

Burhenn v. Kyger, 13 Ill.App.3d 767 (1973)

300 N.E.2d 589

13 Ill.App.3d 767
Appellate Court of Illinois, Second District.

Betty BURHENN, Plaintiff-Appellant,
v.
Walter A. KYGER and Shirley M.
Kyger, Defendants-Appellees.

No. 72-103.

|

Aug. 21, 1973.

Synopsis

Action against homeowners for injuries allegedly sustained as result of fall on ice patch. The Circuit Court, Lee County, James M. Allen, J., directed a verdict for defendants, and plaintiff appealed. The Appellate Court, Thomas J. Moran, J., held that homeowners who did not intend to injure neighbor and who did not have any knowledge of icy condition at rear entrance of their home or that condition was hidden were not liable for injuries received by neighbor who after visiting homeowners stepped out back door and slipped on patch of ice and fell on porch.

Affirmed.

West Headnotes (3)

[1] Negligence

🔑 Willful or Wanton Conduct

The essence of a willful or wanton injury is that it must have been intentional or that it must have been committed under circumstances exhibiting a reckless disregard for the safety of others, such as a failure, after knowledge of impending danger, to exercise ordinary care to prevent it or a failure to discover danger through

recklessness or carelessness when it could have been discovered by the exercise of ordinary care.

[2] Negligence

🔑 Care Required in General

An occupant of premises does not owe duty to licensees to discover unsafe conditions thereon, though he is under a duty to disclose or warn against hidden dangers of which he has knowledge.

[3] Negligence

🔑 Snow and Ice

Homeowners who did not intend to injure neighbor and who did not have any knowledge of icy condition at rear entrance of their home or that condition was hidden were not liable for injuries received by neighbor who after visiting homeowners stepped out back door and slipped on patch of ice and fell on porch.

Attorneys and Law Firms

****590 *767** Wm. J. Sturgeon, Dixon, for plaintiff-appellant.

Henry S. Dixon, Dixon, for defendants-appellees.

Opinion

THOMAS J. MORAN, Justice.

(Publish abstract only.)

All Citations

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