

RETURN DATE: APRIL 7, 2020

SUPERIOR COURT

TOWN OF WINCHESTER

JUDICIAL DISTRICT OF LITCHFIELD

V.

AT TORRINGTON

TERANCE GRAVES

FEBRUARY 27, 2020

COMPLAINT

1. The Plaintiff is a municipal corporation organized under the laws of the State of Connecticut.
2. C.G.S. §7-148 permits a municipality to adopt regulations for the prevention and remediation of housing blight, including the imposition of civil penalties for each day a violation continues.
3. The Plaintiff has adopted such regulations in the form of Ordinance 180.
4. Terance Graves is the owner of property known as 50-52 Cottage Street, Winchester, Connecticut, more particularly described in Exhibit A attached hereto.
5. Acting under authority granted by Ordinance §180, the Town notified the Defendant that he was in violation of the Anti-Blight Ordinance and provided in the notice a description of the specific blight conditions, and what actions must be taken to correct the violation. A copy of the violation notice is attached hereto as Exhibit B.

LAW OFFICES OF
VIN F. NELLIGAN, LLC
4 ASHLEY FALLS ROAD
CANAAN, CT 06018
TEL. (860) 824-5171
FAX (860) 824-5161
JURIS NO. 18142

6. Despite receiving notice of the violation, the Defendant failed to take actions to correct the blight and the Plaintiff notified the Defendant on April 18, 2019 that the civil penalty of \$99.00 per day would be imposed for each day the violation continued.
7. A copy of the violation notice was recorded in Volume 446 Page 290 of the Town of Winchester land records.
8. To date the civil penalty imposed for the continuing blight violations totals \$25,146.00.
9. The Defendant has not appealed the imposition of the fines as prescribed in Ordinance 180.
10. C.G.S. §7-148aa allows the unpaid civil penalties to constitute a lien on the real estate of the Defendant, and that the lien takes precedent over all other liens and may be enforced in the same manner as property tax liens. Property tax liens may be enforced by foreclosure pursuant to C.G.S. §12-181.
11. There are no encumbrances of record prior to and superior to the Plaintiff's blight lien.
12. The Defendant is the record owner of said premises and is in possession of the premises.

13. The Plaintiff did cause to record a Lis Pendens on the land records to the Town of Winchester giving notice of the institution of the foreclosure action and has caused the same to be served on all Defendants and a copy of said Lis Pendens is attached hereto and made a part hereof as Exhibit C.

WHEREFORE, the Plaintiff claims:

1. A foreclosure of the lien;
2. Immediate possession of the liened premises;
3. A deficiency judgment against the Defendant (unless the same has been precluded by virtue of a bankruptcy judgment.). No deficiency judgment will be brought against any person whose obligation under the subject lien has been heretofore or hereafter discharged in bankruptcy.
4. A strict foreclosure of the premises.
5. Damages.
6. Such other further and equitable relief as may be required.

NOTICE

Notice is hereby given to the Defendant Terance Graves that Plaintiff intends to seek satisfaction of any judgment rendered in its favor in this action and the amount of any debt accruing to said Defendant by reason its personal services.

PLAINTIFF

By

Kevin F. Nelligan
Its Attorney

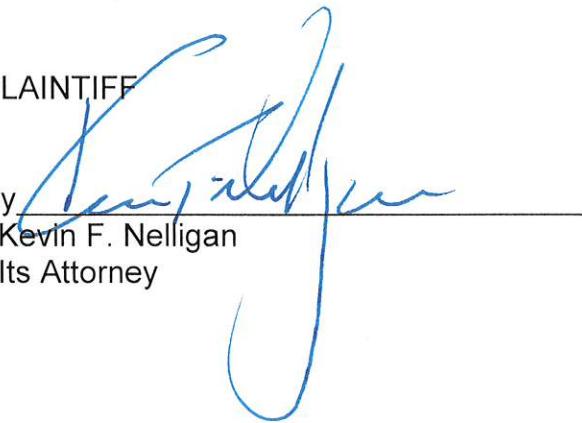
A handwritten signature in blue ink, appearing to read "Kevin F. Nelligan", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'K' at the beginning.

EXHIBIT A

A certain piece or parcel of land, together with all improvements thereon and all appurtenances thereto, situated on the easterly side of Cottage Street in the City of Winsted, Town of Winchester, County of Litchfield and State of Connecticut, being more particularly bounded and described as follows:

NORTHERLY: by land now or formerly of Anthony J. and Nellie T. Lamberto, 132 feet, more or less;

EASTERLY: by land now or formerly of Lillian E. and Flora E. Centrella, 66 feet, more or less;

SOUTHERLY: by land now or formerly of Lucy Bonce Sparks, 132 feet, more or less; and

WESTERLY: by Cottage Street, 66 feet, more or less.

