



Spencer Coggs
City Treasurer

James F. Klajbor
Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

November 18, 2013

To: Milwaukee Common Council
City Hall, Room 205

From:  James F. Klajbor
Deputy City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 420-0896-100-4
Address: 658 658 S 64TH ST
Owner Name: ROBERT R WIRTH
Applicant/Requester: PATRICK WIRTH
2013-1 Inrem File
Parcel: 335
Case: 13CV-3504

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 8/16/2013.

JFK/ku



REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

Return by 11-15-13

1. Type or print firmly with ball point pen.
2. Use separate form for each property.
3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk.
4. **Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.**
5. Complete boxes a, b c, and d.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 658 S. 64th St.
TAXKEY NUMBER 420-0896-100-4
NAME OF APPLICANT Patrick M. Wirth
MAILING ADDRESS 658 S. 64th St.
Milwaukee WI 53214 414-778-2281
CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES _____ NO X
If no, describe interest in this property Aire to the property (son)

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

Ø NONE

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE?
(Documentation must be attached)

YES X NO _____

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. **Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.**

APPLICANT'S SIGNATURE Patrick M. Wirth DATE 10-1-2013

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 11/15/2013

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2013 - 1
Taxkey Number: 420-0896-100 - 4
Property Address: 658 658 S 64TH ST
Owner Name ROBERT R WIRTH

Applicant: PATRICK WIRTH

Parcel No. 335
CaseNumber: 13CV-3504

LAST WILL AND TESTAMENT

OF

ROBERT ROY WIRTH

I, **ROBERT ROY WIRTH**, Social Security Number 387-22-2910, of the State of Wisconsin, declare that this is my LAST WILL AND TESTAMENT and I revoke all other wills and codicils previously made by me.

I. I appoint my daughter, WENDY L. WIRTH, of Milwaukee, Wisconsin as my Personal Representative concerning this Will. If my daughter, WENDY L. WIRTH, is unable or fails to serve, I then appoint my son, PATRICK M. WIRTH, of Milwaukee, Wisconsin, to serve as my Personal Representative.

A. I request that my Personal Representative be permitted to serve without bond or surety thereon and without the intervention of any court, except as required by law. I direct that my Personal Representative act in unsupervised administration so as to administer my estate with a minimum of court supervision. If it becomes necessary to have ancillary administration of my estate in any jurisdiction where my Personal Representative is unable or does not desire to qualify as ancillary legal representative, I appoint as such ancillary legal representative such individual or corporation as my Personal Representative shall designate, in writing.

B. I direct my Personal Representative to pay the expenses of my last illness, the expenses of a funeral appropriate to my station in life and custom of living (including a suitable monument or marker for my grave), and written charitable pledges which I have made. I grant my Personal Representative the power to extend or renew any debt for such time as my Personal Representative shall deem appropriate.

C. All estate, inheritance, succession and other death taxes with respect to all property passing under this my Will shall be paid from and borne by the principal of my residuary estate, without regard to reimbursement, as if such taxes were administration expenses. My Personal Representative may pay such taxes at any time deemed advisable, whether or not then due and payable.

D. My Personal Representative is requested to settle my estate as soon after my death as may be practicable, and to pay or deliver every legacy or bequest to my beneficiaries without waiting any time that may be believed to be customary in probate matters.

E. I have served in the Armed Forces of the United States. Therefore, I direct my Personal Representative to consult with a Legal Assistance Attorney at the nearest military installation and with the Department of Veterans Affairs and the Social Security Administration to ascertain if there are any benefits to which my family members are entitled by virtue of my military service.

II. I hereby make the following specific bequests:

A. To my grandson, Robbie Wirth, I give my 1938 Harley-Davidson motorcycle. To my son, Patrick M. Wirth, I give my residence at 658 S. 64th Street, Milwaukee, Wisconsin 53214.

III. I give, devise and bequeath, absolutely and forever, all of the rest, residue and remainder of my estate and property of which I may be seized or possessed, or to which I may be entitled, at the time of my death, wherever situated or of whatever nature, be it real, personal, or mixed, to my son, PATRICK M. WIRTH and my daughter, WENDY L. WIRTH and to any child or children that may be born to or adopted by me, in shares of substantially equal value to be divided as they may agree.

A. If any of my children shall not survive me, then I give the share of that deceased child to my surviving children in shares of substantially equal value to be divided as they may agree.

B. If none of my children survive me, then I give, devise, and bequeath, absolutely and forever, all of the rest, residue, and remainder of my estate and property of which I may be seized or possessed, or to which I may be entitled, at the time of my death, wherever situated or of whatever nature, be it real, personal, or mixed, to the descendants of my child or children, who are to take per stirpes and not per capita, in shares of substantially equal value to be divided as they may agree. In order to receive a share of my estate under this paragraph, a descendant of any child of mine must survive me.

C. If they are unable to agree, the division among my children, or among the surviving descendants of my children, in the event that none of my children shall survive me, shall be made by my Personal Representative, in that person's sole and absolute discretion. I empower my Personal Representative to sell any or all of such property, if such property is not distributed in kind hereunder, and to distribute the proceeds among my said children, or among the surviving descendants of my children, in the event that none of my children shall survive me, in substantially equal shares. Any determination of my Personal Representative as to what should pass or be sold under this paragraph and to whom it should pass or be delivered or at what price it should be sold shall be conclusive.

