



# Kenosha Landlord Association

A Local Chapter of the Wisconsin Apartment Association

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## To Our Members

Many thanks to Attorney Timothy Evans who was our featured speaker at last month's meeting. Attorney Evans covered the new 2015 eviction laws.

Our next meeting, on Wednesday, August 19<sup>th</sup> will feature Attorney Rick Bollenbeck of the firm Bollenbeck Fyfe, S.C. Attorney Bollenbeck will focus on Estate Planning and share with us how a well prepared and effective estate plan can protect your family's future. Learn about how various estate planning instruments such as property trusts, wills, power of attorney, tax laws and more can benefit you and your heirs.

If you would like to obtain more information on the various areas of law that Attorney Bollenbeck and his firm handle, you can view his website at [www.bwsf.biz](http://www.bwsf.biz) and click on estate planning.

**Meeting: Wednesday, August 19th at the Fireside Restaurant and Lounge, 2801 30th Ave. Appetizers and networking at 6:30 pm. Meeting begins promptly at 7:00 pm.**

**DISCLAIMER:** The Kenosha Landlord Association publishes this newsletter to create awareness of issues relating to the rental housing industry. Information is compiled from a variety of sources and the views and concerns expressed by the contributors do not necessarily reflect those of the editor or the Association. When necessary, we suggest you consult an attorney.



## Does Your Landlord Website Help or Hurt Your Business?

Source: <http://www.nolo.com/>

More and more landlords have been staking out their own corner of the Web by launching a landlord website. If you're one of these landlords, or if you've been considering launching a landlord website, you already know that it can be a useful tool to promote your business, communicate with tenants, and draw prospective tenants to your property.

You should also know that running a website comes with risks -- especially when it's used in connection with a business. If you don't put much thought into the features you include or the text you write, your landlord website might not be helpful. Worse, a quickly or poorly constructed website may even harm your business.

**Build an effective website, and avoid problems, by following these tips.**

### **Use Photos to Market Your Property**

Written descriptions of your property and its amenities are a key component of any landlord website. But, to be effective, your website should also include photos. The combination of text and photos will improve your website's look and feel, and it will help attract potential tenants by allowing them to see what the property looks like.

**Here are some pointers for adding photos to your landlord website.**

**Use a wide range of quality photos .** Take photos of scenes that you believe will give prospects reason to want to live at your property. For example, include a photo to show off your spacious lobby or the fact that you have a doorman posted in the foyer. Include indoor shots, such as photos of your fitness center, library, or business center, and outdoor shots, such as photos of your courtyard or garden in the sun or snow. Finally, add captions to your photos to let prospects know what they're viewing.

**Portray your property in a positive, accurate light.** Your photos should present an accurate, current depiction of your property. If you include a photo of your playground but then remove your playground from your property, promptly remove that photo from your website. Don't use photo-editing software to modify your property's appearance. For example, if a walkway on your property contains several cracks in the pavement, don't remove the cracks from the photo. Finally, stay away from stock photos, which may cause confusion and mislead prospects as to what your property looks like and exactly what facilities it offers.

**Show your diversity.** When including photos of tenants enjoying your property, choose ones that depict your property's diversity. Photos that show people from different racial or ethnic backgrounds send a message that you welcome all prospects to your property and don't discriminate.

### **Use Text That Promotes Your Property But Doesn't Discriminate**

Sometimes, what you don't say is as important as what you do say. When writing text for your website, avoid language that could be construed as discriminatory. Do make your commitment to fair housing clear.

### **Don't Describe Your Ideal Tenants**

It's not a good idea to suggest the type of people you think would be best suited to live at your property. Avoid phrases such as "ideal for" or "perfect for" that could be interpreted as showing a preference for a certain group of people.

### **Don't Give Specifics on Apartment Availability**

It's fine to indicate on your website that you have apartments available (and even add that they won't stay available for long). But getting specific about the number or types of vacancies isn't just unnecessary, it's also unwise. If you get specific and don't update your figures each time they change, you're asking for trouble.

