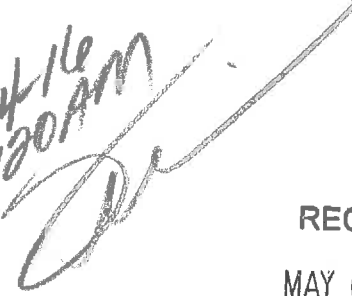


NOTICE OF CLAIM

TO: Clerk of the City of West Allis  
7525 W. Greenfield Ave.  
West Allis, WI 53214

5-4-16  
11:20 AM  


CLAIMANT: ATSI LLC  
933 S. 73<sup>rd</sup> Street  
West Allis, WI 53214

RECEIVED  
MAY 04 2016  
CITY OF WEST ALLIS  
CITY CLERK

PLEASE TAKE NOTICE that the claimant, whose name and address appears above by its attorney, Daniel W. Stevens, files a claim against the City of West Allis.

FACTS

1. Jennifer Hupke (hereinafter Hupke) a representative of ATSI LLC (hereinafter ATSI) contacted the assessor's office for the City of West Allis prior to purchase of property located at 933 S. 73<sup>rd</sup> Street in the City of West Allis.
2. The purpose of contacting the assessor's office was to determine whether the property was a three bedroom home with one and a half baths.
3. Hupke was informed that by the assessor's office that it was and provided written documentation to that effect.
4. Under Wis. Stats. 74.05 and 74.09 the City of West Allis has an obligation to correct any errors in the description of real property.
5. Based upon the information provided by the City of West Allis, City Assessors Office ATSI purchased the subject property.
6. After purchasing the property, Robert Woodward the building inspector on March 23, 2016 send a notice with regard to the above property indicating that it was not a valid conforming three bedroom unit and that substantial repairs or modifications needed to be completed.

7. That Hupke contacted numerous city officials over a period of time attempting to resolve the problem.

8. That Hupke was informed that approximately one third of the City of West Allis's assessment records do not match or conform with the records of the building inspectors office.

9. Hupke was informed that it would be too expensive and time consuming for the city to reconcile the records as required by Wis. Stats. 74.05 and that is why this has never been done.

10. That the city of West Allis has in this instance and continues to violate Wis. Stats. 74.05 and 74.09 requiring the city to correct and maintain accurate records.

#### **FIRST CAUSE OF ACTION: MISREPRESENTATION**

11. Re-alleges and incorporates herein by reference paragraphs 1 through 10 above of the claimant's Notice of Claim.

12. That the agent of the City of West Allis misrepresented to the claimant the status of the property in violation of its statutory duty to maintain and provide correct information regarding the description of the real property and maintaining the required information on the tax rolls.

13. As a direct and proximate result of this negligent misrepresentation which also constitutes strict liability misrepresentation the claimant has sustained monetary damages in that the property it has purchased is worth approximately \$50,000 less than it believed it to be at the time of purchase.

#### **SECOND CAUSE OF ACTION: NEGLIGENCE**

14. Re-alleges and incorporates herein by reference paragraphs 1 through 13 above of the claimant's Notice of Claim.

15. That the actions of the City of West Allis in failing to coordinate and correct the information between the building inspector's office and the tax

assessor's offices is negligent and their errors are solely due to the City's refusal to spend the time and money to correct the situation.

16. As a direct and proximate result of the negligence the claimant has sustained damages of \$50,000 as previously alleged.

**THIRD CAUSE OF ACTION: EQUITABLE RELIEF**

17. Re-alleges and incorporates herein by reference paragraphs 1 through 16 above of the claimant's Notice of Claim.

18. That the claimant is entitled to equitable relief and that the city has waived and/or is estopped from denying the fact that the property in this case is a valid conforming three bedroom home based upon the representations made to the claimant.

**FOURTH CAUSE OF ACTION: DECLARATORY RELIEF**

19. Re-alleges and incorporates herein by reference paragraphs 1 through 18 above of the claimant's Notice of Claim.

20. That the claimant has had the property inspected by an engineer.

21. That the engineer has informed the claimant that at the time of construction the property was originally constructed as a three bedroom unit.

22. That this opinion is based upon the design and original materials made.

23. That it can be presumed that a proper permit was taken out and that it conformed to the codes of West Allis at the time of construction.

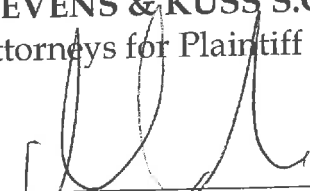
24. That because it conformed to the proper codes of construction at the time of construction it is grandfathered in and that subsequent changes in building codes cannot negate the fact that it was and is a valid conforming three bedroom unit.

**WHEREFORE** the claimant requests relief in monetary damages in the amount of \$50,000 and or other equitable relief as alleged in this claim.

Dated this 27 day of April, 2016.

**STEVENS & KUSS S.C.**  
Attorneys for Plaintiff

BY: \_\_\_\_\_

  
Daniel W. Stevens  
State Bar No. 1004632

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