

FILED

08-06-2025

Clerk of Circuit Court
Rock County, Wisconsin
2025CV000917
Honorable Jeffrey S.
Kuglitsch
Branch 3

STATE OF WISCONSIN**CIRCUIT COURT****ROCK**

Joseph Janowiak et al vs. Maple Beach Property Holders, Inc. **Electronic Filing Notice**

Case No. 2025CV000917
Class Code: Other-Real Estate

MAPLE BEACH PROPERTY HOLDERS, INC.
C/O BRIAN LEONARD
1407 E KOSHKONONG DRIVE
EDGERTON WI 53534

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If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 722ac8

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 608-743-2210.

Rock County Circuit Court
Date: August 6, 2025

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Branch 3

STATE OF WISCONSIN CIRCUIT COURT ROCK COUNTY

JOSEPH & PATRICIA JANOWIAK,
1339 E. Koshkonong Drive
Edgerton, WI 53534,

Plaintiff,

v.

Case No.:

MAPLE BEACH PROPERTY HOLDERS, INC.,
c/o Brian Leonard, its registered agent.
1407 E. Koshkonong Drive
Edgerton, WI 53534,

Case Code: Other - Real Estates 30405

Defendant.


1:35 PM
8-11-25

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wis. Stat., to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes.

The answer must be sent or delivered to the Court, whose address is:

Rock County Clerk of Court

51 S. Main Street

Janesville, WI 53545

and to Axley Brynelson, LLP, plaintiff's attorneys, whose address is 2 East Mifflin Street, Suite 200, Post Office Box 1767, Madison, WI 53701-1767. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

DATED: August 6th, 2025

AXLEY BRYNELSON, LLP

Electronically signed by Adam J. Dassow

Adam J. Dassow, SBN 1051384

Attorneys for Joseph and Patricia Janowiak
Madison, WI 53701-1767

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COMPLAINT

NOW COMES Plaintiffs, Joseph and Patricia Janowiak, by their attorneys, Axley Brynson, LLP, by Attorney Adam J. Dassow and for their Complaint against Defendant, Maple Beach Property Holders, Inc., states and alleges as follows:

PARTIES

1. Plaintiffs Joseph and Patricia Janowiak is an adult resident of the state of Wisconsin, residing at 1339 E. Koshkonong Drive, Edgerton, WI 53534
2. Defendant Maple Beach Property Holders, Inc. ("Maple Beach") is Wisconsin non-stock corporation with a registered agent of Brian Leonard located at 1407 E Koshkonong Drive, Edgerton, WI 53534 and a mailing address of P.O. Box 311, Edgerton, WI 53534.

FACTUAL ALLEGATIONS

3. In 2000, Janowiaks purchased real property in the Town of Milton, Rock County Wisconsin, which is described as follows (referred to hereafter as the “Maple Beach Parcel”):

Maple Beach Subdivision Number 2, Lots 38 and 39, Town of Milton, County of Rock.

4. Defendant owns the real property in the Town of Milton, Rock County, Wisconsin, which is described as follows (referred to hereafter as the “Maple Beach Parcel”):

That part of the Northwest Quarter commencing at the Northeast Corner of Maple Beach Subdivision Number 2, thence West 366 feet, thence Northeast 100 feet, thence Northwest 710 feet, thence Northeast 448 feet, thence 768 feet to a stake, thence Southeast 299 feet, thence Southeast 230 feet to the Point of Beginning.

5. The Janowiaks’ Parcel is situated immediately south of the Maple Beach Parcel. The Janowiaks’ Parcel and Maple Beach Parcel share a lot line that runs west to east.

6. For a period in excess of 20 years, Janowiaks’, and their predecessors in interest, have maintained the area immediately north of the Janowiaks’ Parcel. They have constructed a patio, fire pit, and made other improvements the parcels, and have solely been maintaining the area from the north back end of their lot to the water’s edge.

7. Plaintiff, Defendant, and their predecessors in interest have treated the northern portion of the Maple beach property as the Janowiaks’ property for a period of time in excess of 20 years.

8. Plaintiffs and their predecessors in interests have been in actual possession of the Disputed Area, adverse to all others, for over 20 years.

9. Plaintiff and their predecessors in interest have cultivated and maintained the Disputed Area for over 20 years, by routinely maintaining the yard, trees, and bushes located in the disputed area, and installing certain improvements, including a pier in the Disputed Area.

10. Plaintiff and their predecessors in interest have used the Disputed Area openly, notoriously, continuously, and hostilely, to the exclusion of all others, for over 20 years.

11. Plaintiffs' and their predecessors in interest's possession of the Disputed Area has been protected by culvert for over 20 years.

12. In January of 2024, Defendant had a land survey of its park areas performed. A True and accurate copy of that survey is attached hereto and incorporated herein by reference as Exhibit A to the Complaint.

13. The survey showed that the area improved by and maintained by Janowiaks', highlighted in yellow belonged to Defendant.

14. Since the survey was conducted, Defendant has threatened to remove improvements placed by Janowiaks and their predecessors in interest on the disputed area, or, alternatively, to fine Janowiaks if they does not remove the improvements to the disputed area.

CLAIM I – ADVERSE POSSESSION OF THE DISPUTED AREA

Wis. Stats. §§ 893.25, 840.03(1), and 840.01

15. Plaintiffs realleges and incorporates all the foregoing paragraphs of his Complaint as if fully stated herein.

16. Neither Defendant nor its predecessors in interest have possessed, occupied, or used the Disputed Area for over 20 years prior to the commencement of this action.

17. Plaintiffs and their predecessors in interest, jointly, have been in uninterrupted adverse possession of the entirety of the Disputed Area for over 20 years prior to the commencement of this Action.

18. Plaintiffs and their predecessors in interest, jointly, have made continuous adverse use of the Disputed Area for over 20 years prior to the commencement of this action.

19. Plaintiffs and their predecessors in interest, jointly, have had exclusive, uninterrupted, continuous, and hostile possession of the Disputed Area for over 20 years prior to the commencement of this action.

20. Plaintiffs and their predecessors in interest, jointly, have openly and notoriously occupied the Disputed Area for over 20 years prior to the commencement of this action by consistent using the Disputed Area for personal and private use.

21. Plaintiffs and their predecessors in interest, jointly, have exclusively maintained, cultivated, and improved the Disputed Area for over 20 years prior to the commencement of this action.

22. As a result, Plaintiffs have obtained fee-simple title to the Disputed Area through adverse possession and is entitled to a declaration of his interest.

WHEREFORE, Plaintiffs request the Court grant them the following relief:

A. A declaration pursuant to Wis. Stat. § 841.10 granting Plaintiffs title to the Disputed Area as described herein;

B. A declaration extinguishing any property interests Defendant may have in the Disputed Area as described herein;

C. For costs and disbursed, together with reasonable attorney's fees incurred in this action as allowed by law; and

D. For such further relief as the Court may deem just and equitable.

DATED: August 6th, 2025

AXLEY BRYNELSON, LLP

Electronically signed by Adam J. Dassow

Adam J. Dassow, SBN 1051384

Attorneys for Joseph and Patricia Janowiak

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