



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** March 23, 2006  
**SUBJECT:** City of Troy v. Linda and Raymond Winter

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Enclosed please find a proposed consent judgment that would finalize the case filed by the City of Troy against Linda and Raymond Winter to abate the nuisance at their home, located at 5165 Prentis in the City of Troy. This case stems back to 2003, when neighbors of Mr. and Mrs. Winter alerted the City about potential ordinance violations at the home. Troy's subsequent inspection of the home revealed a substantial accumulation of debris, trash, loose paper, clothing, and other items that blocked the doorways and aisle ways of the home, constituting a nuisance. The City unsuccessfully tried to obtain compliance with the ordinances through different approaches, but it became necessary to file a nuisance lawsuit against Mr. and Mrs. Winter. Now, after some negotiation, the City could successfully resolve this case by allowing Mr. and Mrs. Winter to complete the necessary work in three phases over a three -month period. According to the attorney representing Mr. and Mrs. Winter in the lawsuit, they are agreeable to the terms of the proposed consent judgment, and have the ability to carry out their responsibilities under the agreement.

Under the terms of the consent judgment, the Defendants would de-clutter and clean the first floor of their residence by April, clean and de-clutter the second floor by the end of May, and clean and de-clutter the basement by the end of June. The cleaning and de-cluttering would be inspected within ten days after each phase was completed, and would need to meet City standards. If the Winters fail to complete the Consent Judgment requirements, then the City could request an immediate show cause hearing, where the City could obtain any additional appropriate relief, including the ability to hire a contractor to return the home to a condition in compliance with the City of Troy ordinances.

We recommend that City Council approve the proposed Consent Judgment, and authorize our office to execute the final document, which shall be attached to the original minutes of City Council. Please let us know if you have any questions.

STATE OF MICHIGAN  
IN THE OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY,

Plaintiff,

CASE NO.

vs.

RAYMOND F. WINTER  
AND LINDA R. WINTER,  
HUSBAND AND WIFE,

Defendants.

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LORI GRIGG BLUHM (P46908)  
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Linda and Raymond Winter  
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**CONSENT JUDGMENT**

At a session of said Court held in  
the Courthouse, City of Pontiac,  
Oakland County, MI

on: \_\_\_\_\_

PRESENT: HONORABLE JOHN J. MCDONALD, CIRCUIT COURT JUDGE

Linda and Raymond Winter (Defendants) and the City of Troy have agreed to entry of this Consent Judgment and the Court being advised of the particulars:

NOW THEREFORE,

IT IS ORDERED AND ADJUDGED THAT:

1. The Property (5165 Prentis, in the City of Troy, Michigan) is declared a nuisance, since it is in violation of state and/or local laws and regulations. One example of this violation is the failure of Defendants to maintain sufficient aisle ways and proper means of ingress into and throughout the residence on the Property.
2. Defendants agree to abate the nuisance that exists at the Property by complying with all local and state laws, and by creating sufficient aisle ways and proper means of ingress into and throughout the property.
3. At the request of the Defendants, the nuisance abatement will occur in phases, as set forth below:
  - a. No later than April 30, 2006, Defendants shall satisfactorily abate the nuisance existing on the ground floor (first floor) of the residence on the Property, including the stairwell leading to the second floor, but excluding the garage.
  - b. No later than May 30, 2006, Defendants shall satisfactorily abate the nuisance existing on the second floor of the residence on the Property.

- c. No later than June 30, 2006, Defendants shall satisfactorily abate the nuisance existing in the basement, including the stairwell leading to the ground floor (first floor).
4. There shall be no extension of time for fulfilling the requirements set forth in Paragraph 3.
5. The City of Troy shall inspect each nuisance abatement phase within ten days after the each deadline as set forth in Paragraph 3, and shall determine whether the home is in compliance with state and local laws and regulations. Defendants shall allow representatives of the City of Troy to inspect the Property and the residence for compliance with the terms of this Consent Judgment, as long as the inspections occur during business hours and at a time prearranged with the Defendants.
6. The Circuit Court shall retain jurisdiction over this matter to enforce the provisions of this judgment.
7. Any failure to comply with the terms and conditions of this Consent Judgment shall be considered Contempt of Court. If either party fails to comply with the terms and conditions of this Consent Judgment, the other party shall request a show cause hearing before the Court.
8. Possible remedies for the above referenced contempt of Court can include, but not be limited to the following:
  - a. The party could be held in contempt of Court;
  - b. If the Defendants violate the provisions of the Consent Judgment, then the Court could allow the City of Troy to immediately hire

someone to return the home to a safe and sanitary condition, in compliance with state and local laws and regulations. The cost of any such work shall be borne exclusively by Defendants, and may be secured by a lien on the Property, or through a Judgment that can be collected in any manner allowed by law;

- c. If the Defendants violate the provisions of the Consent Judgment, then the Court could order Defendants and anyone else residing at the residence on the Property to vacate the Property until the nuisance is abated, the clean up is complete, and the Property is in compliance with the state and local laws and regulations.
- d. The Court could also order any other relief that is fair and equitable.

9. The parties stipulate that the signatories below are fully authorized to bind my client to the terms of the above Consent Judgment and stipulate to its entry.

IT IS SO ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Hon.  
Oakland County Circuit Court Judge

\_\_\_\_\_  
Christopher J. Forsyth (P63025)  
Attorney for Plaintiff, City of Troy

Dated: \_\_\_\_\_

*Elisabeth J. Rubel*  
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Elisabeth J. Rubel (P66791)  
Attorney for Defendants,  
Linda and Raymond Winter

Dated: March 28, 2006