### **Make Your Commitment to Fair Housing Known**

In the past, HUD regulations required landlords to include the fair housing logo and a statement of nondiscrimination in their marketing materials. Although these regulations are no longer in force, including both the logo and a nondiscrimination statement on your website is still highly advisable. It's a proactive way to show prospects, tenants, and HUD that you take fair housing laws seriously.

To download the fair housing logo, visit HUD's website at [www.hud.gov](http://www.hud.gov) (click "Program Offices," "Fair Housing/Equal Opportunity," "Library," then "Equal Housing Opportunity Logo").

Continued on page 3



## Does Your Landlord Website Help or Hurt Your Business? (con't)



You may copy HUD's suggested nondiscrimination statement or use it as a model for your own. Here is the text of HUD's statement: "We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin." Talk to your Web designer or host about adding features that will help you stand out to prospects and improve relations with tenants.

### Here are some website features to consider:

**Downloadable forms.** Make it easy for prospects to apply for an apartment. Post your application form on your website so that prospects can download and print it from their computer. Also consider including other documents you think may be important or helpful, such as your tenant selection plan, a map of your property, or floor plans of each size apartment.

If you make documents available for download, convert any word processing files to the PDF format before posting. This will ensure that prospects who download your forms can't alter them.

**Maintenance requests.** Add an online form so tenants can alert you to maintenance and repair issues easily and at any hour. The form should ask tenants for all the information you might need to respond to their request.

**Community bulletin board.** Make your tenants feel like they're part of a close-knit community. Include a tenants-only bulletin board in which tenants can list job postings, items for sale (or wanted for purchase), lost or found items, and announcements. To be sure all postings are relevant and free of offensive material, review and approve all submissions.

**Helpful resources.** Include links to useful neighborhood resources, such as the weather report, a local news station, your municipality's street cleaning or garbage collection schedule, nearby attractions, and neighborhood restaurant reviews. Invite tenants to e-mail you with additional link suggestions.

**Online rent payment.** Accepting credit cards requires a small fee, but you may find that it's well worth it. Many people prefer the convenience of online billing to the traditional check-in-the-mail, so there's no doubt many of your tenants will appreciate this amenity. And you may get your monthly rent payments sooner. Ask your Web designer about setting up an online payment system for tenants. If you're creating your website on your own, ask your Web host about your options or search for "accepting credit cards" on the Web to learn about convenient third-party solutions.

### Respond Promptly to Web Inquiries

If you invite prospects to contact you by e-mail or by completing an online form on your website, keep track of all inquiries and be sure to respond promptly and consistently to each one. If you delay even a few days, a prospect may wonder whether you got the message and may look elsewhere. If you don't respond to an inquiry at all, you risk that a prospect will accuse you of ignoring her inquiry for a discriminatory reason (for instance, because her name implies she is Hispanic or her grammar and vocabulary suggests that she wasn't born in the United States).



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- 11 NEW RENTAL FORMS

Approved Rental Forms conforming –ACT 76 Mandatory March 1, 2014

Wisconsin Legal Blank Printing and Forms has provided it's customers with high quality pre-printed and custom forms for over 100 years. We are constantly keeping up-to-date and ahead of Rental and Real Estate regulations, government changes to forms, renovation literature, and EPA safety mandated requirements.

## A Crash Course in Estate Planning

Source: <http://wills.about.com/od/preparingtodraftaplan/>

Many estate planning attorneys make it a point to educate their prospective clients about the fundamentals of estate planning. In my mind, education is essential because it takes the complex process of estate planning and breaks it down into smaller and easier to understand parts.

Once you understand one part, you can move on to the next and the next until all of the sudden everything becomes crystal clear. You will then realize that estate planning isn't simply about signing a bunch of legal documents that get spit out of a computer.

