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DISTRICT IV

October 31, 2013

To:

Hon. Richard T. Werner
Circuit Court Judge
Rock Co. Courthouse
51 S. Main Street
Janesville, WI 53545

Eldred Mielke
Clerk of Circuit Court
Rock Co. Courthouse
51 S. Main Street
Janesville, WI 53545

Nicole Hunsaker
1020 Harding Street
Janesville, WI 53548

Gregg Teets
Stephanie Teets
c/o Walker Property Management
P.O. Box 1387
Janesville, WI 53547

You are hereby notified that the Court has entered the following opinion and order:

2013AP44

Gregg Teets v. Nicole Hunsaker (L.C. # 2012SC4305)

Before Blanchard, P.J.

In this appeal from an eviction judgment, Appellant Nicole Hunsaker complains that she was not provided a sufficient opportunity to present evidence that the five-day notice she was provided was either defective or improperly served. By order dated September 26, 2013, we advised Respondents Greg and Stephanie Teets that, if they did not file a brief, the judgment appealed from would be summarily reversed. The Respondents have neither filed a brief, nor explained their failure to do so.

Accordingly,

IT IS ORDERED that the judgment of eviction entered on January 4, 2013, is hereby summarily reversed pursuant to WIS. STAT. RULE 809.83(2), and the matter is remanded for further proceedings.

IT IS FURTHER ORDERED that, upon remand, the circuit court may entertain a motion from the Teets to pursue the eviction. If they do not pursue the eviction, the circuit court may dismiss the action. If the Teets do pursue the action, the court shall hold a new hearing to allow Hunsaker to present evidence regarding the sufficiency of the five-day notice of eviction.

Diane M. Fremgen
Clerk of Court of Appeals