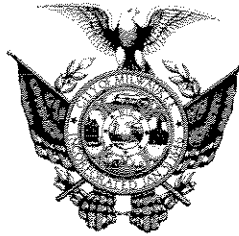



WAYNE F. WHITTOW
CITY TREASURER



OFFICE OF THE CITY TREASURER
MILWAUKEE, WISCONSIN

September 6, 2005

To: Milwaukee Common Council
City Hall, Room 205

From: Wayne F. Whittow 
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 321-0804-000-8
Address: 831 833 E CLARKE ST
Applicant/Requester: HMS GROCERY LLC
2005-01 Inrem File
Parcel: 315
Case: 05CV002643

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

The City of Milwaukee acquired this property on 7/25/05.

WFW/ku

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

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 45 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, d, and e.
6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 831-833 East Clarke Street
TAXKEY NUMBER 321-0804-8
NAME OF APPLICANT HFY Grocery, LLC f/k/a
HMS Grocery, LLC c/o Hilda Rizeq
MAILING ADDRESS 5140 South 60th Street
Greendale WI 53129 414-421-5277
CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES NO

If no, describe interest in this property _____

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).

None

(Use reverse side, if additional space is needed)

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

YES NO

E. DEPT OF NEIGHBORHOOD SERVICES FILING:

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5?

YES 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

Hilda Rizeq

DATE

8-31-05



GIMBEL • REILLY • GUERIN • BROWN

POWERFUL LEGAL REPRESENTATION

Writer's Direct E-mail
dregan@grgblaw.com

September 2, 2005

Attorney Grant F. Langley
City of Milwaukee
200 East Wells Street, Room 800
Milwaukee, WI 53202

Re: *Request to Vacate In Rem Judgment
for 831-833 East Clarke Street
Tax Key No. 321-0804-8*

Dear Attorney Langley:

This firm represents HFY Grocery, LLC (f/k/a HMS Grocery, LLC), a Wisconsin limited liability company, and its sole member, Ms. Hilda Rizeq. HFY is the owner of the property located at 831-833 East Clarke Street which was recently obtained by the City in an *In Rem* foreclosure action.

For your information, in late 2004 and prior to the City's notification of the probable foreclosure, our client had received an offer to purchase this property from a well-known investor. Shortly thereafter, this investor encountered some financial difficulty that prompted him to back out of the deal and our client's sale fell through. In June, our client received another offer to purchase this property from a different investor and we are scheduled to close on the sale in mid-September.

As you can see, our client has attempted to sell the property on several occasions in order to pay the back property taxes owed the City of Milwaukee. She did not understand the consequences of not paying the property taxes timely. The action by the City in taking this property, however, has hindered our client from completing the sale and we kindly request that this matter be reopened and the City vacate its judgment so that we may proceed to sell this property.

TWO PLAZA EAST
SUITE 1170
330 E. KILBOURN AVE.
MILWAUKEE, WI 53202
P: 414-271-1440
F: 414-271-7680
WWW.GRGBLAW.COM





POWERFUL LEGAL REPRESENTATION

GIMBEL • REILLY • GUERIN • BROWN

Attorney Grant F. Langley
City of Milwaukee
September 2, 2005
Page 2

In connection therewith, I am filing on behalf of HFY Grocery, LLC a *Request for Vacation of In Rem Judgment* along with a cashier's check in the amount of \$1,370 in payment of the administrative costs associated with this action. Please acknowledge receipt of this filing by stamping the enclosed copy of the *Request* form and returning it to our office in the postpaid return envelope provided.

Please feel free to contact me if you have any questions or would like to discuss this matter in further detail.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Michael Guerin', written over a horizontal line.

D. MICHAEL GUERIN

DMG:DJR:bd

Enclosures

Corp/K&J/Clarke/ltCity 2005-08-30

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

PARK BANK

69-35
519

REMITTER

MILWAUKEE, WI 53216
0756

4877922797

DATE

September 02, 2003

K & J Realty

PAY TO THE
ORDER OF

City Treasurer's Office

AMOUNT

\$1,370.00

EXACTLY \$ 1,370 dols 00 cts

ONE THOUSAND THREE HUNDRED SEVENTY DOLLARS AND ZERO CENTS

CASHIER'S CHECK

Robert J. Makowski Jr.
FIRST VICE PRESIDENT CFO & CASHIER
AUTHORIZED SIGNATURE

PAYABLE THROUGH
BB&T
CHARLESTON, WV

⑆051900353⑆00487 79227971⑈