If you have been lucky enough to work with an estate planning attorney who believes in educating clients about the estate planning process - unfortunately, from what I have seen, they are far and few between - then you'll already have a good grasp of the concepts discussed below. If not, then read on to take a crash course in estate planning.

### 7 Fundamentals of Estate Planning

The key to understanding your estate plan is to understand the answers to the following seven questions:

Access Billions of Records Now. Find the People You're Looking For!

- 1. What is the purpose of an estate plan?** Estate planning is not just about planning for what happens to your property after you die, it is also about planning for what happens to you and your property if you become mentally incapacitated. Many times this is either not discussed or only touched upon during the estate planning process. This is a mistake since statistics show that while people are living longer, they are not necessarily living healthier. Aside from this, accidents can happen at any time that can render you incapable of making personal/financial decisions. Therefore, your estate plan should address both planning for incapacity and planning for death.
- 2. Which taxes affect an estate?** There are four types of taxes that can affect your estate: estate taxes (including state estate taxes), gift taxes, generation skipping transfer taxes, and income taxes. Understanding how these taxes will affect your estate, and, thus, the inheritance that will be received by your beneficiaries, is an essential part of the estate planning process.
- 3. How is your property titled?** This is a simple concept - how your property is titled will dictate who will inherit it after you die - and yet day in and day out estate attorneys meet with people who do not know how their property is titled. Is it in joint names with right of survivorship, tenants by the entirety, tenants in common, or in therevocable living trust? Or, for certain types of assets, who has been named as the primary and secondary beneficiaries? Understanding who owns what is the key to good estate planning since who owns it now leads to who will inherit it after death. For example, if your will leaves everything equally to your brother and sister but all of your property is titled in joint names with right of survivorship with your sister, then all of your property will go to your sister after you die and absolutely nothing will go to your brother. Then what was the purpose of your will?
- 4. What is a revocable living trust, and do you need one?** A revocable living trust is a legal document that covers three phases of your life - what happens to you and your property while you're alive and well, if you become mentally incapacitated, and after you die. One of the main reasons people use a revocable living trust as part of their estate plan is to avoid probate, but it is also a powerful tool to keep your estate plan a private family matter. And because estate planning is not one size fits all, there will be many factors that need to be considered before deciding if a revocable living trust is right for you
- 5. What are the options for paying your beneficiaries their inheritance?** Once a plan is in place to care for you and your property if you become mentally incapacitated, you can focus on who will inherit your property and how they will inherit it after you die. There are many different ways you can leave your property to your beneficiaries - outright in one lump sum, in phases, in lifetime discretionary trusts, and everything in between. It is also important to understand the difference between providing for minor beneficiaries versus for adult beneficiaries. Aside from this, you can attach strings to your property and limit how your property can be used.
- 6. What are the essential estate planning documents?** The building blocks of a good estate plan include a Last Will and Testament, Advance Health Care Directive, Living Will, and Power of Attorney. Aside from these documents, as mentioned above, some people may benefit from including a Revocable Living Trust as part of their estate plan.
- 7. How often should you review your estate plan?** Once you have your estate plan in place, you cannot simply stick it in a drawer and forget about it. Day in and day out things will happen that will affect your estate plan - you may get married or divorced, have children or grandchildren, move to a new state, or buy or sell a business. Aside from this, state and federal laws are changing all of the time. All of these things, and many others, will affect your estate plan, and so you need to review your plan on a regular basis to insure that it still meets your estate planning goals.



## Collecting on Small Claims Judgments

Source: <http://consumer-law.lawyers.com/>



Great job! You won your small claims court case. Unfortunately, winning a judgment against someone in small claims court doesn't mean you automatically collect on it. How do you collect the money someone owes you?

Once the court rules in your favor, it's best to arrange for the person you sued – now called the **judgment debtor** – to make payments, over time if needed. Agreement between you and the debtor is the easiest and least expensive collection method. Court-based collection procedures can be slow and costly, and may be your only option if you don't reach a voluntary agreement with the debtor.

