



June 9, 2015 – Walworth County Board of Supervisors

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

The following items were placed on Supervisors' desks and are attached to this cover sheet:

County Clerk

Kimberly S. Bushey
County Clerk

- Ordinance No. 933-06/15 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance of Donations to the Veterans Service Office – *Vote Required: Two-thirds* (The Finance Committee will consider this item and make a recommendation at a special meeting prior to the June 9, 2015 County Board meeting.)
- Revised Ordinance No. 932-06/15 – Amending Sections 15-17, 15-324, 15-357, 15-359 and 15-360 of the Walworth County Code of Ordinances Relating to CDEB Changes – *Vote Required: Majority Vote* (The Human Resources Committee and the Children with Disabilities Education Board will consider this item and make a recommendation at a special joint meeting prior to the June 9, 2015 County Board meeting.)
- Resolution No. 27-06/15 – Accepting a Donation of \$597.86 from Disabled American Veterans Auxiliary, State Department of Wisconsin, Child Welfare Program, for the Benefit of Veterans with Children – *Vote Required: Majority* (The Finance Committee will consider this item and make a recommendation at a special meeting prior to the June 9, 2015 County Board meeting.)
- Claim – Notice of Retainer and Request for Surplus, Defendant, Zenith Tech, Inc.'s Answer and Affirmative Defenses – LSCG Fund 17, LLC v. Mann Bros., Inc., et al – To be referred to the Executive Committee
- Claim – Notice of Appearance and Claim for Surplus – LSCG Fund 17, LLC v. Mann Bros., Inc., et al – To be referred to the Executive Committee
- Claim – Notice of Retainer, Answer of Defendant, City of Elkhorn and Claim for Surplus – LSCG Fund 17, LLC v. Mann Bros., Inc., et al – To be referred to the Executive Committee
- Resolution Confirming Brown County's Opposition to the Legalization of Marijuana in the State – To be referred to the Executive Committee
- Brown County - Resolution Supporting The Protective Status of County Correction Officers for WRS Purposes – To be referred to the Executive Committee
- Correspondence from Christina M. Green, Godfrey, Leibsle, Blackburn & Howarth, S.C. requesting the proposed special event campground ordinance amendment be postponed on the County Board agenda for another month – To be placed on file
- Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 14-05/15 – Supporting the Provision of Adequate Resources to Support County Land Conservation and Cost-Sharing for Farmers and Other Land Users – To be placed on file

100 W. Walworth
PO Box 1001
Elkhorn, WI 53121
262.741.4241 tel
262.741.4287 fax

- Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 15-05/15 – Opposing the Proposed Changes to Wisconsin’s Current Long-Term Care System – Family Care, IRIS Partnership, and Aging & Disability Resource Centers – To be placed on file
- Correspondence from Wisconsin Counties Association regarding Call for Applications/Nominations – Nominations for WCA Second Vice-President Presidential Appointments to the WCA Board of Directors WCA Steering Committee Nominations – To be placed on file
- *Walworth County Aging & Disability Resource Center News*, June 2015 – To be placed on file

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.

ORDINANCE NO. 933 – 06/15

AMENDING SECTION 30-156 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO ACCEPTANCE OF DONATIONS TO THE VETERANS SERVICE OFFICE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Section 30-156 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions shown by underline):

“Sec. 30-156. - Acceptance and use of donations.

(d) Programs and projects set forth in the following schedule are hereby authorized to accept the receipt of customary and usual donations less than \$5,000.00 restricted by the donor for the specific program or project and in accordance with procedures authorized by the County Administrator.

(10) Veterans Service Office:
General veterans donations”

BE IT ORDAINED by the Walworth County Board of Supervisors that all previous ordinances and resolutions pertaining to Section 30-156 are hereby superseded.

BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

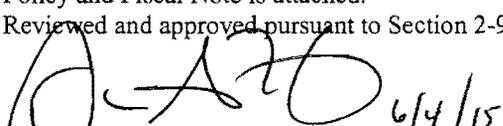
PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of June, 2015.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: June 9, 2015

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.	
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:	
	
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance
6/4/15 Date	6/4/15 Date
If unsigned, exceptions shall be so noted by the County Administrator.	



Memorandum

Human Resources

Dale Wilson
Human Resources Director

To: County Board of Supervisors

Cc: David A. Bretl, County Administrator/Corporation Counsel

From: Dale Wilson, Human Resources Director

Date: June 4, 2015

Re: Revised Ordinance No. 932-06/15 Amending Sections 15-17, 15-324, 15-357, 15-359 and 15-360 of the Walworth County Code of Ordinances Relating to CDEB Changes

Attached please find a revised version of Ordinance No. 932-06/15. Section 15-357 had recently been amended by Ordinance No. 917-03/15, but unfortunately an old version of that section had been used to draft the latest ordinance amendment. For clarification purposes, we have put together a revised version of the ordinance amendment incorporating the changes that were adopted in March as well as the new changes that were recommended by the Human Resources Committee and Children With Disabilities Education Board at their joint meeting on June 1st.

The intent of the changes approved at the joint meeting is not affected by this new version; therefore, I would ask that the County Board adopt the **revised** version of Ordinance No. 932-06/15 as attached.

Attachment

100 W. Walworth
PO Box 1001
Elkhorn, WI 53121

Human Resources
262.741.7950 tel
262.741.7948 fax

Employee Benefits
262.741.7950 tel
262.741.7963 fax

ORDINANCE NO. 932 – 06/15

**AMENDING SECTIONS 15-17, 15-324, 15-357, 15-359 AND 15-360 OF THE
WALWORTH COUNTY CODE OF ORDINANCES RELATING TO CDEB CHANGES**

1 **THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS**
2 **FOLLOWS:**

3
4 **PART I: That Section 15-17 of the Walworth County Code of Ordinances is hereby**
5 **amended to read as follows (additions shown by underline; deletions shown by strike-**
6 **through):**

7
8 **“Sec. 15-17. Authorized positions by department.**

9
10 (c) *Children with Disabilities Education Board*

CLASSIFICATION TITLE	FTE
Assistant Director – Special Education	2.00
Clerk III	1.00
<u>Director – Curriculum and Instruction</u>	<u>1.00</u>
<u>Director – Pupil Services/School Psychologist</u>	<u>1.00</u>
Director – Special Education	1.00
Educational Programmer	1.00
IT Specialist ²	0.75 ²
Interpreter	4.00
Occupational Therapist	4.60
Physical Therapist	3.50
Receptionist/Clerk	0.90
School Business Office Supervisor	1.00
School Nurse	1.00
School Psychologist	1.00
Secretary – Confidential	1.00
Senior Accountant ¹	0.50
Special Education Aide	38.50
Speech Correctionist	4.00
Teacher	42.00
Total Children with Disabilities Education Board FTEs	107.75

34 ¹Reports to Finance
35 ²Reports to Information Technology”

36
37 **PART II: That section 15-324 of the Walworth County Code of Ordinances is hereby**
38 **amended to read as follows (additions are underlined; deletions are shown in strike-**
39 **through text):**

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41 **“Sec. 15-324. Performance based compensation for certain employees.**

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(10) Notwithstanding (1), the following employees shall not be included in the performance-based compensation plan:

a. The following classification titles of the Q pay plan:

- ~~1. Educational programmer;~~
- ~~2. 1. Occupational therapist;~~
- ~~3. 2. Physical therapist;~~
- ~~4. 3. School nurse;~~
- ~~5. School psychologist.”~~

PART III: That section 15-357 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 15-357. CDEB management- staff (“Q”) pay plan.

(a) The management-staff (“Q”) pay plan shall apply to the following Lakeland School job titles:

- ~~(1) Educational Programmer~~
- ~~(2) (1) Occupational Therapist~~
- ~~(3) (2) Physical Therapist~~
- ~~(4) (3) School Nurse~~
- ~~(5) School Psychologist~~

(b) ~~The annual contract for an assistant director of special education classification shall be 217 days.~~ The contract for all other staff under this section shall be 200 days. The contract days shall be scheduled to compliment the school calendar and shall be fulfilled no later than June 30th of each year.

