

K. Andreah Briarmoon  
and targeted city resident citizens

Plaintiff

Case No. 04 CV 000136

v.

Municipality of Janesville  
city manager; Steve Scheiffer  
city attorney; Wald Klimczyk  
city clerk-treasurer; Jean Wulf  
city inspector; Christine Wilson

Defendant

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## COMPLAINT

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Plaintiff, K. Andreah Briarmoon, et al, self represented, alleges:

### GENERAL ALLEGATIONS

1. Plaintiff, K. Andreah Briarmoon, resides at 339 South Locust Street, Janesville, Wisconsin 53548-4655, and targeted city resident citizens live in various privately owned homes in Janesville that are subject to past and ongoing unwarranted condemnation and razing practices by Defendant.
2. Defendant resides at Municipal Building, 18 North Jackson Street, Janesville, Wisconsin.

### CLAIM

3. The Defendant

Without regard for the value or integrity of a home or building as determined by professional appraisal, current market value assessment, architect evaluation, determinations of highest and best use of the property, studies of highest potential resale value, the retention and enhancement of the current tax base, financial evaluation of highest property income potential, estimates of replacement and replication costs, historic or architectural significance;

Without consideration of the local practice of disparity in distribution of property tax assessment itemization of different improvements to the property (i.e. a \$16,000 to \$32,000 carriage house has an itemized tax assessed value of \$400);

Without respect for the distinction between the repair of a preexisting structure versus a building-permit-required expansion or modification to a building;

And refusing to pay the cost of up front eminent domain for unapproved but acted upon long range city development plans;

4. Instead Defendant practices the following procedures:

For a building, if \$20,000 building has a \$400 tax assessment and needs a repair of more than \$350 (i.e. needs a new door), a condemnation order is immediately issued without owner time line or option to repair.

For a home, the inspector enters a home repair situation (i.e. replacing the roof);

Demands an unnecessary building permit to allow building inspector full invasion;

Creates a long and perpetually expanding list of "needed" changes for current code none of which are legally required or necessary (i.e. tearing out a solid oak hand carved foyer circular staircase),

Refuses to allow inspection reports of completed work to be considered satisfactory and demands work be completely redone (i.e. the new roof needs to be raised by two feet so must be tore off and re-done);

Runs up the owner's expenses and exhausts owner's available financial resources (i.e. spending \$5,000 to \$40,000 on a building that gets demolished three months later);

And runs up the total of owner expenses to exceed the Wis. Stat. 66.0413 percentage amount of "presumed reasonable" repair costs relative to tax assessed value, thus Defendant states the "requirement" by state statute to demolish building without regard to structural integrity, value, etc.

Without giving additional time for completion of house projects;

And threatens to demolish the building even if and after owner completes current house projects for the owner having exceeded the "presumed reasonable" repair costs amounts;

At which point Defendant serves condemnation order, eviction order, foreclosure announcements, daily fines notice for failure to comply, etc.

Plaintiff does last-minute retainer of attorney usually with inappropriate skill set and inadequate research time for the situation and neither is aware of the Defendant pattern. Attorney tells the now financially destitute Plaintiff not to bother trying to fight city hall;

Defendant city attorney of the Municipality has no authority to stop city inspector activity and, if sued later, must defend all their actions on the taxpayers' dime;

Plaintiff comes home from work one day to find that their house/building is missing, new roof, new paint, new windows, new furnace, and all;

Then Plaintiff gets bill for demolition from Defendant in mail with notice that said bill is a special assessment on their property tax bill.

Plaintiff does not go to city council meeting to expose their humiliation on public TV.

City manager brilliantly controls and suppresses the exchange of information to keep the public ignorant of these practices and brags that he is one who "Keeps Economy, Efficiency, and Professionalism" in Janesville.

But no member of this community would want a half million dollar savings on a riverfront project at the expense of gramma and grampa losing their first home where they raised their kids, before they built on the East side, the home that was supposed to be part of their retirement plan. Nor should we need be terrified of an inspector, nor is this city practice the "removal of blight"

WHEREFORE, plaintiff demands judgment:

5. Granting plaintiff temporary and permanent restraining order and injunctive relief as outlined in Notice and Motion;
6. Voiding Condemnation Order dated July 18, 2003 and finally allowing K. Andreah Briarmoon her owner option to do repairs on her carriage house at 1402 West Court Street, per the attached contract.
7. Stopping all currently pending condemnation and razing orders of citizen-held properties for 365 days for city council to conduct a study session on the situation of practices and select employee evaluations, and that Defendant cease and avoid the harassment of Plaintiff, and avoid the residence and any premises owned or occupied by the Plaintiff.
8. Awarding "after-the-fact eminent domain" inverse condemnation of just compensation at current pre-demolition appraised value to each family that got their home and/or buildings taken, and award that same amount again as a full and complete compensation and settlement of retribution of all costs and damages to each family, to be paid within 30 days.
9. Awarding K. Andreah Briarmoon \$64,000 for all expenses, costs, damages, prior attorney fees, lost commissions, lost rental income, lost contractor deposits, and for compensation for time, labor, research, mental and emotional anguish as a full and complete compensation and settlement of the 1402 West Court Street Carriage House matter, and twelve-month long ordeal, to be paid within 30 days,
9. Plaintiff is willing to settle for this fraction of expected restitution only with immediate acceptance for quick resolution without trial or attorney expenses in the belief that this is in the best interests of all parties and the taxpayer citizens of our community. Plaintiff hopes for one-day class action settlement so we can all have our lives back and get on with them. Settlement approvals by city council and not by Defendant.
10. Ordering Defendant to deliver to the court and to the Plaintiff, within five business days, the comprehensive list of property owners and properties involved in any type of condemnation concern or threat, currently and in the past seven years
11. Such further relief as may be appropriate.

January 22<sup>nd</sup>, 2004

Contact person:  
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U.S.A. 608-754-3999

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K. Andreah Briarmoon  
spokesperson for Plaintiff, self represented  
No state bar numbers