In order to get paid as quickly as possible, find out the methods of collecting the judgment that apply to your situation while you're waiting to find out whether the judgment debtor is going to file an appeal.

### Court Order for Periodic Payments

In some states, you can ask the court to order the debtor to make specific regular payments on the debt. If the payments aren't made as scheduled, the debtor can be ordered back into court to explain it to the judge.

### Judgment/Lien Recording

Ask the small claims court for instructions on how to record a judgment or **lien** against any real estate the debtor owns now or in the future. This will prevent the debtor from selling his property without first paying your judgment.

If the debtor moves to another location, you can have the judgment lien transferred to the debtor's new location.

### Debtor Examination

The small claims court likely has a method for forcing the debtor to come back to court to answer your questions about his property, debts and earnings. Different courts call this a supplemental examination, debtor examination, interrogatories or disclosure hearing. You fill out paperwork with the court for an order to start this procedure. Come prepared with a list of questions to ask the judgment debtor. Some useful information to get during the examination includes:

- A description of any real estate owned
- Spouse's name and employment
- Social security number
- Driver's license number
- Bank location and account numbers
- Current employment (employer name and address, when and how often paid, salary amount)
- Other income such as commissions, rental income, part-time employment, etc.

You can also question the debtor regarding property, such as stocks, interest in a business, and the type and location of vehicles owned. It's a good idea to round out the questioning with a general question such as "Do you have any property, personal effects, cash or other assets that you haven't yet mentioned? If so, explain." If the debtor doesn't show up for the examination hearing, the court can issue a warrant for the debtor's arrest.

### Writ of Attachment/Execution

A **writ of attachment** or **writ of execution** is a tool used to take debtor property, sell it and apply the sales proceeds to your judgment. Steps in the process are:

- Ask the court for the writ, which tells the sheriff to pick up the debtor's property and sell it
- Serve or deliver the writ to the debtor. You may have to use a process server and post a bond to protect the sheriff's office from being sued if any mistakes are made, such as taking someone else's property
- Pay costs such as storage while the sale is advertised
- Collect payment after the sheriff completes the sale (costs are taken out of sales proceeds before you're paid)

The process can be complex, so you may want to use a lawyer, especially if real estate is involved. Certain property – such as the debtor's home, a vehicle used for work transportation, welfare benefits and Social Security payments – can't be seized and sold.

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## Collecting on Small Claims Judgments (con't)



### Writ of Garnishment/Wage Garnishment

A **writ of garnishment** is a court's order to withhold part of someone's wages to pay creditors. Ask the court for a **garnishment** order, which is served on the debtor's employer. The employer is allowed some time to start collection, and the law limits the amount and income type that can be withheld.

### Bank Account Garnishment

**Garnishing or levying a bank account** is a court's order to withhold funds from a debtor's bank account to pay a judgment. The paperwork must be served directly on the bank. Certain accounts are exempt from garnishment, such as those held jointly with someone who has no responsibility to pay the judgment.

### Till Tap

Some states, such as California, provide for a "**till tap**" to pay a judgment. When the debtor is a business, you can ask the court for an order directing the sheriff to go to the business and take money to pay your judgment from a cash register or receipts.

### Driver Licensing Notification

Notify your **state's motor vehicle department** if your judgment resulted from a motor vehicle accident. If the debtor was driving without valid insurance, some states will suspend his or her driver's license.

### Bankruptcy

Federal bankruptcy law forbids collection action on your small claims court judgment once the debtor files a bankruptcy case. There are consequences, such as contempt, if you try to collect and break bankruptcy law and court rules.