(c) The director-curriculum and instruction and director-pupil services/school psychologist may receive an annual stipend of 110 percent of their current hourly rate for each additional hour of work assigned and performed beyond their respective contract days at the discretion of the director of special education and the human resources director.

~~(e)~~ (d) The management-school pay plan shall be administered consistent with section 15-333 including step advancement.”

1 **PART IV: That Section 15-359 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**
3 **through):**

4
5 **“Sec. 15-359. Special pay premiums.**

6
7 (a) The director shall maintain schedules of the positions authorized to receive
8 special pay premiums under this section. Schedules first established under this section, and any
9 subsequent changes therein, shall be subject to review and approval of the committee.

10
11 (b) Any premium listed below is paid on productive hours only.

Type of Premium	How Much	Who	Special Notes
CDEB Stipend	Up to \$5,000 annually	Assistant directors of special education	For additional work beyond contract days as set forth in 15-357 (e)
	Up to \$2,500 annually	<u>School Psychologist, Educational Programmer Director-Curriculum and Instruction, Director-Pupil Services/School Psychologist</u>	For additional work beyond contract days as set forth in 15-357 (c)

13
14 **PART V: That Section 15-360 of the Walworth County Code of Ordinances is hereby**
15 **amended to read as follows (additions shown by underline; deletions shown by strike-**
16 **through):**

17
18 **“Sec. 15-360. Educational incentive pay.**

19
20 (a) Special education staff. In addition to base salary, the Director-Special Education,
21 Assistant Directors-Special Education, Director-Curriculum and Instruction, Director-Pupil
22 Services/School Psychologist and ~~an employees~~ covered by the management-school ("Q") pay
23 plan shall be eligible to receive a salary supplement for continuing education pay, subject to the
24 following:

25
26 (1) Each salaried professional employee of the special education department shall be
27 required to keep their licensing current, which may require completion of
28 continuing education credits. "Credits" means credits earned at an accredited
29 college or university. Credit may also be given for an approved workshop,
30 seminar or conferences on the basis of 30 clock hours being equivalent to one
31 semester credit.

32
33 (2) Continuing education pay shall be provided as a component of compensation,
34 subject to (3) through (5). Part-time employees are eligible for continuing
35 education pay, and it shall not be pro-rated.

36
37 (3) Continuing education pay shall only apply to credits started and completed while
38 in the employment of the special education department in an eligible position.

Continuing education pay does not apply to credits required to meet the minimum requirements for the job (i.e., credits for pre-requisite courses are not covered) or to credits earned prior to appointment to a salaried non-represented professional position.

- (4) Continuing education pay for post-bachelor credits shall be equal to \$175.00 per year per credit, subject to a maximum increase of \$1,050.00 per year, or an accumulative maximum of \$6,300.00.
- (5) Continuing education pay for post-master credits shall be equal to \$200.00 per year per credit, subject to a maximum increase of \$1,200.00 per year, or an accumulative maximum of \$7,200.00.

(b) Sworn law enforcement. In addition to base salary, a sworn law enforcement employee classified as lieutenant, captain, or undersheriff shall receive a salary supplement for educational incentive pay. Education pay shall be equal to \$0.50 per credit per month for credits earned at an accredited college or university, and subject to a maximum of \$1,000.00 annually.”

PART VI: This ordinance shall become effective as of August 10, 2015.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of June 2015.

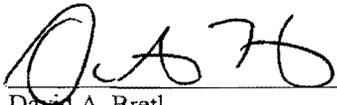
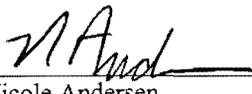
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: June 9, 2015

Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

	<u>6/4/15</u>		<u>6/15/15</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator-Finance	

If unsigned, exceptions shall be so noted by the County Administrator.

Resolution No. 27-06/15

**Accepting a Donation of \$597.86 from Disabled American Veterans Auxiliary,
State Department of Wisconsin, Child Welfare Program,
for the Benefit of Veterans with Children**

1 Moved/Sponsored by: Veterans Department & Finance Committee
2

3 **WHEREAS**, the Disabled American Veterans Auxiliary, State Department of Wisconsin, Child
4 Welfare Program has donated \$597.86 to Walworth County to support Veterans with children;
5 and,
6

7 **WHEREAS**, the county acknowledges the generous spirit in which the donation has been
8 offered.
9

10 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
11 does hereby accept the donation of \$597.86 and commends the Disabled American Veterans
12 Auxiliary, State Department of Wisconsin, Child Welfare for its generosity to support Veterans
13 with children.
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17 _____
18 Nancy Russell
19 County Board Chair
20

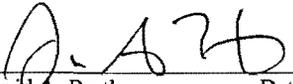
Kimberly S. Bushey
County Clerk
21

22 County Board Meeting Date: June 9, 2015
23

24 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 6/3/15
David A. Bretl Date
County Administrator/Corporation Counsel

 6/9/15
Nicole Andersen Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

LSCG FUND 17, LLC,

Plaintiff,

v.

MANN BROS., INC., et al

Defendants.

Case No. 15-CV-0325

Case Code: 30404

Classification: Foreclosure

Hon. Phillip A. Koss, Presiding

NOTICE OF RETAINER AND REQUEST FOR SURPLUS

TO: Clerk of Court
Walworth County Judicial Center
1800 County Road NN
Elkhorn, Wisconsin 53121

All Parties of Record
Pursuant to Attached Mailing Matrix

PLEASE TAKE NOTICE, that I have been retained by Defendant, Zenith Tech, Inc. in the above-captioned action, and I hereby demand that copies of all documentation subsequent to the filing of the Summons and Complaint be served upon me at my office at 1601 East Racine Avenue, P.O. Box 558, Waukesha, Wisconsin 53187-0558.

Pursuant to Wis. Stat. § 846.162, please take notice that Zenith Tech, Inc. claims the right to receive any surplus money which may result following the foreclosure sale of the real property which is the subject matter of the above-captioned action.

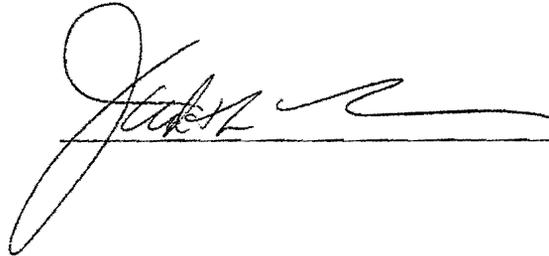
Dated this 29th day of May, 2015.

CRAMER, MULTHAUF & HAMMES, LLP,
Attorneys for Defendant, Zenith Tech, Inc.

BY: 

Timothy J. Andriaga, Esq.
(State Bar No. 01001279)
CRAMER, MULTHAUF & HAMMES, LLP
1601 East Racine Avenue • Suite 200
P.O. Box 558
Waukesha, WI 53187
Phone: (262)-542-4278
Fax: (262) 542-4270
Email: tja@cmhlaw.com

I certify that on May 29, 2015, I served the within paper on all parties or other counsel of record by mail, pursuant to Wis. Stat. § 801.14.



LSCG FUND 17, LLC,

Plaintiff,

v.

MANN BROS., INC., et al

Defendants.

Case No. 15-CV-0325

Case Code: 30404

Classification: Foreclosure

Hon. Phillip A. Koss, Presiding

MAILING MATRIX

Plaintiff LSCG Fund 17, LLC Atty. Gregory M. Miller Siegel Brill PA 100 Washington Ave S Ste 1300 Minneapolis MN 55401-2110 Phone: (612) 337-6100 Fax: (612) 339-6591 Email: gregmiller@siegelbrill.com SBN: 1067368	Defendant MANN BROS., INC. 1950 North Wisconsin Street Elkhorn, Wisconsin 53121
Defendant MANN VENTURES, LLC 1950 North Wisconsin Street Elkhorn, Wisconsin 53121	Defendant D&M ENTERPRISES, LLC 1950 North Wisconsin Street Elkhorn, Wisconsin 53121
Defendant MANN DEVELOPMENT, INC. 1950 North Wisconsin Street Suite 8C Elkhorn, Wisconsin 53121	Defendant R. MANN INVESTMENTS, LLC 1950 North Wisconsin Street Suite 8C Elkhorn, Wisconsin 53121
Defendant STATE OF WISCONSIN c/o Brad Schimel 2 East Main Street Madison, Wisconsin 53703	Defendant DODGE CONCRETE, INC. c/o Joseph F. Marx W6911 Silver Creek Road Watertown, Wisconsin 53098

Defendant BORE MASTER, INC. c/o Daniel Olson N50 W23076 Betker Road Pewaukee, Wisconsin 53072	Defendant FABCO EQUIPMENT, INC. c/o Kenton B. Oren 11200 West Silver Spring Road Milwaukee, Wisconsin 53225
Defendant GERDAU AMERISTEEL US, INC. c/o Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717	Defendant CITY OF ELKHORN, WISCONSIN c/o Cairie L. Virrueta 9 South Broad Street Elkhorn, Wisconsin 53121
Defendant GROWMARK, INC. c/o Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717	Defendant RFH JR., INC. c/o Robert F. Huml, Jr. 4220 North Newville Road Janesville, Wisconsin 53545
Defendant H. JAMES & SONS, INC. c/o Donna M. James 4624 Ideal Road Fennimore, Wisconsin 53809	Defendant AMERICAN STATE EQUIPMENT CO. Atty. Michael P. Stupar Stupar & Schuster SC 633 W Wisconsin Ave # 1800 Milwaukee WI 53203-1918 Phone: 414-271-8833 Fax: 414-271-2866 Email: mstupar@ssclaw.com SBN: 1010853
Defendant WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT 201 East Washington Avenue Madison, Wisconsin 53703	Defendant FRAWLEY COMPANY, INC. c/o Michael J. Frawley 600 East Milwaukee Street Whitewater, Wisconsin 53190
Defendant VULCAN CONSTRUCTION MATERIALS, LP c/o Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717	Defendant BT EQUIPMENT, LLC c/o Timothy Otterstatter N9220 Donald Lane Watertown, Wisconsin 53094

<p>Defendant ZENITH TECH, INC. Atty. Timothy J. Andringa Cramer, Multhauf & Hammes, LLP 1601 East Racine Avenue Suite 200 Waukesha, Wisconsin 53187 Phone: 262-542-4278 Fax: 262-542-4270 Email: tja@cmhlaw.com SBN:1001279</p>	<p>Defendant WISCONSIN BELL, INC. c/o CT Corporation System 8020 Excelsior Drive, Suite 200 Madison, Wisconsin 53717</p>
<p>Defendant WINGRA REDI-MIX, INC. c/o Robert M. Shea 2975 Kapec Road Madison, Wisconsin 53744</p>	<p>Defendant CITIZENS INSURANCE COMPANY OF AMERICA c/o CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison, Wisconsin 53717</p>
<p>Defendant MIDDLESEX INSURANCE COMPANY C/O CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison, Wisconsin 53717</p>	<p>Defendant HUDSON INSURANCE COMPANY c/o Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801</p>
<p>Defendant CENTRAL PENSION FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS c/o Michael Crabtree 4115 Chesapeake Street, N.W. Washington, DC 20016</p>	<p>Defendant JOINT LABOR MANAGEMENT WORK PRESERVATION FUND c/o Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>
<p>Defendant OPERATING ENGINEERS LOCAL 139 HEALTH BENEFIT FUND c/o Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>	<p>Defendant WISCONSIN OPERATING ENGINEERS SKILL IMPROVEMENT AND APPRENTICESHIP FUND c/o Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>

Defendant INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 139 c/o Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072	Defendant CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND c/o Felice Patti 9377 West Higgins Road Rosemont, Illinois 60018
Defendant CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE FUND c/o Felice Patti 9377 West Higgins Road Rosemont, Illinois 60018	Defendant WALWORTH COUNTY, WISCONSIN c/o Kimberly S. Bushey 100 West Walworth Street Elkhorn, Wisconsin 53121
Defendant MANN COMPLEX CONDOMINIUM OWNERS ASSOCIATION, INC. 1950 North Wisconsin Street Suite 8C Elkhorn, Wisconsin 53121	

LSCG FUND 17, LLC,

Plaintiff,

v.

MANN BROS., INC., et al

Defendants.

Case No. 15-CV-0325

Case Code: 30404

Classification: Foreclosure

Hon. Phillip A. Koss, Presiding

**DEFENDANT, ZENITH TECH, INC.'S
ANSWER AND AFFIRMATIVE DEFENSES**

NOW COMES the Defendant, Zenith Tech, Inc., by its attorneys, Cramer, Multhauf & Hammes, LLP by Attorney Timothy J. Andringa, answering and affirmatively defending against the Plaintiff's Complaint as follows:

1. *As and for a Response to Paragraph 1:* Zenith Tech, Inc. ("ZTI") lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to their proof.

2. *As and for a Response to Paragraph 2:* Admits.

3. *As and for a Response to Paragraph 3:* Admits.

4. *As and for a Response to Paragraph 4:* Admits.

5. *As and for a Response to Paragraph 5:* Admits.

6. *As and for a Response to Paragraph 6:* Admits.

7. *As and for a Response to Paragraph 7:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

8. *As and for a Response to Paragraph 8:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

9. *As and for a Response to Paragraph 9:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

10. *As and for a Response to Paragraph 10:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

11. *As and for a Response to Paragraph 11:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

12. *As and for a Response to Paragraph 12:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

13. *As and for a Response to Paragraph 13:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

14. *As and for a Response to Paragraph 14:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, ZTI's interest may not be junior to Plaintiff's interests.

15. *As and for a Response to Paragraph 15:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

16. *As and for a Response to Paragraph 16:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

17. *As and for a Response to Paragraph 17:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

18. *As and for a Response to Paragraph 18:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

19. *As and for a Response to Paragraph 19:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

20. *As and for a Response to Paragraph 20:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however ZTI's interest may not be junior to Plaintiff's interests.

21. *As and for a Response to Paragraph 21:* Admits, however ZTI's interest may not be junior to Plaintiff's interests.

22. *As and for a Response to Paragraph 22:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

23. *As and for a Response to Paragraph 23:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

24. *As and for a Response to Paragraph 24:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

25. *As and for a Response to Paragraph 25:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

26. *As and for a Response to Paragraph 26:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

27. *As and for a Response to Paragraph 27:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

28. *As and for a Response to Paragraph 28:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

29. *As and for a Response to Paragraph 29:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

30. *As and for a Response to Paragraph 30:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

31. *As and for a Response to Paragraph 31:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

32. *As and for a Response to Paragraph 32:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

33. *As and for a Response to Paragraph 33:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

34. *As and for a Response to Paragraph 34:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

35. *As and for a Response to Paragraph 35:* Admits.

36. *As and for a Response to Paragraph 36:* Said allegation is non-sensical, confusing and incomprehensible; subject to said statement ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

37. *As and for a Response to Paragraph 37:* Said allegation is non-sensical, confusing and incomprehensible; subject to said statement ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

38. *As and for a Response to Paragraph 38:* Admits.

39. *As and for a Response to Paragraph 39:* Admits.

40. *As and for a Response to Paragraph 40:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

41. *As and for a Response to Paragraph 41:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, admits that **Exhibit A** is a copy of what Plaintiff alleges to be a Business Note dated January 13, 2006 in the amount of \$534,742.00.

42. *As and for a Response to Paragraph 42:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, admits that **Exhibit B** is a copy of what Plaintiff alleges to be a Business Note dated August 13, 2010 in the amount of \$489,672.48.

43. *As and for a Response to Paragraph 43:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, **Exhibit C** appears to be a copy of a Real Estate Mortgage dated April 12, 2011 recorded as Document No. 836377 in the Register of Deeds Office for Walworth County.

44. *As and for a Response to Paragraph 44:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

45. *As and for a Response to Paragraph 45:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; ZTI affirmatively states that the Mortgage marked **Exhibit C** speaks for itself.

46. *As and for a Response to Paragraph 46:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; ZTI affirmatively states that the Mortgage marked **Exhibit C** speaks for itself.

47. *As and for a Response to Paragraph 47:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; ZTI affirmatively states that **Exhibit-D** appears to be a copy of a Real Estate Security Agreement dated April 12, 2012 and recorded as Document No. 836378 with Walworth County Register of Deeds Office on April 17, 2012 as alleged herein.

48. *As and for a Response to Paragraph 48:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof and affirmatively states that Real Estate Security Agreement marked **Exhibit D** speaks for itself.

49. *As and for a Response to Paragraph 49:* ZTI denies and affirmatively states that Plaintiff must produce the alleged August 1, 2012 original Renewal Note as Loan Number 9054 as alleged herein.

50. *As and for a Response to Paragraph 50:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, ZTI admits **Exhibit E** purports to be a copy of a Business Note dated March 22, 2013 in the principal amount of \$482,254.82 marked **Exhibit E** and attached to Plaintiff's Complaint.

51. *As and for a Response to Paragraph 51:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its

proof; however, ZTI admits **Exhibit F** purports to be a copy of an Allonge marked **Exhibit F** to Plaintiff's Complaint.

52. *As and for a Response to Paragraph 52:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, ZTI admits **Exhibit G** purports to be a copy of an Assignment of Mortgage marked **Exhibit G**.

53. *As and for a Response to Paragraph 53:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, ZTI admits **Exhibit H** purports to be a copy of an Assignment of Real Estate Security Agreement marked **Exhibit H**.

54. *As and for a Response to Paragraph 54:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

55. *As and for a Response to Paragraph 55:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

56. *As and for a Response to Paragraph 56:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

57. *As and for a Response to Paragraph 57:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

58. *As and for a Response to Paragraph 58:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

59. *As and for a Response to Paragraph 59:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

60. *As and for a Response to Paragraph 60:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

COUNT 1: FORECLOSURE OF MORTGAGE

61. ZTI reinstates and realleges all the foregoing paragraphs 1-60 above as though fully stated herein.

62. *As and for a Response to Paragraph 62:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

63. *As and for a Response to Paragraph 63:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

64. *As and for a Response to Paragraph 64:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof; however, ZTI affirmatively states that no documentation is attached identifying any demand for payment or cure of default is attached to Plaintiff's Complaint.

65. *As and for a Response to Paragraph 65:* No responsive pleading is required as said statement is an allegation of law and not an allegation of fact.

66. *As and for a Response to Paragraph 66:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

67. *As and for a Response to Paragraph 67:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

COUNT II: DECLARATORY JUDGMENT

68. ZTI reinstates and realleges all the foregoing paragraphs 1-67 above as though fully stated herein.

69. *As and for a Response to Paragraph 69:* ZTI lacks sufficient information necessary to respond to this allegation and therefore denies the same and puts Plaintiff to its proof.

AFFIRMATIVE DEFENSES

As and for Affirmative Defenses to Plaintiff's Complaint, ZTI alleges and states as follows:

1. Upon information and belief, the Plaintiff may need to marshal assets otherwise secured by Plaintiff as to the Defendants, Mann Bros., Inc., Mann Ventures, LLC, D&M Enterprises, LLC, Mann Development, Inc. and R. Mann Investments, LLC.

2. Plaintiff may have unclean hands as to an overlapping ownership interest between itself, LSCG Fund 17, LLC and Defendants, Mann Bros., Inc., Mann Ventures, LLC, D&M Enterprises, LLC, Mann Development, Inc., and R. Mann Investments, LLC.

3. Plaintiff may be estopped in this action due to a dual ownership interest between Plaintiff and the Defendants, Mann Bros., Inc., Mann Ventures, LLC, D&M Enterprises, LLC, Mann Development, Inc., and R. Mann Investments, LLC.

WHEREFORE, Defendant, Zenith Tech, Inc., respectfully request that the above-entitled action be dismissed and declaration be had that Zenith Tech, Inc.'s judgment interest is superior to that of Plaintiff's mortgage interest.

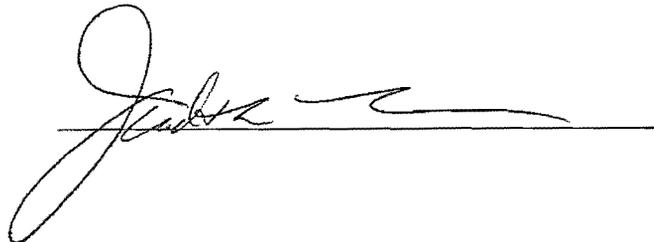
Dated this 29th day of May, 2015.

CRAMER, MULTHAUF & HAMMES, LLP,
Attorneys for Defendant, Zenith Tech, Inc.

BY: 

Timothy J. Andringa, Esq.
(SBN: 01001279)
CRAMER, MULTHAUF & HAMMES, LLP
1601 East Racine Avenue • Suite 200
P.O. Box 558
Waukesha, WI 53187
Phone: (262) 542-4278
Fax: (262) 542-4270
Email: tja@cmhlaw.com

I certify that on May 29, 2015, I served the within paper on all parties or other counsel of record by mail, pursuant to Wis. Stat. § 801.14.



RECEIVED
WALWORTH COUNTY CLERK

OLM & ASSOCIATES

2015 JUN -4 AM 9:06

ATTORNEYS AT LAW
522 WEST MAIN STREET
P. O. BOX 37
WHITEWATER, WISCONSIN 53190-0037

MARK T. OLM
ANNE E. FELLOWS

(262) 473-1819
FAX (262) 473-1977
mark@olmandassociates.com
anne@olmandassociates.com

June 2, 2015

Ms. Lori Schiemann
Civil Court Clerk, Br. I
WALWORTH COUNTY JUDICIAL CENTER
P.O. Box 1001
Elkhorn, WI 53121

RE: LSCG Fund 17, LLC v. Mann Bros, Inc., et al.,
Case No. 15-CV-325

Dear Lori:

Enclosed please find the original and one copy of the Notice of Appearance and Claim for Surplus, of behalf of defendant, BT Equipment, LLC, in this action. Please return the Court filed copy to me in the enclosed envelope.

Thank you for your consideration.

Very truly yours,

OLM & ASSOCIATES



ANNE E. FELLOWS

AEF/jn

Enclosures

cc w/enc: BT Equipment, LLC, c/o Timothy Otterstatter
LSCG Fund 17, LLC, c/o Attorney Gregory M. Miller
Mann Bros., Inc.
Mann Ventures, LLC
D&M Enterprises, LLC
Mann Development, Inc.
R. Mann Investments, LLC
State of Wisconsin, c/o Brad D. Schimel
Dodge Concrete, Inc., c/o Joseph F. Marx

Page 2
Ms. Lori Schiemann
Civil Court Clerk, Br. I
June 2, 2015

cc w/enc: (continued)

Bore Master, Inc., c/o Daniel Olson
Fabco Equipment, Inc., c/o Kenton B. Oren
Gerdau Ameristeel US, Inc., c/o Corporation Service Company
City of Elkhorn, Wisconsin, c/o Cairie L. Virrueta
Growmark, Inc., c/o Corporation Service Company
RFH Jr, Inc., c/o Robert F. Huml, Jr.
H. James & Sons, Inc., c/o Donna M. James
American State Equipment Co., c/o Attorney Michael P. Stupar
Wisconsin Department of Workforce Development;
Frawley Oil Company, Inc., c/o Michael J. Frawley,
Vulcan Construction Materials LP,
c/o Attorney David S. Chartier
Zenith Tech, Inc., c/o Attorney Timothy J. Andringa
Wisconsin Bell, Inc., c/o CT Corporation System
Wingra Redi-Mix, Inc., c/o Robert M. Shea
Citizens Insurance Company of America,
c/o CT Corporation Systems
Middlesex Insurance Company, c/o CT Corporation Systems
Hudson Insurance Company, c/o Corporation Trust Center
Central Pension Fund of the International
Union of Operating Engineers, c/o Michael Crabtree
Joint Labor Management Work Preservation Fund,
c/o Rita Becker
Operating Engineers Local 139 Health Benefit Fund,
c/o Rita Becker
Wisconsin Operating Engineers Skill Improvement and
Apprenticeship Fund, c/o Rita Becker
International Union of Operating Engineers Local 139,
c/o Rita Becker
Central States, Southeast and Southwest Areas Pension Fund,
c/o Felice Patti
Central States, Southeast and Southwest Areas Health and
Welfare Fund, c/o Felice Patti
Walworth County, Wisconsin, c/o Kimberly S. Bushey
Mann Complex Condominium Owners Association, Inc.,

copy

LSCG Fund 17, LLC, a Delaware limited liability company, 13949 Ventura Blvd., Ste. 300 Sherman Oaks, CA 91423,

plaintiff,

v.

Mann Bros., Inc., a Wisconsin corporation;

Mann Ventures, LLC, a Wisconsin limited liability company;

D&M Enterprises LLC, a Wisconsin limited liability company;

Mann Development, Inc., a Wisconsin corporation;

R. Mann Investments, LLC, A Wisconsin limited liability Company;

State of Wisconsin;

Dodge Concrete Inc., a Wisconsin corporation;

Bore Master, Inc. a Wisconsin corporation;

Fabco Equipment, Inc., a Wisconsin corporation;

Gerdau Ameristeel US, Inc., a Florida corporation;

City of Elkhorn, Wisconsin;

Growmark, Inc., a Delaware corporation;

CASE NO. 15-CV-325

NOTICE OF APPEARANCE & CLAIM FOR SURPLUS

Case Type: Mortgage Foreclosure Case Code: 30404

RFH Jr., Inc., a Wisconsin corporation;)
)
)
H. James & Sons, Inc., a Wisconsin corporation;)
)
)
American State Equipment Co., a Wisconsin corporation;)
)
)
Wisconsin Department of Workforce Development;)
)
)
Frawley Oil Company, Inc., a Wisconsin corporation;)
)
)
Vulcan Construction Materials LP, a Delaware limited partnership;)
)
)
BT Equipment, LLC, a Wisconsin limited liability company;)
)
)
Zenith Tech, Inc., a Wisconsin corporation;)
)
)
Wisconsin Bell, Inc., a Wisconsin corporation;)
)
)
Wingra Redi-Mix, Inc., a Wisconsin corporation;)
)
)
Citizens Insurance Company of America;)
)
)
Middlesex Insurance Company;)
)
)
Hudson insurance Company, a Delaware corporation;)
)
)
Central Pension Fund of the International Union of Operating Engineers;)
)
)
Joint Labor Management Work Preservation Fund;)
)
)
Operating Engineers Local 139 Health Benefit Fund;)
)

Wisconsin Operating Engineers Skill))
 Improvement and Apprenticeship Fund))
)
 International Union of Operating))
 Engineers Local 139;))
)
 Central States, Southeast and))
 Southwest Areas Pension Fund;))
)
 Central States, Southeast and))
 Southwest Areas Health and Welfare))
 Fund;))
)
 Walworth County, Wisconsin;))
)
 Mann Complex Condominium Owners))
 Association, Inc.))
)
 All successors and assigns of the))
 above-named Defendants; and))
)
 All other persons or parties))
 unknown, claiming any right, title,))
 estate, lien or interest in the))
 real property described in the))
 Complaint;))
)
)
 defendants.)

NOTICE OF APPEARANCE

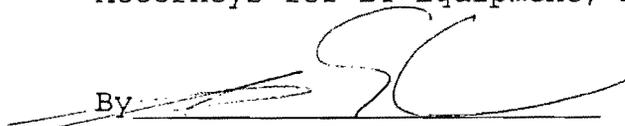
PLEASE TAKE NOTICE that the undersigned attorney appears
 for and will represent the defendant, BT Equipment, LLC, in all
 matters in this action, and demands that all documents herein
 subsequent to the Summons and Complaint be served upon the
 undersigned attorney at her office located at 522 West Main
 Street, P.O. Box 37, Whitewater, Wisconsin, 53190-0037.

CLAIM FOR SURPLUS

The defendant, BT Equipment, LLC, by its attorneys, OLM & ASSOCIATES, claims that portion of any surplus proceeds which may arise from the sale of the property which is the subject matter of this action, and requests that the Court determine the priorities of the defendants and award any surplus accordingly.

Dated this June 2, 2015.

OLM & ASSOCIATES
Attorneys for BT Equipment, LLC

By 

ANNE E. FELLOWS
State Bar No. 01020229
OLM & ASSOCIATES
522 West Main Street
PO Box 37
Whitewater, WI 53190-0037
(262) 473-1819

THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

LEECE & PHILLIPS, S.C. RECEIVED
Attorneys at Law WALWORTH COUNTY CLERK

www.leeceandphillips.com

2015 JUN -8 AM 9:28

Randall G. Leece
leece@leeceandphillips.com

Ward D. Phillips
phillips@leeceandphillips.com

Kelly C. Nickel
nickel@leeceandphillips.com

John M. Murphy
murphy@leeceandphillips.com

June 4, 2015

HAND DELIVERED

Walworth County Circuit Court
Walworth Judicial Center
1800 County Road NN
Elkhorn WI 53121

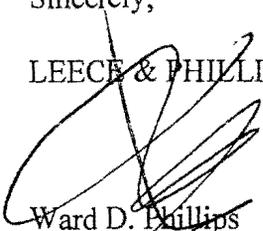
Re: LSCG Fund 17, LLC
vs. Mann Bros., Inc., et. al.
Case No. 15-CV-325

Dear Clerk:

Enclosed please find the original and one copy of my Notice of Retainer, Answer of Defendant, City of Elkhorn and Claim for Surplus in regards to the above referenced action. Please file same and return the stamp-filed copies back to my office.

Sincerely,

LEECE & PHILLIPS, S.C.


Ward D. Phillips
SBN: 1016416

WDP/rs

Enclosures

Cc: City of Elkhorn (w/encs.)
All parties pursuant to attached Mailing Matrix (w/encs.)

Mailing Address: P.O. Box 710 ◊ Elkhorn, WI 53121

Six West Street ◊ Elkhorn, WI 53121 ◊

Phone: 262.723.7040 or Toll-Free: 855.278.9097 ◊ Fax: 262.723.7039

LSCG FUND 17, LLC,

Plaintiff,

vs.

CASE NO. 15-CV-325

MANN BROS, INC., et. al.,

Defendants.

MAILING MATRIX

Plaintiff: LSCG Fund 17, LLC Attorney Gregory M. Miller Siegel Brill PA 100 Washington Avenue S Ste 1300 Minneapolis MN 55401-2110	Defendant: Mann Bros., Inc. 1950 North Wisconsin Street Elkhorn WI 53121
Defendant: Mann Ventures LLC 1950 North Wisconsin Street Elkhorn WI 53121	Defendant: D&M Enterprises, LLC 1950 North Wisconsin Street Elkhorn WI 53121
Defendant: Mann Development, Inc. 1950 North Wisconsin Street Suite 8C Elkhorn WI 53121	Defendant: R. Mann Investments, LLC 1950 North Wisconsin Street Suite 8C Elkhorn WI 53121
Defendant: State of Wisconsin %Brad Schimel 2 East Main Street Madison WI 53703	Defendant: Dodge Concrete, Inc. %Joseph F. Marx W6911 Silver Creek Road Watertown WI 53098
Defendant: Bore Master, Inc. %Daniel Olson N50 W23076 Betker Road Pewaukee WI 53072	Defendant: Fabco Equipment, Inc. %Kenton B. Oren 11200 West Silver Spring Road Milwaukee WI 53225
Defendant: Gerdau Ameristeel Us, Inc. %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717	Defendant: GrownMark Inc. %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717

<p>Defendant:</p> <p>RFH Jr., Inc. %Robert F. Huml, Jr. 4220 North Newville Road Janesville WI 53545</p>	<p>Defendant:</p> <p>H. James & Sons, Inc. %Donna M. James 4624 Ideal Road Fennimore WI 53809</p>
<p>Defendant:</p> <p>American State Equipment Co. Attorney Michael P. Stupar Stupar & Schuster, SC 633 West Wisconsin Avenue #1800 Milwaukee WI 53203-1918</p>	<p>Defendant:</p> <p>Wisconsin Department of Workforce Development 201 East Washington Avenue Madison WI 53703</p>
<p>Defendant:</p> <p>Frawley Company, Inc. %Michael J. Frawley 600 East Milwaukee Street Whitewater WI 53190</p>	<p>Defendant:</p> <p>Vulcan Construction Materials LP %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717</p>
<p>Defendant:</p> <p>BT Equipment, LLC %Timothy Otterstatter N9220 Donald Lane Watertown WI 53094</p>	<p>Defendant:</p> <p>Zenith Tech, Inc. Attorney Timothy J. Andringa Cramer, Multhauf & Hammes LLP 1601 East Racine Avenue, Suite 200 Waukesha WI 53187</p>
<p>Defendant:</p> <p>Wisconsin Bell, Inc. %CT Corporation System 8020 Excelsior Drive, Suite 200 Madison WI 53717</p>	<p>Defendant:</p> <p>Wingra Redi-Mix, Inc. %Robert M. Shea 2975 Kapec Road Madison WI 53744</p>
<p>Defendant:</p> <p>Citizens Insurance Company of America %CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison WI 53717</p>	<p>Defendant:</p> <p>Middlesex Insurance Company %CT Corporation Systems 8020 Excelsior Drive, Suite 200 Madison WI 53717</p>
<p>Defendant:</p> <p>Hudson Insurance Company %Corporation Trust Center 1209 Orange Street Wilmington Delaware 19801</p>	<p>Defendant:</p> <p>Central Pension Fund of the International Union of Operating Engineers %Michael Crabtree 4115 Chesapeake Street NW Washington DC 20016</p>
<p>Defendant:</p> <p>Joint Labor Management Work Preservation Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>	<p>Defendant:</p> <p>Operating Engineers Local 139 Health Benefit Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>

Defendant: Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072	Defendant: International Union of Operating Engineers Local 139 %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072
Defendant: Central States, Southeast and Southwest Areas Pension Fund %Felice Patti 9377 West Higgins Road Rosemont IL 60018	Defendant: Central States, Southeast and Southwest Areas Health and Welfare Fund %Felice Patti 9377 West Higgins Road Rosemont IL 60018
Defendant: Walworth County, Wisconsin %Kimberly S. Bushey 100 West Walworth Street Elkhorn WI 53121	Defendant: Mann Complex Condominium Owners Association, Inc. 1950 North Wisconsin Street, Suite 8C Elkhorn WI 53121

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

LSCG FUND 17, LLC,

Plaintiff,

vs.

CASE NO. 15-CV-325

MANN BROS, INC., et. al.,

Defendants.

NOTICE OF RETAINER

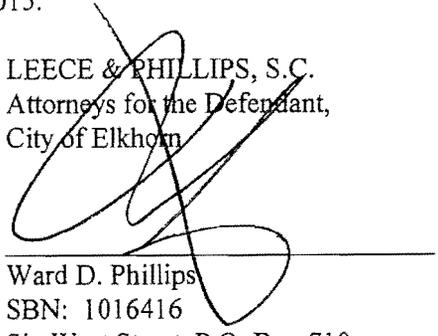
TO: WALWORTH COUNTY CLERK OF COURT
WALWORTH COUNTY JUDICIAL CENTER
1800 COUNTY ROAD NN, PO BOX 1001
ELKHORN WI 53121

ALL PARTIES OF RECORD PURSUANT TO
ATTACHED MAILING MATRIX

PLEASE TAKE NOTICE that Attorney Ward D. Phillips of LEECE & PHILLIPS, S.C., has been retained by and appears for Defendant, City of Elkhorn, in the above entitled action, and hereby demands that copies of all proceedings in this action be served upon him at Six West Street, P.O. Box 710, Elkhorn, Wisconsin 53121.

Dated this 4th day of June, 2015.

LEECE & PHILLIPS, S.C.
Attorneys for the Defendant,
City of Elkhorn



Ward D. Phillips
SBN: 1016416
Six West Street, P.O. Box 710
Elkhorn, WI 53121
262-723-7040 – Telephone No.
262-723-7039 – Fax No.

LSCG FUND 17, LLC,

Plaintiff,

vs.

CASE NO. 15-CV-325

MANN BROS, INC., et. al.,

Defendants.

MAILING MATRIX

Plaintiff: LSCG Fund 17, LLC Attorney Gregory M. Miller Siegel Brill PA 100 Washington Avenue S Ste 1300 Minneapolis MN 55401-2110	Defendant: Mann Bros., Inc. 1950 North Wisconsin Street Elkhorn WI 53121
Defendant: Mann Ventures LLC 1950 North Wisconsin Street Elkhorn WI 53121	Defendant: D&M Enterprises, LLC 1950 North Wisconsin Street Elkhorn WI 53121
Defendant: Mann Development, Inc. 1950 North Wisconsin Street Suite 8C Elkhorn WI 53121	Defendant: R. Mann Investments, LLC 1950 North Wisconsin Street Suite 8C Elkhorn WI 53121
Defendant: State of Wisconsin %Brad Schimel 2 East Main Street Madison WI 53703	Defendant: Dodge Concrete, Inc. %Joseph F. Marx W6911 Silver Creek Road Watertown WI 53098
Defendant: Bore Master, Inc. %Daniel Olson N50 W23076 Betker Road Pewaukee Wi 53072	Defendant: Fabco Equipment, Inc. %Kenton B. Oren 11200 West Silver Spring Road Milwaukee Wi 53225
Defendant: Gerdau Ameristeel Us, Inc. %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717	Defendant: GrownMark Inc. %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717

<p>Defendant:</p> <p>RFH Jr., Inc. %Robert F. Huml, Jr. 4220 North Newville Road Janesville WI 53545</p>	<p>Defendant:</p> <p>H. James & Sons, Inc. %Donna M. James 4624 Ideal Road Fennimore WI 53809</p>
<p>Defendant:</p> <p>American State Equipment Co. Attorney Michael P. Stupar Stupar & Schuster, SC 633 West Wisconsin Avenue #1800 Milwaukee WI 53203-1918</p>	<p>Defendant:</p> <p>Wisconsin Department of Workforce Development 201 East Washington Avenue Madison WI 53703</p>
<p>Defendant:</p> <p>Frawley Company, Inc. %Michael J. Frawley 600 East Milwaukee Street Whitewater WI 53190</p>	<p>Defendant:</p> <p>Vulcan Construction Materials LP %Corporation Service Company 8040 Excelsior Drive Suite 400 Madison WI 53717</p>
<p>Defendant:</p> <p>BT Equipment, LLC %Timothy Otterstatter N9220 Donald Lane Watertown WI 53094</p>	<p>Defendant:</p> <p>Zenith Tech, Inc. Attorney Timothy J. Andringa Cramer, Multhauf & Hammes LLP 1601 East Racine Avenue, Suite 200 Waukesha WI 53187</p>
<p>Defendant:</p> <p>Wisconsin Bell, Inc. %CT Corporation System 8020 Excelsior Drive, Suite 200 Madison WI 53717</p>	<p>Defendant:</p> <p>Wingra Redi-Mix, Inc. %Robert M. Shea 2975 Kapec Road Madison WI 53744</p>
<p>Defendant:</p> <p>Citizens Insurance Company of America %CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison WI 53717</p>	<p>Defendant:</p> <p>Middlesex Insurance Company %CT Corporation Systems 8020 Excelsior Drive, Suite 200 Madison WI 53717</p>
<p>Defendant:</p> <p>Hudson Insurance Company %Corporation Trust Center 1209 Orange Street Wilmington Delaware 19801</p>	<p>Defendant:</p> <p>Central Pension Fund of the International Union of Operating Engineers %Michael Crabtree 4115 Chesapeake Street NW Washington DC 20016</p>
<p>Defendant:</p> <p>Joint Labor Management Work Preservation Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>	<p>Defendant:</p> <p>Operating Engineers Local 139 Health Benefit Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>

<p>Defendant: Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>	<p>Defendant: International Union of Operating Engineers Local 139 %Rita Becker N27 W23233 Roundy Drive Pewaukee WI 53072</p>
<p>Defendant: Central States, Southeast and Southwest Areas Pension Fund %Felice Patti 9377 West Higgins Road Rosemont IL 60018</p>	<p>Defendant: Central States, Southeast and Southwest Areas Health and Welfare Fund %Felice Patti 9377 West Higgins Road Rosemont IL 60018</p>
<p>Defendant: Walworth County, Wisconsin %Kimberly S. Bushey 100 West Walworth Street Elkhorn WI 53121</p>	<p>Defendant: Mann Complex Condominium Owners Association, Inc. 1950 North Wisconsin Street, Suite 8C Elkhorn WI 53121</p>

LSCG FUND 17, LLC,

Plaintiff,

vs.

CASE NO. 15-CV-325

MANN BROS, INC., et. al.,

Defendants.

ANSWER OF DEFENDANT, CITY OF ELKHORN

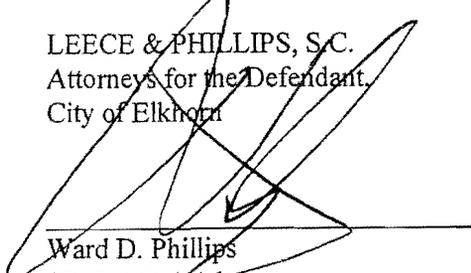
NOW COMES the Defendant, City of Elkhorn, by counsel, Ward D. Phillips of LEECE & PHILLIPS, S.C., and as and for an answer to the Plaintiff's Complaint in the above entitled action, alleges and shows unto the Court as follows:

1 . The answering Defendant, City of Elkhorn, admits the allegations contained within paragraph 12 of the Plaintiff's Complaint and reserves the right to surplus in the event of sale.

2 . Regarding the remaining paragraphs of Plaintiff's Complaint, answering Defendant, City of Elkhorn, lacks knowledge sufficient to form a belief as to the truthfulness or falseness of the allegations contained within said paragraphs and therefore puts the Plaintiff to its strict proof thereon.

Dated this 4th day of June, 2015.

LEECE & PHILLIPS, S.C.
Attorneys for the Defendant,
City of Elkhorn



Ward D. Phillips
SBN: 1016416
Six West Street, P.O. Box 710
Elkhorn, WI 53121
262-723-7040 – Telephone No.
262-723-7039 – Fax No.

LSCG FUND 17, LLC,

Plaintiff,

vs.

CASE NO. 15-CV-325

MANN BROS, INC., et. al.,

Defendants.

CLAIM FOR SURPLUS

NOW COMES, the City of Elkhorn, one of the defendants in the above entitled action, by counsel, Ward D. Phillips of LEECE & PHILLIPS, S.C., and;

HEREBY MOVES THE COURT for an order for payment of surplus funds available after sheriff's sale to the Defendant, City of Elkhorn, in the amount of Fifty-Four Thousand Four Hundred Fifty-One and 03/100 Dollars (\$45,451.03).

Dated this 4th day of June, 2015.

LEECE & PHILLIPS, S.C.
Attorneys for the Defendant,
City of Elkhorn

Ward D. Phillips
SBN: 1016416
Six West Street, P.O. Box 710
Elkhorn, WI 53121
262-723-7040 – Telephone No.
262-723-7039 – Fax No.

May 20, 2015

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION CONFIRMING BROWN COUNTY'S OPPOSITION TO THE
LEGALIZATION OF MARIJUANA IN THE STATE**

WHEREAS, marijuana is classified as a controlled substance under Wisconsin State Statutes (Schedule I Uniform Controlled Substance Act) and federal law (Schedule I of the Controlled Substances Act) and is currently defined as having no accepted medical use in the United States, a lack of accepted safety for use under medical supervision and a high potential for abuse; and;

WHEREAS, marijuana should be subject to the same research, evaluation, analysis and study as any other potential medicine, under the standards of the U.S. Food and Drug Administration (FDA); and;

WHEREAS, tetrahydrocannabinol (THC) is only one of over 400 chemicals found in the marijuana plant; and;

WHEREAS, the THC levels in marijuana have been steadily increasing over the decades, exposing the user to higher concentrations of THC with greater chance of adverse or unpredictable reactions; and;

WHEREAS, excessive marijuana use is harmful to the adolescent brain, effecting the parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movement; and;

WHEREAS, excessive marijuana use alters the brain's neurons and causes both short-term and long-term negative effects interfering with the brain's normal development and function; and;

WHEREAS, marijuana use reduces inhibitions and can lead to unsafe behavior, distorted perception, impaired coordination, and can cause difficulty with thinking, problem solving and difficulty with learning and memory; and;

WHEREAS, marijuana use causes drivers of motor vehicles to be impaired with slower reaction times, impaired judgment and problems responding to signals and sounds; and;

WHEREAS, teens who smoke marijuana regularly can see an 8 point drop in IQ by the time they reach 38 putting a person of average intelligence into the lowest third of the IQ range; and;

WHEREAS, marijuana use can lead to high school dropout and failure in college; and;

WHEREAS, the number of marijuana related emergency room visits increased by 52% between 2004 and 2011.

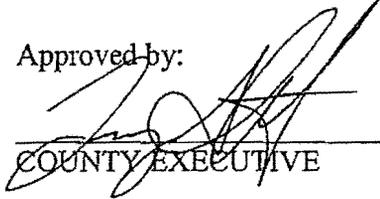
NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors, that Brown County does not support the legalization of recreational** marijuana in the state; and;

BE IT FURTHER RESOLVED that this resolution be sent to Wisconsin State Legislators, the Wisconsin Counties Association (WCA) and all other Counties in the state.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Approved by:


COUNTY EXECUTIVE

5/26/15
(Date)

Fiscal Note: This resolution does not require an appropriation from the general fund.

** Amended as per the County Board on 5/20/2015.

May 20, 2015

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION SUPPORTING THE PROTECTIVE STATUS OF
COUNTY CORRECTION OFFICERS FOR WRS PURPOSES**

WHEREAS, the Brown County Board of Supervisors unanimously passed a resolution supporting a proposed change to Wisconsin Statutes Chapter 40, allowing counties to make the determination as to protective occupation status for their county jailers, detention officers and corrections officers, without finding them as active law enforcement and without granting them full bargaining rights under Wis. Stat. §111.70, keeping within the intent of the implementation of Act 10 on January 15, 2014; and,

WHEREAS, changing Wisconsin Statutes Chapter 40 would enable the Brown County Board to vote on allowing Correctional Officers Protective Status for the purposes of Wisconsin Retirement System ("WRS") so they can retire at age 52 versus 57; and,

WHEREAS, Senator Hansen and Assemblymen Bies introduced Senate Bill 663, and Assembly Bill 669 in the 2013-2014 Legislative session which would enable counties the opportunity to vote on allowing Correctional Officers Protected status; and,

WHEREAS, no committee hearing or committee vote was allowed on the proposal in the 2013-2014 Legislative session; and

WHEREAS, the new 2015-2016 Legislative Session has started and State Assemblyman Mark Born drafted a similar bill to SB663 and AB669; and

WHEREAS, the Brown County Board believes the intent of the original bill matches the wishes of the Brown County Board's resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Board of Supervisors

support the original 2013-2014 legislative version, and requests its Brown County Legislative Delegation and Author to do everything possible to bring the bill forward to the floor for a vote.

BE IT FURTHER RESOLVED, that the Brown County Board of Supervisors requests the Brown County Legislative delegation to draft and send a joint letter in support of the bill requesting their respective leadership to bring the proposed bill to the floor for a vote.

