



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** March 15, 2007  
**SUBJECT:** City of Troy v. George Roberts

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Enclosed please find a proposed consent judgment that would finalize the case filed by the City of Troy against George Roberts to abate a nuisance at 6791 Livernois Rd. in the City of Troy. The City commenced this lawsuit in November, after the City housing and zoning inspectors investigated several complaints filed by the neighbors. The inspectors verified that there were unsafe and unsanitary conditions existing on his property.

At the earliest opportunity, we appeared before Circuit Court Judge Mark Goldsmith, asking for an order to abate the nuisances existing on the property. At that time, Judge Goldsmith entered an order requiring abatement of the nuisances on the property. However, Mr. Roberts was allowed to complete the abatement in phases, as long as compliance with all local and state laws was achieved on or before January 10, 2007.

At the court date on January 17, 2007, Judge Goldsmith was informed that there had been significant progress. However, there were still some violations in the exterior of the home, as well as some on the interior, that required correction. Since the hearing was set in January, during a time of inclement weather, Judge Goldsmith then ordered complete abatement by March 7, 2007, when the City would inspect the property. He also set another court hearing for March 14, 2007 to report on the progress.

On March 7, 2007, City housing and zoning inspectors found that the home was in compliance with all local and state laws. Based on this report, we drafted a proposed consent judgment, which would be the final resolution of this case. This proposed consent judgment is attached for your consideration. Mr. Roberts signed the proposed consent judgment on March 14, 2007, at the Circuit Court hearing.

Under the terms of the proposed consent judgment, Mr. Roberts agrees to continue to maintain his property, (both exterior and interior), in compliance with all local and state laws. In order to insure compliance, the Property would be inspected on a quarterly basis for the first year after the Court approves the Consent Judgment. City inspections could also occur if there is reasonable cause to believe that nuisance conditions have returned to the property. The consent judgment requires full cooperation with any subsequent inspection of the property. Further, if there are future violations of state or local laws, these violations must be abated within 14 days. Failure to abate within 14 days could subject the property owner to sanctions for contempt of court.

We recommend approval of the attached Consent Judgment. Please let us know if you have any questions.

STATE OF MICHIGAN  
IN THE OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY,

Plaintiff,

VS.

GEORGE ROBERTS,

Defendant.



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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 MARK A. GOLDSMITH, CIRCUIT COURT JUDGE

George Roberts, *in pro per*, and the City of Troy agree to the entry of this  
judgment:

**RECITALS**

- A. Defendant is the sole owner and occupant of a single-family dwelling  
located at 6791 Livernois, Troy MI (“the Property”).

- B. Beginning in July of 2006, representatives of the Troy Building Inspection and Zoning Department received several complaints from neighbors regarding the exterior of the Property.
- C. Based on these complaints, Building Inspectors repeatedly met with Defendant and inspected the exterior of the Property. The Inspectors observed several piles of debris, litter, and tall weeds, which are violations of Troy's Code of Ordinances.
- D. Although Defendant repeatedly told the Building Inspectors that he would correct these violations, Defendant failed to remove the debris, litter, and tall weeds outside his home.
- E. For the next several months, the Building and Zoning Department continued to receive complaints about the condition of Defendant's Property.
- F. Based these continuing complaints, and also further investigation, Troy Building Inspectors obtained an administrative search warrant for Defendant's house on the Property on November 16, 2006.
- G. When the Inspectors entered his house, they immediately noted a strong foul odor and evidence of vermin. They also observed debris and litter piled high to the ceiling, which made it extremely difficult for the Inspectors to move throughout the house. Defendant's kitchen and bathroom were covered in filth, which caused them to believe Defendant lacked working plumbing. These unsafe and unsanitary conditions posed an immediate

danger to Defendant and anyone else entering Defendant's home. These conditions also constituted violations of state and local laws.