#### Landlord/Crime Free Multi-Housing Rental Seminar

Saturday October 3th (9am-2pm)  
Saturday October 10th (9am-2pm)

Location: *Boys and Girls Club*  
1330 52nd St.  
Kenosha, WI 53140

The KPD Crime Prevention Unit and the Kenosha Landlord Association designed this Seminar to help landlords make better decisions when managing their rental units.

#### The following topics will be discussed:

- Property Maintenance Codes
- Crime Prevention Techniques
- Applicant Screening
- Leases and Evictions
- Crime Free Lease Addendums
- Process Serving
- C.P.T.E.D. (Crime Prevention through Environmental Design)
- Fire Safety
- Waste and Disposal



To register for the seminar please call:  
Crime prevention Unit at 657-3937  
or e-mail: [watch@kenoshapolice.com](mailto:watch@kenoshapolice.com).

**Coffee, soda, water, and lunch will be provided!!!!!!**

**This seminar will help landlords  
and  
property managers  
in  
the following ways:**

- Satisfied tenants build stable neighborhoods
- Active management leads to less turnover
- Stabilized property values and rents
- Lower maintenance and repair costs
- Everyone is safer
- Peace of mind from spending less time on crisis control.

**Come and learn about all of the  
new laws!!!!**



## Angie's List's Dirty Little Secrets

Source: [www.rentalpropertyreporter.com](http://www.rentalpropertyreporter.com).

We see their ads constantly about being able to check out contractors and other businesses to get “Reviews You Can Trust.” I do that regularly and have had mostly good luck finding contractors to do work for me, but I had questions about how Angie’s List deals with the contractors and other businesses listed on its website.

Angie’s List advertises that listing a business is free, and up to a point, that’s true. But contractors have told me that they were paying over \$600 a month for an Angie’s List listing. How does that jibe with the “free” claim on the Angie’s List website?

It’s all but impossible to get through on the phone to actually speak to anyone there. One contractor, who was paying \$660 a month to Angie’s List, said he had to wait up to a half hour to speak to an actual person. Sounds about right.

My questions were about the “free” business listing, so I called and asked to speak to someone about that. At first they put me through to “member services,” that is, the department that handles consumers. Oh, “You need business services,” which is what I had asked for to begin with. He transferred me to permanent hold. I am not willing to wait a half hour, so I hung up after a couple of minutes and posted the questions on their support site. They are:

1. How much are businesses charged for listing? How is that done?
2. What if a business is listed and gets a review? Is that business charged?
3. How do you tell if a business has used skills to review it for good reviews?
4. Why do you offer deals from unlicensed contractors

Here are the answers I got from Melissa S:

Currently we do not charge service providers to be listed, we feel that charging the service providers a fee to appear on the List will undermine the overall quality of our content. (sic) Services that charge businesses for their participation often feature skewed results that don’t reflect consumers’ experiences with service providers. At Angie’s List, not only can you read individual, first-hand experiences, but you can also see the service provider’s side of a given situation allowing for a much more balanced view of the company’s business practices.

Providers who are listed as not licensed can offer deals for two reasons. First, if we have not did (sic) a background check on the provider we cannot verify whether or not they are licensed. Second, in some situations, depending on state laws, and the job, providers do not have to be licensed. *[quoted with grammar and usage errors included]*

For more questions, she referred me to the support site, the place that prompted my questions in the first place.

One contractor, Anthony Gravagne, a plumber who had done excellent work for me on three occasions, told me that he had originally had a free listing when he signed up in 2009. He received two or three reviews in *five years*. Then he signed a contract with Angie’s List where he would pay them \$660 a month for a listing that covered all zip codes in the area plus a couple of other services. Immediately reviews poured in, several a day, he said.

Another contractor, Bostick Remodeling, pays about \$185 a month. He says it’s worth it to him, so he keeps it up.

From what I could gather from speaking to contractors, if a contractor pays, he or she gets follow-ups by Angie’s list by email to the members who have searched for them plus a “storefront.” I never could figure out what that was when I searched on Angie’s List.

