action in May of 2009 to prevent the building inspector from enforcing the repair or raze order. The parties agreed to put the matter off until such time as the bank could foreclose on the property and sell it to a new owner. The bank foreclosed on the property in November of 2009. Thereafter, negotiations degenerated and the City filed a Motion to have the case dismissed or to allow the City to proceed with demolition due to the fact that no progress was being made. Days before the City's Motion was to proceed, the property was sold to a third party. The bank and the City agreed to dismiss this matter.

The building inspector's order to repair or raze the property is still outstanding and is still a matter of record on the property. The new owner must comply and either repair the building as ordered by the building inspector or demolish the building. Currently, the building inspection department is in negotiations with the new owner to determine what will be done and in what time frame.

Sincerely,

Scott E. Post  
City Attorney

SEP:da

L/Scott/State Bank of Chilton/ltr-cc-case dismissed



**DEWITT  
ROSS & STEVENS**<sub>SC</sub>  
LAW FIRM

www.dewittross.com

Capitol Square Office  
Two East Mifflin Street  
Suite 600  
Madison, WI 53703-2865  
Tel 608-255-8891  
Fax 608-252-9243

Metro Milwaukee Office  
13935 Bishop's Drive  
Suite 300  
Brookfield, WI 53005-6605  
Tel 262-754-2840  
Fax 262-754-2845

Please respond to: Metro Milwaukee Office  
Direct line: 262-754-2867  
Email: smg@dewittross.com

June 24, 2010

Scott E. Post, Esq.  
City Attorney - City of West Allis  
7525 West Greenfield Avenue  
West Allis, WI 53214

RE: State Bank of Chilton  
v. City of West Allis  
Case No. 09-CV-006824

Dear Attorney Post:

Enclosed please find a conformed copy of the Order for Dismissal for the above referenced matter for your records.

If you should have any questions or concerns, please feel free to contact me.

Very truly yours,

**DEWITT ROSS & STEVENS** s.c.

*Shawn M. Govern (CAB)*  
Shawn M. Govern

SMG:cab

Enclosure

RECEIVED  
JUN 25 2010  
WEST ALLIS  
CITY ATTORNEY

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

STATE BANK OF CHILTON,

Plaintiff,

-vs-

CITY OF WEST ALLIS,

Defendant.

Case No. 09-CV-006824

Code No. 30704

Restraining Order- Other

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**ORDER FOR DISMISSAL**

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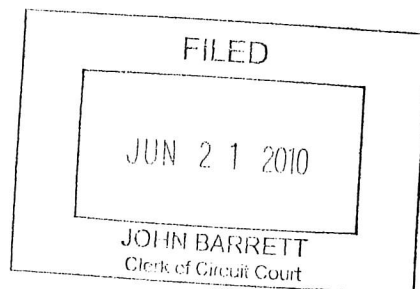
The parties having appeared in the above referenced matter on June 7, 2010, and having entered on the record a Stipulation for the dismissal of the Petitioner's Complaint seeking declaratory and injunctive relief, this matter is dismissed with prejudice and without costs to either party.

Dated this 21<sup>st</sup> day of June, 2010.

BY THE COURT:



Honorable Charles F. Kahn, Jr.  
Circuit Court Judge





OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

July 13, 2010

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

The enclosed claims/lawsuits have been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of each claim/lawsuit and the applicable law. Our Opinion regarding liability is attached to each claim/lawsuit.

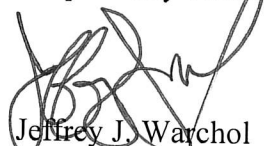
**The following claim/lawsuit (foreclosure) has been placed on file:**

*State Bank of Chilton v. Ziklag Global Investments, Inc., et al.*  
Milwaukee County Case No. 08-CV-000539

**The following lawsuits have been placed on file:**

*State Bank of Chilton v. City of West Allis* (Case No. 09-CV-006824)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC