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Officials ask court to order couple to clean up charred ruins that have been untouched since June

Town of Grafton officials have run out of patience waiting for the owners of a burned-out lakefront house to clean up their property.

More than seven months after a fire destroyed a residence at 437 Lake Bluff La., the Town Board agreed to file a civil lawsuit seeking a court order to have the work done.

The lawsuit was filed Jan. 18 against David and Sandra Davis, whose two-story house was destroyed by a wind-driven fire June 1, 2011. No one was injured, but the blaze produced charred ruins and rubble that have remained untouched.

THE TOWN of Grafton has filed a lawsuit against the owners of a Lake Bluff Lane house destroyed by fire last June, seeking a court order to have the property cleaned up.
Photo by Sam Arendt

“The owners said through their attorney that they would have it cleaned up, but nothing has happened,” Town Chairman Lester Bartel said.

“At this point, we decided we had no choice but to take legal action. Otherwise, it could just continue to sit there.”

The lawsuit contends the owners have “allowed and/or caused personal property, rubbish, junk and other debris to accumulate, be stored and/or deposited in an unsheltered condition.”

According to the lawsuit, the debris includes charred lumber, insulation, weathering wrap, vinyl

and aluminum siding and scrap metal, and the basement is open to accumulating water and waste.

In addition to asking the court to order the property cleaned, the lawsuit seeks fines for violating town ordinances against public nuisances. The ordinances call for maximum fines of $400 for each day the owners remain in violation.

The lawsuit also alleges that the property in its current condition is detrimental to surrounding properties and diminishes their value. Many of the neighboring houses are valued at $400,000 or more.

Bartel said town officials met with the Davises' attorney last fall and were assured the property would be cleared by the end of 2011. Cleanup efforts were delayed for months because the property wasn't released until early December by an insurance company investigating the fire, he said.

"We've waited for months, and now it's got to get cleaned up," Bartel said. "It still may take several months to get this done, but at least now we've taken the first step."

The lawsuit also asks the court for the town to be allowed to clear the property and collect the cost of work, fines and other special charges from the owners if they fail to comply with a clean-up order.

According to 2011 assessment records, the house was valued at $424,000 and the land at $103,700.

No one was at home at the time of the blaze, which was responded to by eight area fire departments.

Following an investigation, the state fire marshal's office ruled the cause of the blaze could not be determined because of the extent of the damage.

The lawsuit lists the Davises' current address as 8671 W. Greenbrook Dr., Milwaukee.

The couple's attorney could not be reached for comment.