

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

March 4, 2004

Ms. Kathleen M. Marquardt
Staff Assistant
City Clerk's Office
City Hall, Room 205

Re: File Numbers 031553, 031515, 031590, 031595, 031594, 031552, 031550, 031555,
031551, 031516, 031591, 031592, 031554, 031593, 031596

Dear Ms. Marquardt:

The persons described in Exhibit A have submitted requests to the Common Council for the vacation of the City's *In Rem* Judgments regarding the properties described therein. You have requested a report concerning these requests.

Our position is that the City took all steps required of it under law to foreclose against the properties at issue. Those steps included allowing the property owner a statutory right of redemption which right was not exercised. Due to the failure to redeem, the City foreclosed against the parcel, and thereby acquired fee simple title foreclosing any interest, which the former owner had in the parcel.

Under City Ordinance sec. 304-49-6-c-6, when a timely request for vacation is submitted to the City the final determination with respect to whether property should be returned to the former owner is to be made by the Common Council. If the Common Council so grants approval, the City Attorney's Office may enter into a stipulation providing for all City and County taxes, assessments and charges (including: interest and penalties through the date of the order to vacate the *In Rem* judgment; administrative and overhead costs of the City Treasurer's Office, the City Attorney's Office, and the Department of City Development; and the cost of repairs made to the

Ms. Kathleen M. Marquardt
March 4, 2004
Page 2

property by the City subsequent to the date of the entry of the *In Rem* judgment) to be paid by cash or cashier's check to the City Treasurer's Office. Payment must be made within 45 days of the date of the resolution of the Common Council approving the return. See, City Ordinance secs. 304-49-6-c-6 through c-9.

In light of the above, and concerning the particular properties at issue, SO LONG AS THE WRITTEN REQUESTS FOR VACATION WERE SUBMITTED TO THE CITY WITHIN 45 DAYS OF THE RESPECTIVE *IN REM* FORECLOSURE JUDGMENTS, this office has no objection to the Common Council and/or the Judiciary and Legislation Committee, in its or their discretion, determining that the parcels should be returned to the former owners in accordance with the above-referenced ordinance.

Please call if you have questions or comments.

Very truly yours,



GRANT E. LANGLEY
City Attorney



BEVERLY A. TEMPLE
Assistant City Attorney

BAT:wt:75614

Enclosures

c: Ronald D. Leonhardt, City Clerk

EXHIBIT A

1. File No. 031553
 Requestor: Margaret Collier
 Parcel Address: 1229 West McKinley Avenue
 Tax Key No. 363-0378-000-3
 Foreclosure Action: 2003, No. 2 In Rem, Parcel 219
 Case No. 03-CV-008330
 Date of City Acquisition: January 12, 2004
 Acq. plus 45 days = February 26, 2004
 Date of Requestor's Request: February 24, 2004
2. File No. 031515
 Requestor: Betty Bell
 Parcel Address: 3426 West Walnut Street
 Tax Key No. 365-0908-000-8
 Foreclosure Action: 2003, No. 2 In Rem, Parcel 225
 Case No. 03-CV-008330
 Date of City Acquisition: January 12, 2004
 Acq. plus 45 days = February 26, 2004
 Date of Requestor's Request: February 17, 2004
3. File No. 031590
 Requestor: 6317 West Bluemound Trust
 Parcel Address: 6317 West Bluemound Road
 Tax Key No. 405-0304-000-1
 Foreclosure Action: 2003, No. 2 In Rem, Parcel 240
 Case No. 03-CV-008330
 Date of City Acquisition: January 12, 2004
 Acq. plus 45 days = February 26, 2004
 Date of Requestor's Request: February 26, 2004
4. File No. 031595
 Requestor: Elias and Yvonne Zarate
 Parcel Address: 923A South 10th Street
 Tax Key No. 432-0681-000-X
 Foreclosure Action: 2003, No. 2 In Rem, Parcel 244
 Case No. 03-CV-008330
 Date of City Acquisition: January 12, 2004
 Acq. plus 45 days = February 26, 2004
 Date of Requestor's Request: February 25, 2004