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## Angie's List's Dirty Little Secrets

(con't)

Look at any type of contracting business on Angie's List and you will see that the businesses with the most reviews are at the top. That obviously means that customers have reviewed them, but it doesn't necessarily reflect the number of jobs they have completed, only the number of reviews.

Many companies push customer reviews. Anthony is a one-man-show. Travis Bostick has three employees. Neither has a marketing department to make sure that they get reviewed and Anthony is timid about pushing for people to review him on Angie's List. "I just want to turn a wrench," Anthony told me. Travis is not shy and does ask for reviews. And when I had not gotten around to reviewing Bostick Remodeling, I got weekly emails from Angie's List asking for a review.

Many companies push customer reviews. Anthony is a one-man-show. Travis Bostick has three employees. Neither has a marketing department to make sure that they get reviewed and Anthony is timid about pushing for people to review him on Angie's List. "I just want to turn a wrench," Anthony told me. Travis is not shy and does ask for reviews. And when I had not gotten around to reviewing Bostick Remodeling, I got weekly emails from Angie's List asking for a review.

The multi-employee companies have marketing departments and gladly pay monthly charges. Anthony told me, though, it cost him more for Angie's List than the business he was getting from it. He cancelled the contract with Angie's List. Now he is "delisted." I can't find his listing under plumbers in spite of the fact that I reviewed him just last month and he had around 50 "A" reviews. So much for a "free" listing.

One example, of a top of the list company is the air conditioning company I called. They sit right at the top of the listings for heating and cooling because they have the most reviews. They are a large company with multiple trucks and employees. I spoke with the owner, who never "turns a wrench," and he has all his employees push Angie's List reviews. I had a less than favorable experience with this company, and when I posted a poor review, the owner, to his credit, called me and wanted to make it good, which he mostly did.

The dirty little secret of Angie's List is that if you pay, you can end up with a top listing. If you are a one-man-show, and you can't afford to pay, you might disappear.

Finally, there is the licensed contractor question. I get emails with special offers from Angie's List regularly. I was in the market awhile back to paint the exterior of my house. Angie's List had what looked like a great deal for exterior painting. Remember Melissa S's response to that question? I don't hire unlicensed contractors to do work, so I went looking on the Arizona Registrar of Contractors website for this company. It wasn't there. I tried three different searches, name, owner's name, painters, and never could find it. Contractors of any kind must be licensed in Arizona if they are going to do more than \$400 worth of work on a project. Yet, there it was, an offer to paint a house for something like \$1800.

The problem was, I would be paying Angie's List, not the painter, for the work. Presumably, they took their cut. But then, who was the contractor, the painter or Angie's List? That's another dirty little secret. Unlicensed contractors can get away with doing work when they should be licensed if they use Angie's List as a go-between.

I called Angie's List for comment and response and left a message, but they did not return my call.

Should you rely on Angie's List for finding contractors? I have and still do, dirty little secrets notwithstanding. With a couple of exceptions, I have had good experiences with the people I have hired. Even so, it still pays to do due diligence after coming up with a list of possible contractors and never be afraid to scroll down to the end of the list for some possibly terrific contractors.

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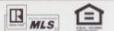
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**Kenosha Landlord Association**

**P.O. Box 1505**

**Kenosha, Wisconsin 53141**

RETURN SERVICE REQUESTED

**Next Meeting**

**Fireside Restaurant  
& Lounge**

**2801 30th Ave.**

(262) 551-0600

Membership Meetings  
are held on the  
3rd Wednesday of the month

**August 19, 2015**

**6:30 p.m. networking**

**7:00 p.m. meeting**

**Appetizers & Networking at 6:30 pm Meeting at 7 pm**

***Attorney  
Attorney Rick Bollenbeck of  
Bollenbeck Fyfe, S.C.***

**Estate Planning**

**[www.kenoshalordassociation.org](http://www.kenoshalordassociation.org)**

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