

	<b>RELEASE OF DECLARATION OF TRUST</b>	
		<b>Recording Information</b>
		Michael Best & Friedrich, LLP Thomas O. Gartner, Esq. 790 N. Water Street, Suite 2500 Milwaukee, WI 53202
		PIN: 499-0036-110, 499-0033-110, 499-0035-000 and 499-0044-100

THIS RELEASE OF DECLARATION OF TRUST (“Release”) is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2025 (“Effective Date”), by the United States Department of Housing and Urban Development (“HUD”).

### RECITALS

WHEREAS, the Housing Authority of the City of Milwaukee (“Housing Authority”) made and duly executed a Declaration of Trust to and for the benefit of the United States of America, Secretary of Housing and Urban Development, dated December 15, 2010 and recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on December 20, 2010, in reel 284, images 803 to 807 inclusive, as Document No. 09951763 (“Declaration”), a copy of the Declaration is attached as Exhibit A and the legal description of the real property subject to the Declaration is set forth on page 2 of the Declaration;

WHEREAS, the Declaration was executed in conjunction with the Housing Authority’s Lincoln Court Housing Project (“Lincoln Court:”) but was recorded with an inaccurate legal description, which also included certain lands which were released from a prior Declaration of Trust by HUD on July 22, 1990 and conveyed by the Housing Authority to a third party; and

WHEREAS, the Housing Authority has executed a new Declaration of Trust/Restrictive Covenant dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 2025, which is applicable to Lincoln Court; and

WHEREAS, the current correct legal description for Lincoln Court is attached as Exhibit B; and

WHEREAS, HUD desires to release the Declaration as of the Effective Date, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreement of the parties contained herein, and for the purposes of carrying out the intentions expressed above, HUD and the Housing Authority intending to be legally bound hereby covenant and agree as follows:

#### AGREEMENT

1.     Recitals. The recitals above are incorporated by this reference and made part of this Release.
2.     Release. HUD hereby releases the real property described in the Declaration from the encumbrance and the operation of said Declaration.
3.     Full Force & Effect. Except as modified by this Release, the Declaration shall remain unchanged and shall continue in full force and effect.
4.     Governing Law. This Release will be governed by, interpreted and construed in accordance with the laws of the State of Wisconsin, without regard to conflict of laws principles thereof.
5.     Recording. This Release will be recorded with the office of the Milwaukee County Register of Deeds.

[Signature Page Follows]

IN WITNESS WHEREOF, HUD has executed this Release as of the Effective Date.

**HUD:**

UNITED STATES OF AMERICA  
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF WISCONSIN                    )  
  ) SS:  
COUNTY OF \_\_\_\_\_            )

Personally came before me on \_\_\_\_\_, 2025, the above named \_\_\_\_\_, as  
\_\_\_\_\_ of the \_\_\_\_\_, and to me known to be the person who  
executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
\*

Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

This document was drafted by:

Thomas O. Gartner, Esq,

Michael Best & Friedrich LLP

790 N. Water Street, Suite 2500

Milwaukee, WI 53202

**EXHIBIT "A"**

Document Number	Document Title
	DECLARATION OF TRUST

DECLARATION OF TRUST

**DOC. # 09951763**

RECORDED  
12/20/2010 11:41AM

JOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: \$30.00

FEE EXEMPT #: 0  
0

\*\*\*This document has been  
electronically recorded and  
returned to the submitter.\*\*\*

**Recording Area**

Name and Return Address

John J. Heinen, Assistant City Attorney  
City Attorney's Office  
200 East Wells Street, Room 800  
Milwaukee, WI 53202

**Drafted by:**  
John J. Heinen  
City Attorney's Office  
200 East Wells Street, Room 800  
Milwaukee, WI 53202

**499-0036-110**

Tax Identification Number (TIN)

**WHEREAS**, the HOUSING AUTHORITY OF THE CITY OF MILWAUKEE, (herein called the Public Housing Agency) ("PHA"), a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws or ordinances of the State of Wisconsin, and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, *et seq.*) and the Department of Housing and Urban Development Act (5 U.S.C. 624) entered into a certain contract with effective date as of 09/13/1995, (herein called the "Annual Contributions Contract") pursuant to which the PHA receives annual funding for operating costs incurred; and