- H. Based on the unsafe and unsanitary conditions existing at Defendant's residence, Plaintiff immediately filed a lawsuit, alleging that the Property constituted a nuisance that needed to be abated.
- I. In addition, Plaintiff filed a motion for preliminary injunction/show cause order requesting that Defendant vacate the Property until the Property was made safe and sanitary.
- J. On November 29, 2006, this Court held a hearing at which Defendant and Counsel for Plaintiff appeared, as well as City of Troy Building Inspectors. After taking testimony and reviewing photographs, which were marked and admitted as exhibits, this Court entered an order abating the nuisance.
- K. Under the terms of this order, Defendant was to abate the nuisance that existed at the Property in three phases, with the last phase ending on January 10, 2007. Defendant was also required, pursuant to this order, to allow Building Inspectors to inspect the Property after each abatement phase.
- L. According to City Inspectors, Defendant has successfully abated the nuisance that existed on the Property, and all ordinance violations have been corrected.
- M. City Officials are concerned, based on past history with the Defendant, as well as the representations of the neighbors, that there will be future

violations of the Troy City Code and/or unsafe conditions in the home or outside the home.

- N. This Court has reviewed this proposed Consent Judgment, and has verified that it possesses jurisdiction over this action, and has approved the form and substance of this Consent Judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. This judgment constitutes the final judgment of the Oakland County Circuit Court and resolves all claims between the parties.
2. The Defendant shall continue to maintain the Property in compliance with all state and/or local laws and regulations. For example, Defendant must maintain sufficient aisle ways and proper means of ingress into and throughout the residence on the Property, and must keep the exterior of the Property free of all litter, trash, and debris.
3. The City of Troy shall have the right to inspect the Property.  
Inspections shall occur in the following manner:
  - a. City Officials shall inspect the Property (both exterior and interior) once a quarter (every 120 days) for a period of one year (12 months), commencing on the date that this judgment is entered with the Court.
  - b. City Officials shall also inspect the Property, both exterior and interior, whenever they have reasonable cause to believe that nuisance conditions have returned and exist at the Property.

- c. City Officials shall provide Defendant at least 24 hours notice of the scheduled inspections, as described in paragraphs a. and b., and said inspections shall occur during normal business hours.
  - d. Defendant shall fully cooperate with City Officials regarding the inspections described in paragraphs a. and b.
4. The parties agree to waive all costs and attorney fees incurred as result of the case.
5. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.
6. In order to effectuate the intent of this consent judgment, and to reconcile any difference between the Parties, the Circuit Court shall retain jurisdiction over this matter to resolve any disputes that may arise.
7. Any failure to comply with the terms and conditions of this Judgment shall be considered Contempt of Court. If either party fails to comply with the terms and conditions of this Judgment, the other party can request a show cause hearing before the Court.
8. If nuisance conditions return and exist at the Property, City Officials may abate the nuisance in any manner as provided by state statute or City of Troy Code of Ordinances.

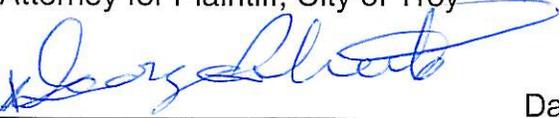
9. Plaintiff shall allow Defendant 14 days to voluntarily abate the nuisance condition existing at the Property before requesting a show cause hearing as described below.
10. City Officials may also abate the nuisance by requesting a show cause hearing, and asking the Court to:
  - a. Allow the City 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 reasonable cost of any such work shall be borne exclusively by Defendant, and may be secured by a lien on the Property, or by special assessment on the Property, or through a Judgment that can be collected in any manner allowed by law;
  - b. Order any other relief that is fair and equitable.
11. The parties stipulate that signatories below are fully authorized to bind the Parties to the terms of this Consent Judgment and stipulate to its entry.
12. The execution and entry of this Consent Judgment are contingent upon Troy City Council approval.

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Hon. Mark A. Goldsmith  
Oakland County Circuit Court Judge

Stipulate as to Form and Substance:

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



\_\_\_\_\_ Dated: X APR 14 2007

George Roberts  
Appearing *in Pro Per*