

No. 96-1336

STATE OF WISCONSIN

IN COURT OF APPEALS  
DISTRICT III

**GEORGE D. FRENCH, JR., D/B/A  
ORDE ADVERTISING COMPANY,**

**Petitioner-Appellant,**

v.

**ERRATA SHEET**

**RONALD R. FIEDLER, SECRETARY  
WISCONSIN DEPARTMENT OF  
TRANSPORTATION, AND THE  
WISCONSIN DEPARTMENT OF  
TRANSPORTATION,**

**Respondents-Respondents.**

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PLEASE TAKE NOTICE that the attached page 6 is to be substituted for page 6 in the above-captioned opinion which was released on January 22, 1997.

Dated this 26th day of December, 2006.

September 2, 1988, that its plans for the property after the widening "will not include present or new locations for any outdoor advertising. Should the highway department not complete the widening for some reason we would still expect the Orde billboards to be removed on or before December 31, 1989."

This letter constitutes written notice of the termination of the month-to-month tenancy. Orde received nearly sixteen months' notice of the termination by this letter. However, prior to the December 31, 1989, deadline, the State acquired ownership of the property. In fact, in an April 3, 1989, letter, the State informed Orde that it had acquired ownership and, based on highway widening plans at the time, the signs could remain until at least July 5, 1989, but that a notice to vacate could come at any time thereafter. Even if this letter were construed as a revised notice of termination of tenancy, Orde received a minimum of three months' notice.

As it happened, Orde was permitted to keep its signs on the property until they were removed on May 8, 1990, thirteen months after the State's April 3, 1989, letter and twenty months after the September 2, 1988, letter from the Diocese. Orde cannot complain that it had insufficient notice of the termination of the lease.

When the State acquired ownership, it also acquired the same rights of the original owner with respect to this lease. As with the prior owner, the new owner