

# **City of Seward, NE**

**Tuesday, October 6, 2015**

**Regular Session**

## **Item G13**

**CONSIDERATION OF A TORT CLAIM FROM JAY AND  
CONNIE SEITSINGER, 848 N 6TH ST FOR PERSONAL  
PROPERTY DAMAGE - City Atty Hoffschneider**

**Staff Contact:**

# BLEVENS & DAMMAN

ATTORNEYS AT LAW

129 North 5<sup>th</sup> Street  
P.O. Box 98  
Seward, NE 68434  
Tel/402.643.3639  
Fax/402.643.6753

August 31, 2015



Bonnie Otte, Clerk  
City of Seward  
537 Main Street  
Seward, NE 68434

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

Re: Tort Claim – Jay & Connie Seitsinger, 848 N. 6<sup>th</sup> St., Seward, Nebraska

Dear Ms. Otte:

I represent Jay and Connie Seitsinger, who reside at 848 N. 6<sup>th</sup> St., Seward, Nebraska. Please consider this letter to be my clients' tort claim against the City of Seward, Nebraska, pursuant to the Political Subdivisions Tort Claims Act, Neb. Rev. Stat. Section 13-901, et seq. This claim is being filed with your office for immediate consideration by the City of Seward. The claim is based upon the following:

In June of 2014, sewer water backed up into the basement of the Seitsinger residence located at 848 N. 6<sup>th</sup> Streets, Seward, Nebraska. The Seitsinger's insurance company paid the claim for damage and then canceled their insurance coverage. The Seitsingers then obtained homeowner's insurance coverage through Homesite Indemnity Co. However, due to the claim history, the coverage was limited to \$5,000.00 with a \$500.00 deductible. On January 8, 2015, the Seitsingers again had sewer water back up into their basement. The City sewer department was contacted along with plumber Marlin Matulka. Mr. Matulka and a City employee conducted an inspection and it was obvious that the problem was caused by a blockage in the City sewer main. The main was cleared, and the water drained out of the Seitsinger residence. The Seitsingers' insurance company paid All Care, Inc., \$4,500.00, for the clean up expense, and \$6,152.84 is still owed to All Care, Inc. In addition, the Seitsingers incurred personal property and incidental expenses in the amount of \$1,068.00. To make matters worse, Homesite Indemnity Co. has now also canceled the Seitsingers' homeowner's insurance coverage, and they have been unable to find a company willing to insure their property. Supporting documentation is attached.

Based upon the above facts, the Seitsingers are submitting this tort claim to the City of Seward, Nebraska, for damages in the amount of \$11,720.84. This claim is based upon the negligence of the City of Seward in failing to maintain the sewer main that serves the Seitsingers' property. We are requesting that this claim be acted upon as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory C. Damman".

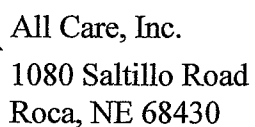
Gregory C. Damman

Gcd/se  
C: Jay & Connie Seitsinger

Robert I. Blevens  
bobblevens@windstream.net

[www.blevens-damman.com](http://www.blevens-damman.com)

Gregory C. Damman  
gregdamman@windstream.net



Date
7/1/2015

To:	
Connie Seitsinger 848 N. 6th Seward, NE 68434	

Seward

# Homesite

HOME INSURANCE

P.O. Box 5300  
Binghamton, NY 13902-9953  
08252000 NN RP 08 20150608 NNNNNN 0000021 0001

## GEICO Property Insurance Program

Underwritten By:  
HOMESITE INDEMNITY COMPANY

Tel: 1-866-372-8903 Fax: ()

CONNIE SEITSINGER  
JAY SEITSINGER  
848 N 6TH ST  
SEWARD, NE 68434-1410

RE: Our Insured: CONNIE SEITSINGER

Policy Number: 32855428

Date of Loss: January 8, 2015

CLAIM NUMBER: 0001440222



June 8, 2015

Dear Connie Seitsinger & Jay Seitsinger,

Thank you for submitting your claim for consideration of coverage. After a thorough investigation and evaluation of your claim, we have determined that the loss payable under the policy at this time is \$5000.00. We have arrived at that figure through the following calculations:

	RCV (replacement cost value)	Non-Recoverable Depreciation	Less Deductible.	Net
Building Coverage – A	\$5000.00	\$	\$	
Other Structures Coverage – B	\$	\$	\$	
Contents Coverage – C	\$	\$	\$	
Loss of Use Coverage – D	\$	\$	\$	
Total	\$5000.00	\$	\$0.00	\$5000.00

A direct deposit in the amount of \$5000.00 has been made to your account. Under a separate cover, you will receive a copy of the repair estimate.