Last Will and Testament of ROBERT ROY WIRTH

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IV. If there is a complete failure of takers under the preceding paragraphs, the property undisposed of shall go to my heirs determined at the time of my death, pursuant to the Statutes of Descent and Distribution in effect, in the state of my domicile, at the time of my death.

V. If any beneficiary to any share of my estate which is not subject to the provisions of any trust which may be created by this will is at the time of distribution of his or her share, a minor under the laws of his or her domicile, I direct that the minor's share be converted into qualifying property and delivered to the Minor's Guardian as Custodian for the minor under the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act as may then be in effect in either the state in which the beneficiary or the Custodian resides, or any other state of competent jurisdiction.

A. The Uniform Gifts to Minors Act or The Uniform Transfers to Minors Act, as may then be in effect in the state concerned, is hereby incorporated by reference. The property affected by the Act shall be managed, held, and distributed in accordance with the provisions of the Act.

B. The financial custodian will serve without bond or surety and without intervention of any court, except as required by law.

C. The receipt by the Custodian, for the minor, of any principal or income transferred pursuant to this paragraph shall be a full acquittance and discharge of my Personal Representative or Trustee, as applicable, from liability with respect to such transfer and from further accountability for the principal or income so transferred.

VI. Except as otherwise provided in this Will, I have intentionally failed to provide for any other relatives or other persons, whether claiming to be an heir of mine or not. Insofar as I have failed to provide in this Will for any of my issue now living or later born or adopted, such failure is intentional and not occasioned by accident or mistake.

VII. Any beneficiary who fails to survive until One Hundred and Twenty (120) hours after my death shall be deemed to have predeceased me, and the gift to that beneficiary shall be disposed of accordingly.

VIII. Definitions:

A. The term "descendants" as used in this Will means the immediate and remote lawful, lineal descendants by blood or adoption of the person referred to who are in being at the time they must be ascertained in order to give effect to the reference to them.

B. The term "children" as used in this Will includes adopted and afterborn persons. The term "children" as used in this Will shall not include step-children, the natural born or adopted children of a person's spouse who are not the natural born or adopted children of the person. A relationship by or through legal adoption shall be treated the same as a relationship by or through blood for purpose of succession to property under this Will.

Last Will and Testament of ROBERT ROY WIRTH

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C. The term "Personal Representative" as used in this Will shall have the same meaning as Executor, Executrix, Independent Executor, or any other title of like import which is used to describe such a fiduciary.

IX. In addition to any powers granted by the laws of the jurisdiction in which this Will is probated, I hereby authorize and empower the fiduciaries named in this Will, to the extent of the discretion herein granted, to sell, exchange, convey, transfer, assign, mortgage, pledge, lease or rent the whole or any part of my real or personal estate, to invest, reinvest, or retain investments of my estate, to perform all acts and to execute all documents which my fiduciaries may deem necessary or proper in regard to my property. If any of my fiduciaries elect to receive compensation for services, such compensation will be that allowed by law.

X. If any part of this Will shall be invalid, illegal, or inoperative for any reason, it is my intention that the remaining parts, so far as possible and reasonable, shall be effective and fully operative. My Personal Representative may seek and obtain court instructions for the purpose of carrying out as nearly as may be possible the intention of this Will as shown by the terms hereof, including any terms held invalid, illegal, or inoperative.

This document was prepared by G. STEVEN KAMINSKI, who is licensed to practice law in The State Of Wisconsin

I, ROBERT ROY WIRTH, the testator, sign my name to this instrument on 10-9-99, and being first duly sworn, declare to the undersigned authority all of the following:

1. I execute this instrument as my will.
2. I sign this will willingly, or willingly direct another to sign for me.
3. I execute this will as my free and voluntary act for the purposes expressed therein.
4. I am 18 years of age or older, of sound mind and under no constraint or undue influence.

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ROBERT ROY WIRTH

We, ELIZABETH RUF and ROBERT GROH, the witnesses, being first duly sworn, sign our names to this instrument and declare to the undersigned authority all of the following:

1. The testator executes this instrument as his or her will.
2. The testator signs it willingly, or willingly directs another to sign for him or her.
3. Each of us, in the conscious presence of the testator, signs this will as a witness.
4. To the best of our knowledge, the testator is 18 years of age or older, of sound mind and under no constraint or undue influence.

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SSAN: _____

of Pewaukee WI

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SSAN: _____

of West Allis WI

STATE OF WISCONSIN

COUNTY OF MILWAUKEE

Subscribed, sworn to and acknowledged before me by **ROBERT ROY WIRTH**, the testator, and subscribed and sworn to before me by Elizabeth RUF and Robert GROT, the witnesses, on 10-9-99.

(SIGN)

(PRINT)

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G. Steven Komarski

NOTARY PUBLIC

My Commission Expires: _____

Last Will and Testament of ROBERT ROY WIRTH

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