

CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

August 23, 2002

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

Re: File Numbers 020677, 020678, 020679, 020680, 020681, 020682, 020683

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* Judgment 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 owners a statutory right of redemption which right was not exercised. Due to the failure to redeem, the City foreclosed against the parcels, and thereby acquired fee simple title foreclosing any interest which the former owners had in the parcels.

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 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.

Kathleen Marquardt
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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 JUDGMENT, 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 F. LANGLEY
City Attorney



BEVERLY A. TEMPLE
Assistant City Attorney

GFL:BAT:emm
Enc.

c: Ronald D. Leonhardt, City Clerk
56981

EXHIBIT A

1. File No. 020677
Requestor: Robert A. Payne
Parcel Address: 2436 North Weil Street
Tax Key No. 321-0327-5
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 8/7/02

2. File No. 020678
Requestor: True Church of the First Born Apostolic
Faith
Parcel Address: 2214-16 West Keefe Avenue
Tax Key No. 270-0001-1
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 7/30/02

3. File No. 020679
Requestor: Lee D. Beans
Parcel Address: 5456-58 North 38th Street
Tax Key No. 192-0058-4
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request:

4. File No. 020680
Requestor: GE Vang
Parcel Address: 6815 West Fond du Lac AVenue
Tax Key No. 212-0659-100-2
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 8/8/02

5. File No. 020681
Requestor: Pearlie M. Dean
Parcel Address: 5422 North 36th Street
Tax Key No. 192-0573-4
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 8/14/02
6. File No. 020682
Requestor: Anna Yaeger PR for Carrie Buchanan
Parcel Address: 2532 West Locust
Tax Key No. 310-9988-X
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 8/2/02
7. File No. 020683
Requestor: Otis Brown
Parcel Address: 2434 North 23rd Street
Tax Key No. 325-0431-X
Foreclosure Action: 2002, No. 1 *In Rem*
Case No. 02-CV-002117
Date of City Acquisition: 07/8/02
Acq. plus 45 days = 8/23/02
Date of Requestor's Request: 8/15/02