Your claim continues to be important to us. Should you have any questions or concerns please feel free to contact me at the number below. Thank you for insuring your property with GEICO Property Insurance Program.

\*\*\*When sending e-mail or faxes, please be sure to include your claim number in the subject line\*\*\*

Sincerely,

Carmen Dunkle  
Claims Associate  
1 (866) 621-4823 5599267  
claims@homesite.com

The following notice is required by law in certain jurisdictions:

**Any person who knowingly and with the intent to defraud any insurance company submits an application or statement of claim containing any materially false information, or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.**

HH C1 08 CW 0810

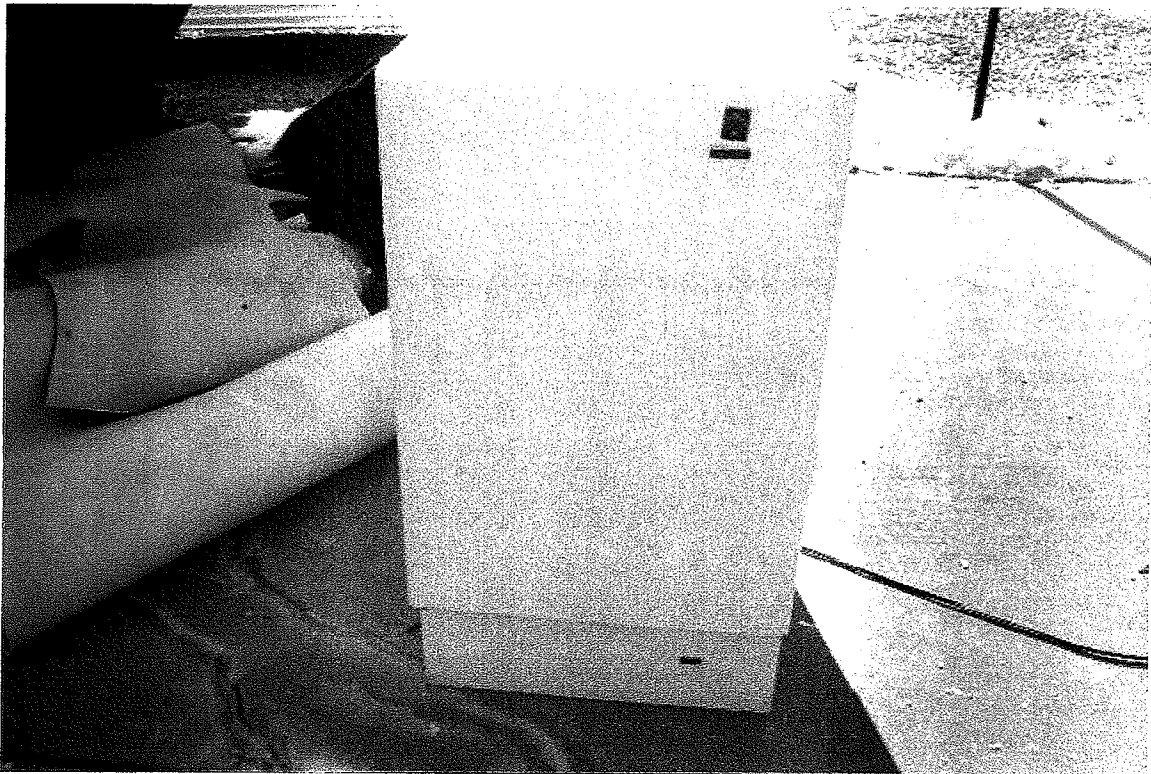