EXHIBIT B



Town of Winchester
City of Winsted
Building Department
338 Main Street
Winsted, CT 06098
Tel. (860) 379-3818
Fax (860) 738-6598

Doc ID: 000905220002 Type: LAN
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File# 2019-00001205

VIA REGULAR AND CERTIFIED MAIL ARTICLE #7015 0640 0004 5368 9466

Official Violation Notice & Order to Correct Violation(s)

June 4, 2019

Mr. Terance Graves
50-52 Cottage Street
Winsted, CT 06098

RE: Your property located at: 50-52 Cottage Street
Assessor's Map 107 Block 016 Lot 011 Card 0361

Dear Mr. Graves:

An inspection of your property located at 50-52 Cottage Street on May 9, 2019 indicated the following violation(s) of the Anti-Blight Ordinance of the Town of Winchester as adopted in Section #180 of the Town Ordinances. The ordinances, codes, and standards are available for your inspection at this office.

Ordinance Section Violated:

D. Prohibiting the Creation or Maintaining of Blighted Premises.

- 1) No owner of any Building or structure in the Town of Winchester shall cause blighted premises to be created or maintained.
 - a) The property or building is not being maintained.
 - b) The structure is deteriorating.
 - c) The structure is becoming dilapidated.
 - d) The property is attracting illegal activity.
 - e) The property is a fire hazard.
 - f) The property is seriously depreciating property values in the neighborhood.
 - g) The property is creating a substantial and unreasonable interference with the reasonable enjoyment of other properties within the neighborhood.

The following needs to be done to correct the violations that were observed:

- 1) Any rubbish or debris that is in the yard needs to be cleaned up and removed.
- 2) The yard needs to be maintained.
- 3) Any broken screens or windows need to be repaired or replaced.
- 4) Any trim or siding that is missing or loose needs to be replaced and fastened properly.

- 5) Any peeling paint needs to be fixed.
- 6) Some of the gutters are damaged and/or falling off and need to be repaired or replaced.
- 7) Some of the roofing is damaged and is in need of being repaired or replaced.
- 8) Any stairs or walkways that are damaged needs to be repaired.
- 9) Any guardrails or handrails that are damaged or missing need to be repaired or replaced.
- 10) Any unregistered vehicles need to be removed or housed in a structure, completely shielded from view.

You are hereby ordered to take the proper corrective action to remedy all listed violations within fourteen (14) days from the date of this notice.

You have a right to request a reasonable extension of time if you are unable to achieve compliance within the fourteen (14) day time period. You must make the request in writing stating the reasons why you need an extension and the length of time you will need to complete the repairs. The request must be submitted and approved prior to the expiration of the fourteen (14) day period.

In addition, you have the right to appeal this order pursuant to the Town of Winchester Ordinance #180 (Section F.4) for a period of not more than ten (10) days of receipt of this notice. Enclosed please find a copy of the Anti-Blight Ordinance.

Please note that the correction of certain violations may require you to obtain proper permits prior to any construction/repairs. All work is to be done by licensed contractors where required by law.

This is the only order you will receive. Once repairs are completed you must schedule an appointment for re-inspection to confirm that all violations have been corrected. If you fail to contact this office, a re-inspection will be conducted of the premises to determine compliance with this order after expiration of the time period noted in this order. Your failure to comply with this order, within the time period specified as determined by said re-inspection, constitutes your failure to comply with the applicable sections of Town of Winchester Ordinance #180.

Any person who violates any of the terms of Town of Winchester Ordinance #180 shall be subject to a penalty of not more than Ninety-nine (\$99) Dollars and each day that a violation thereafter continues shall constitute a separate offense.

I look forward to working with you to resolve this matter in the interest of public health, safety, and welfare of the community. Please feel free to contact me to discuss this matter further. Thank you in advance for your anticipated cooperation in addressing this matter.

Very truly yours,



Marc Melanson
Building Official

Received for Record at Winchester, CT
On 06/18/2019 At 9:13:10 am

cc: Robert Geiger, Town Manager
Land Records, Town of Winchester Town Clerk

STATE OF CONNECTICUT:

:

SS: Winsted

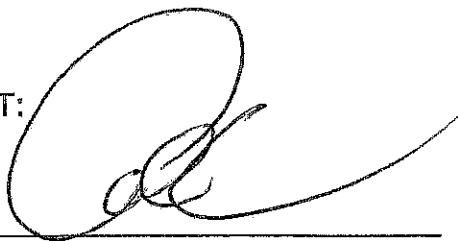
COUNTY OF LITCHFIELD:

DATE: 07-15-19

Then and there by virtue hereof, and at the special direction of the Building Official, I made due and legal service upon the within named Defendant: **Mr. Terance Graves**, by leaving at his usual place of abode, at: **50-52 Cottage Street, Winsted, CT**, a true and attested copy of the within Official Violation Notice & Order to Correct Violation(s), with my endorsement thereon.

The within and foregoing is the original Official Violation Notice & Order to Correct Violation(s), with my doings endorsed hereon.

ATTEST:



Arthur Quinn, III
State Marshal
Litchfield County

Service \$ 50.00