5. File No. 031594
Requestor: Mark Valadez
Parcel Address: 1428 South 4th Street
Tax Key No. 462-0264-000-1
Foreclosure Action: 2003, No. 2 In Rem, Parcel 267
Case No. 03-CV-008330
Date of City Acquisition: January 12, 2004
Acq. plus 45 days = February 26, 2004
Date of Requestor's Request: February 25, 2004
6. File No. 031552
Requestor: Jose A. Nieves
Parcel Address: 2309 West Pierce Street
Tax Key No. 434-1605-000-8
Foreclosure Action: 2003, No. 2 In Rem, Parcel 250
Case No. 03-CV-008330
Date of City Acquisition: January 12, 2004
Acq. plus 45 days = February 26, 2004
Date of Requestor's Request: February 23, 2004
7. File No. 031550
Requestor: Nafisa Charab
Parcel Address: 2101 West North Avenue
Tax Key No. 350-0891-000-4
Foreclosure Action: 2003, No. 2 In Rem, Parcel 197
Case No. 03-CV-008330
Date of City Acquisition: January 12, 2004
Acq. plus 45 days = February 26, 2004
Date of Requestor's Request: February 23, 2004
8. File No. 031555
Requestor: Colleen Burns
Parcel Address: 2553 North 35th Street
Tax Key No. 327-0333-100-8
Foreclosure Action: 2003, No. 2 In Rem, Parcel 166
Case No. 03-CV-008330
Date of City Acquisition: January 12, 2004
Acq. plus 45 days = February 26, 2004
Date of Requestor's Request: February 24, 2004

- | | | |
|-----|------------------------------|---|
| 9. | File No. | 031551 |
| | Requestor: | Doris and Verser Thomas |
| | Parcel Address: | 2614 North Palmer Street |
| | Tax Key No. | 322-0418-000-7 |
| | Foreclosure Action: | 2003, No. 2 In Rem, Parcel 132
Case No. 03-CV-008330 |
| | Date of City Acquisition: | January 12, 2004
Acq. plus 45 days = February 26, 2004 |
| | Date of Requestor's Request: | February 20, 2004 |
| 10. | File No. | 031516 |
| | Requestor: | Luis Salazar |
| | Parcel Address: | 7721 C West Sheridan Avenue |
| | Tax Key No. | 187-1151-000-8 |
| | Foreclosure Action: | 2003, No. 2 In Rem, Parcel 5
Case No. 03-CV-008330 |
| | Date of City Acquisition: | January 12, 2004
Acq. plus 45 days = February 26, 2004 |
| | Date of Requestor's Request: | February 12, 2004 |
| 11. | File No. | 031591 |
| | Requestor: | Lou L. Xiong |
| | Parcel Address: | 3001-3005 West Clybourne Street |
| | Tax Key No. | 401-0102-000-4 |
| | Foreclosure Action: | 2003, No. 2 In Rem, Parcel 239
Case No. 03-CV-008330 |
| | Date of City Acquisition: | January 12, 2004
Acq. plus 45 days = February 26, 2004 |
| | Date of Requestor's Request: | February 26, 2004 |
| 12. | File No. | 031592 |
| | Requestor: | William and Geneva Wilbourn |
| | Parcel Address: | 3263 North 20 th Street |
| | Tax Key No. | 285-0116-100-6 |
| | Foreclosure Action: | 2003, No. 2 In Rem, Parcel 46
Case No. 03-CV-008330 |
| | Date of City Acquisition: | January 12, 2004
Acq. plus 45 days = February 26, 2004 |
| | Date of Requestor's Request: | February 22, 2004 |

13.	File No.	031554
	Requestor:	Darlene Astemborski
	Parcel Address:	2128 North Oakland Avenue
	Tax Key No.	356-0902-000-6
	Foreclosure Action:	2003, No. 2 In Rem, Parcel 216
		Case No. 03-CV-008330
	Date of City Acquisition:	January 12, 2004
		Acq. plus 45 days = February 26, 2004
	Date of Requestor's Request:	February 24, 2004
14.	File No.	031596
	Requestor:	Larry Williams
	Parcel Address:	4462 North 45 th Street
	Tax Key No.	228-1438-000-2
	Foreclosure Action:	2003, No. 2 In Rem, Parcel 12
		Case No. 03-CV-008330
	Date of City Acquisition:	January 12, 2004
		Acq. plus 45 days = February 26, 2004
	Date of Requestor's Request:	February 25, 2004