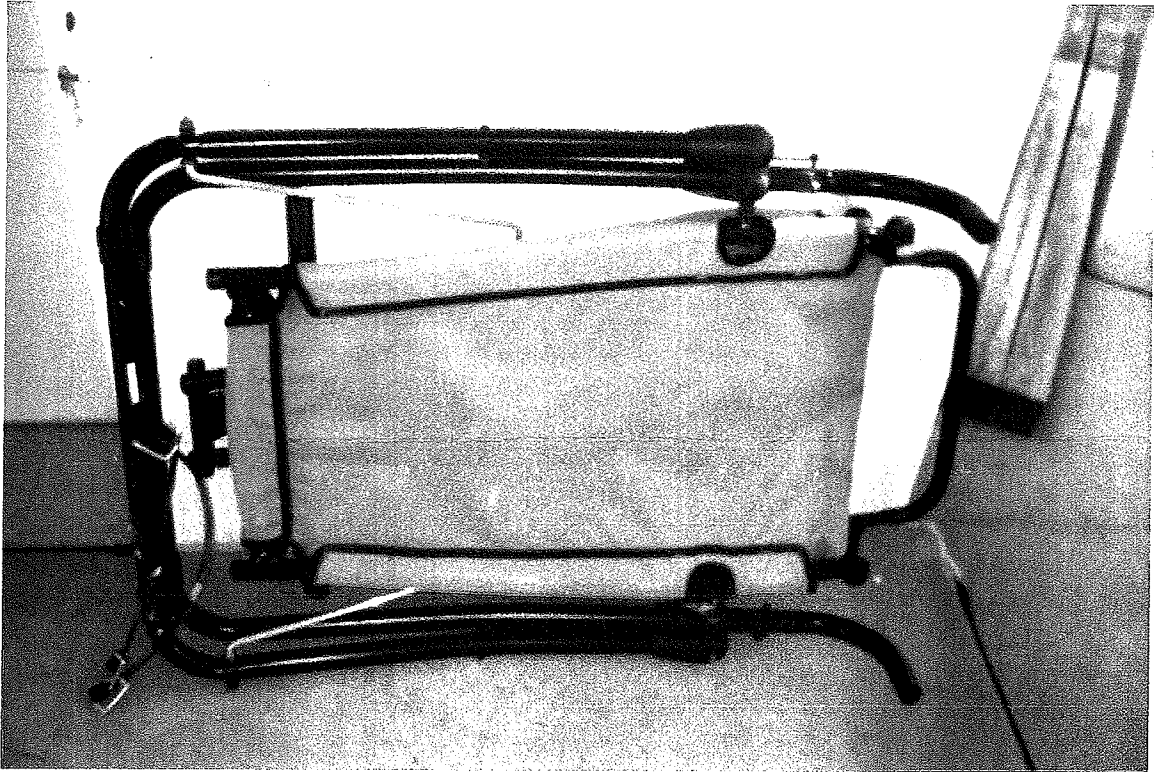
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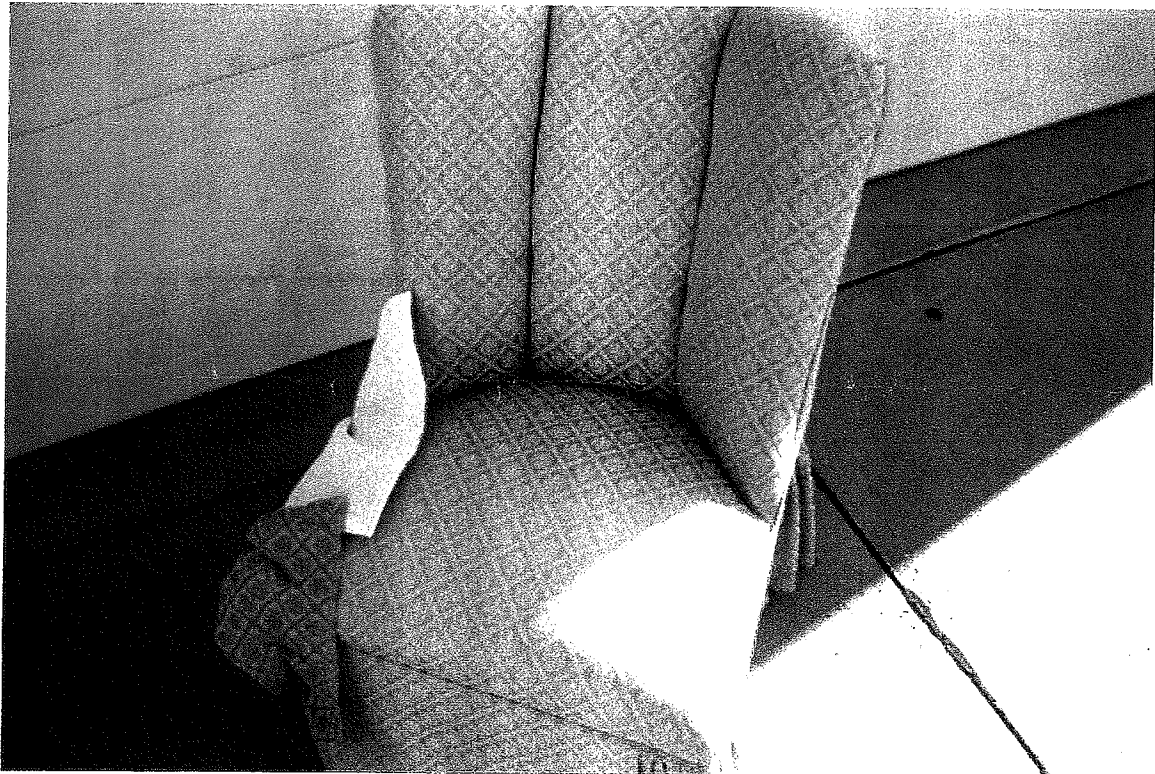
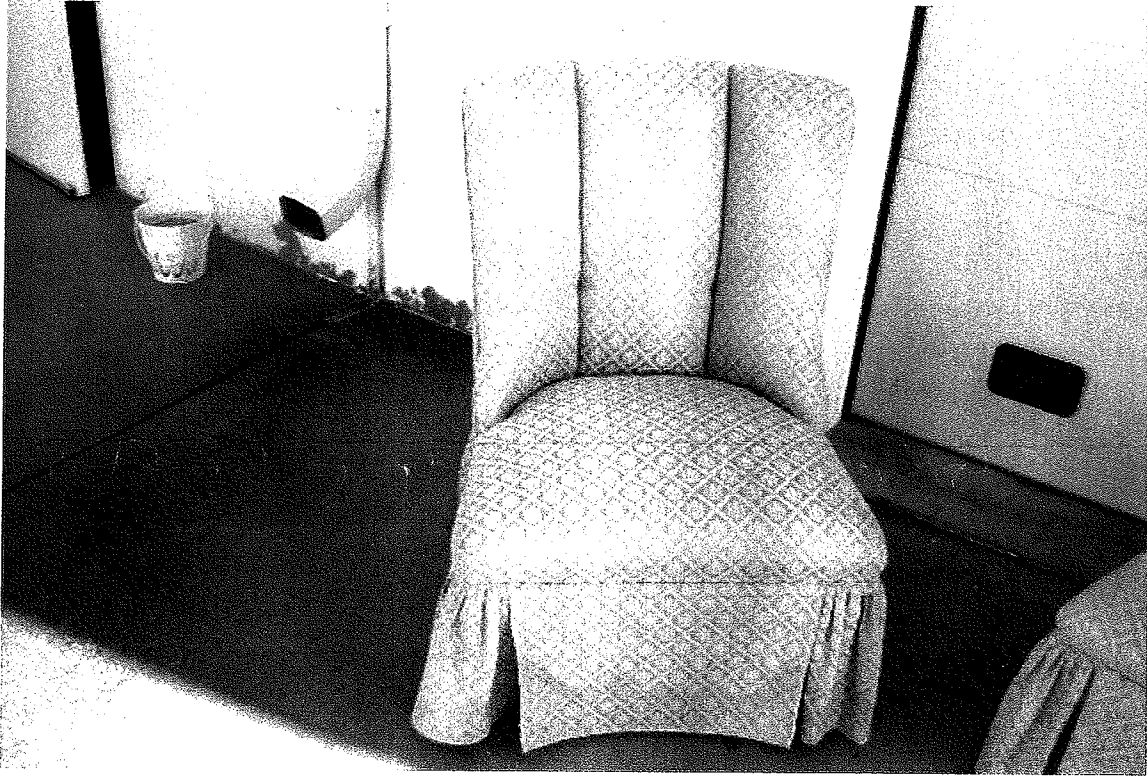
Policy # 32855428

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Freezer	400.00	
Rug	200.00	
Ab lounge	300.00	
Vet Bill	62.00	Buddy
Vet Bill	43.00	Barney
Body pillow	15.00	
Hamper	10.00	
trash can	8.00	
late Bill	30.00	more with dryer