

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys



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

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**LINDA ULISS BURKE**  
**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**  
**DAVID R. HALBROOKS**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**CHRISTOPHER J. CHERELLA**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

May 3, 2001

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

Re: File Numbers 010002;010003; 010004; 010005; 010006;  
010007; 010008; and 010009

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*

Kathleen Marquardt

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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 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.

Sincerely,



GRANT E. LANGLEY  
City Attorney



BEVERLY A. TEMPLE  
Assistant City Attorney

BAT:40640

Enclosure

cc: Ronald D. Leonhardt, City Clerk

EXHIBIT A

1. File No. 010002  
Requestor: Danny Atkins  
Parcel Address: 4531 West Capitol Drive  
Tax Key No. 267-0327-9  
Foreclosure Action: 2000, No. 3 In Rem, Parcel 38  
Case No. 00-CV-008706  
Date of City Acquisition: 03/05/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/5/01
2. File No. 020003  
Requestor: Annie Wright-Millsapp  
Parcel Address: 3403-05 North 3<sup>rd</sup> Street  
Tax Key No. 282-1310-100-7 and 282-1310-0  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 52  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/18/01
3. File No. 010004  
Requestor: Emilio Ramirez  
Parcel Address: 1027 West Lincoln Avenue  
Tax Key No. 497-1234-1  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 180  
Case No. 00-CV-008706  
Date of City Acquisition: 3/05/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/18/01
4. File No. 010005  
Requestor: Joel Samuel Bechitsao  
Parcel Address: 2349 North Booth Street  
Tax Key No. 321-1193-6  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 94  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/18/01

5. File No. 010006  
Requestor: Glenn D. Nimrock  
Parcel Address: 2463 West Tamarack Street  
Tax Key No. 325-1438-6  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 109  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/18/01
6. File No. 010007  
Requestor: US Bank Trust/New Century Mtg.  
Parcel Address: 2003 North 34<sup>th</sup> Street  
Tax Key No. 349-1527-1  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 130  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/13/01
7. File No. 010008  
Requestor: Tha' Liza S. Brown  
Parcel Address: 2233 North 15<sup>th</sup> Street  
Tax Key No. 352-1937-6  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 137  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/16/01
8. File No. 010009  
Requestor: Rockie Taylor  
Parcel Address: 2710 West Highland Boulevard  
Tax Key No. 388-2231-9  
Foreclosure Action: 2000, No. 3, In Rem, Parcel 151  
Case No. 00-CV-008706  
Date of City Acquisition: 3/5/01  
Acq. plus 45 days = 4/20/01  
Date of Requestor's Request: 4/16/01