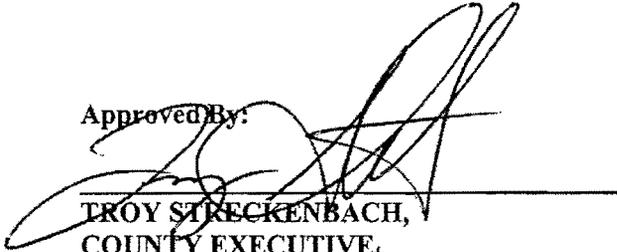
BE IT FURTHER RESOLVED, that the Brown County Board of Supervisors requests that the final version of the bill match the intent of this resolution.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Brown County's State Representatives, the Wisconsin Counties Association and the Sheriffs Association.

Respectfully submitted,

BROWN COUNTY BOARD OF SUPERVISORS

Approved By:



TROY STRECKENBACH,
COUNTY EXECUTIVE,

Date Signed: 6/1/15

Approved as to form by Corporation Counsel.

Fiscal Impact: This resolution does not require an appropriation from the General Fund.

BOARD OF SUPERVISORS ROLL CALL # Voigt

Motion made by Supervisor Sieber

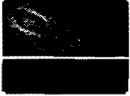
Seconded by Supervisor Nicholson

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
HAEFS	6				
ERICKSON	7				
ZIMA	8				
EVANS	9				
KAYE	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
LA VIOLETTE	14				
KATERS	15				
KASTER	16				
VAN DYCK	17				
JAMIR	18				
ROBINSON	19				
CLANCY	20				
CAMPBELL	21				
MOYNIHAN, JR.	22				
BLOM	23				
SCHADEWALD	24				
LUND	25				
FEWELL	26				

Total Votes Cast 26 X

Motion: Adopted _____ Defeated _____ Tabled _____



Fw: Special Event Camping Ordinance Amendment
Sheril Oldenburg to: Patricia Sommers

06/08/2015 09:32 AM

----- Forwarded by Sheril Oldenburg/WALCO on 06/08/2015 09:32 AM -----

From: Wendy J Boettcher/WALCO
To: Sheril Oldenburg/WALCO@WALCO
Date: 06/04/2015 04:23 PM
Subject: Fw: Special Event Camping Ordinance Amendment

----- Forwarded by Wendy J Boettcher/WALCO on 06/04/2015 04:23 PM -----

From: Christina Green <cgreen@godfreylaw.com>
To: "dgrube@co.walworth.wi.us" <dgrube@co.walworth.wi.us>
Cc: "wboettch@co.walworth.wi.us" <wboettch@co.walworth.wi.us>, "Robert C. Leibsle" <RLeibsle@godfreylaw.com>, Jody Regner <jody@godfreylaw.com>
Date: 06/04/2015 04:19 PM
Subject: Special Event Camping Ordinance Amendment

Hi Deb,

I understand that you are out of the office until Monday, so I hope you are doing something fun. I wanted to let you know that we are requesting that the proposed special event campground ordinance amendment be postponed on the County Board agenda for another month. I spoke to Dave Weber, and he said he would take care of it, but I wanted you to be aware as well.

Thanks again for all your help with this.

Christina M. Green

Godfrey, Leibsle, Blackburn & Howarth, S.C.

354 Seymour Court
Elkhorn, WI 53121
Telephone: 262-741-1507 (direct)
Telephone: 262-723-3220 (general)
Facsimile: 262-723-5121
email: cgreen@godfreylaw.com

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the purpose of avoiding tax penalties that may be imposed on the recipient or any other taxpayer; or (ii) promoting, marketing or recommending to another party or partnership or entity, an investment plan, arrangement or other transaction addressed herein.

RECEIVED
WALWORTH COUNTY CLERK

STATE REPRESENTATIVE

ANDY JORGENSEN

JUN -8 AM 9:28

43rd Assembly District — Assembly Democratic Caucus Chair

June 3, 2015

Walworth County Board of Supervisors
C/o Kimberly Bushey
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kimberly,

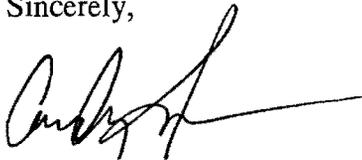
Thank you for providing my office with the Walworth County Board of Supervisor's resolution regarding the proposed cut in funding and return to the prior state level aid to the State's County Land Conservation departments. It is a privilege serving in the Wisconsin State Assembly and I appreciate hearing the board's thoughts on the matter.

Growing up on a dairy farm, I understand how important farmers are to our great state. A decrease of \$1.3 million in funding would hinder the progress that Farmers across the state have made. The State's County Land Conservation Departments have accomplished so much, and the cuts to these departments would halt further accomplishments from being achieved.

A return to the prior state aid level for county conservation staff would not only give federal and state resources to farmers, but would also benefit rural development and assist farms of all sizes. I look forward to working with you in the future on this issue. Please know I will keep your views in mind should this come up for debate in the Wisconsin State Assembly.

Thank you again for providing my office with this letter, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to send me this resolution. Please know that I am always willing to have a conversation and listen to the board's concerns regarding this or any other matter of importance.

Sincerely,



ANDY JORGENSEN
State Representative
43rd Assembly District

RECEIVED
WALWORTH COUNTY CLERK
STATE REPRESENTATIVE
ANDY JORGENSEN 8 AM 9:28

43rd Assembly District — Assembly Democratic Caucus Chair

June 3, 2015

Walworth County Board of Supervisors
c/o Kimberly Bushey
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kimberly,

Thank you for contacting me with the Walworth County Board of Supervisors' resolution regarding Governor Scott Walker's proposed state budget. I appreciate hearing from you.

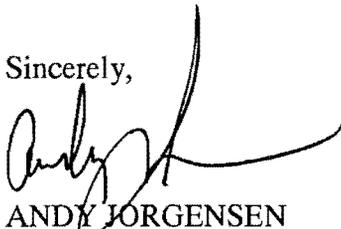
The passing of the state's biennial budget is always a top priority. Unfortunately, Governor Walker has not made retaining the ADRC a priority in his proposed budget. I oppose the current proposed cuts to the ADRC and similar programs because they would have a negative impact on programs that help thousands of elderly people and people with disabilities, as well as their families. Additionally Governor Walker's budget would allow for private companies to replace the ADRC and similar programs completely, which has many people rightfully concerned.

Governor Walker introduced his budget plan on February 3rd. The budget was then referred to the Joint Finance Committee (JFC). JFC is in the process of scheduling public hearings around the state on the budget. After those public hearings have been held, JFC will begin the process of going through the Governor's proposal on an item-by-item basis – approving some items while deleting or modifying others. Once the JFC work on the budget is completed, likely in late spring, the budget will move on to the Assembly and Senate for further consideration. Each house of the legislature can amend the budget – and I'm certain that my colleagues and I will have amendments, based on input from folks like you. Once both houses have passed identical versions of the budget, Governor Walker would have a final say, with the possibility of vetoes, and have the opportunity to sign the bill into law.

Throughout this process, I will be sure to keep your thoughts in mind.

Thank you again for taking the time to send this resolution, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to adopt this resolution. Please know that I am always willing to have a conversation and listen to the board's concerns regarding this or any other matter of importance.

Sincerely,



ANDY JORGENSEN
State Representative, 43rd Assembly District
Assembly Democratic Caucus Chair

RECEIVED
WALWORTH COUNTY CLERK

2015 MAY 22 PM 2:35

MEMORANDUM

TO: County Clerks

FROM: Mark D. O'Connell, Executive Director

DATE: May 20, 2015

SUBJECT: Call for Applications/Nominations

Each spring, the Wisconsin Counties Association (WCA) seeks nominations/applications for positions on the WCA Board of Directors and steering committees.

Enclosed please find multiple copies of a memo that we ask for your assistance in distributing to all county board supervisors, executives, administrators, constitutional officers, and department heads seeking nominations/applications for positions on our steering committees, as well as the WCA Board of Directors.

One copy is enclosed for each county board member in your county, as well as twenty additional copies for distribution to executives, constitutional officers, and department heads. If you need additional copies, please contact the WCA office.

If you have any questions regarding the document requested for distribution, please contact Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs, at 608.663.7188.

Thanks so much for all that you do for us throughout the year. We really appreciate your help in reaching out to our members.