**WHEREAS**, all bonds, notes, loans or other forms of indebtedness incurred for the original construction or acquisition of the lower income housing project known as Lincoln Court Development, formerly numbered WIS 2-19, having been fully paid; and

**WHEREAS**, the PHA has received and continues to receive financial assistance from HUD either in Operating Funds, Capital Funds (f/k/a Comprehensive Grant Funds), or both, through relevant funding program amendments to the PHA's Annual Contributions Contract; and

**WHEREAS**, as of the date of the execution of this Declaration of Trust, the Annual Contributions Contract covers Lincoln Court Development, Asset Management Project No. WI00200019P, located in Milwaukee, Wisconsin, which provides approximately 110 dwelling units.

**NOW THEREFORE**, to assure HUD of the performance by the PHA of the covenants contained in the Annual Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes hereinafter stated, the following described real property situated in Milwaukee, Wisconsin,

**To Wit:** The East 115 feet of the West 300 feet of the South 40 feet and the East 195 feet of Lot 16; and the East 310 feet of Lot 17; all in Block 2, in Assessment Subdivision No. 38, being a Subdivision of a part of the West 1/2 of the North West 1/4 of Section 9 in Township 6 North, Range 22 East.

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest in the above described Project property, **To Wit:**

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Annual Contributions Contract, or any interest in any of the same except that the PHA may (1), to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and facilities in the Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of the Project, or (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States Housing Act of 1937, 42 U.S.C. 1437, et seq., or (2), with the approval of HUD, release the Project from the trust hereby created; Provided, That nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of the Project to HUD pursuant to the Annual Contributions Contract.

Search

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of the Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of the Project shall be effective to release such property from the trust hereby created.

Upon expiration of the period during which the PHA is obligated to operate the Project in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no longer be effective.

IN WITNESS WHEREOF, the PHA by its officers thereunto duly authorized has caused these presents to be signed in its name and its corporate seal to be hereunto affixed and attested this 15<sup>th</sup> day of December, 2010.

[Corporate Seal]

HOUSING AUTHORITY OF THE CITY OF MILWAUKEE

By:

  
Willie L. Hines, Jr., Chair

Attest:

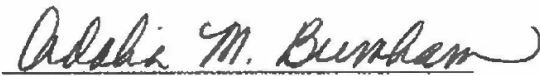
  
Antonio M. Pérez, Secretary-Executive Director

STATE OF WISCONSIN )  
                                  ) SS.  
CITY OF MILWAUKEE )

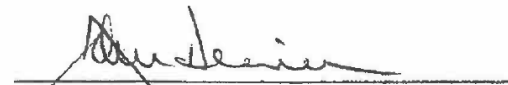
On this 15<sup>th</sup> day of December, 2010, before me, the undersigned notary public, personally appeared Willie L. Hines, Jr., Chairman, and Antonio M. Pérez, Secretary-Executive Director of the Housing Authority of the City of Milwaukee, Wisconsin satisfactorily proven to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.

[SEAL]

  
Notary Public, State of Wisconsin, Adalia M. Burnham  
My commission expires: April 22, 2012

Approved as to form, content and execution  
this 16<sup>th</sup> day of December, 2010.

  
John J. Heinen  
Assistant City Attorney

1031-2010-1050:164421

## **EXHIBIT "B"**

### **Legal Description**

The East 115 feet of the West 300 feet of the South 40 feet and the East 195 feet of Lot 16 and the East 310 feet of Lot 17, all in Block 2, Assessment Subdivision No. 38, being a Subdivision of a part of the West 1/2 of the Northwest 1/4 of Section 9, Township 6 North, Range 22 East. EXCEPTING therefrom land conveyed in Warranty Deed recorded as Document No. [6428283](#) described as follows: The West 115 feet of the East 310 feet of the South 40 feet of Lot 16 and the West 115 feet of the East 310 feet of the Lot 17, all in Block 2, in Assessment Subdivision No. 38, being a Subdivision of a part of the West 1/2 of the Northwest 1/4 of Section 9, Township 6 North, Range 22 East. Said lands being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

**Address: 2325 South Howell Avenue, Milwaukee, WI 53207**

**Tax Key No.: 499-0036-110**