

OFFICE OF THE CITY TREASURER Milwaukee, Wisconsin

November 22, 2022

Spencer Coggs City Treasurer

James F. Klajbor Deputy City Treasurer

Margarita M. Gutierrez Special Deputy City Treasurer

Robyn L. Malone Special Deputy City Treasurer

To:

Milwaukee Common Council

City Hall, Room 205

From: All

Erika Martinez

Tax Collection and Enforcement Coordinator

Re:

Request for Vacation of Inrem Judgment

Tax Key No.: 5521553000

Address: 2302 W HOWARD AV

Owner Name: IRENE GENEVIEVE RANDALL JAMES R

RANDALL

Applicant/Requester: TUDOR VILLAGE OWNERS

ASSOCIATION INC ATTN ATTY JOHN ARAETTINGER

2022-1 Inrem File

Parcel: 187

Delinquent Tax Years: 2019-2021

Case: 22-CV-002281

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

The City of Milwaukee acquired this property on 08/30/2022.

JFK/em





OFFICE OF THE CITY TREASURER TAX ENFORCEMENT DIVISION

CITY HALL - ROOM 103 • 200 EAST WELLS STREET • MILWAUKEE, WISCONSIN 53202 TELEPHONE: (414) 286-2260 • FAX: (414) 286-3186 • TDD: (414) 286-2025

INTERESTED PARTY'S REQUEST TO VACATE IN REM TAX FORECLOSURE JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW:

- Type or print firmly with a black ballpoint pen.
- Use separate form for each property. 2.
- Refer to 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 90 days has elapsed from the date of entry of the in rem tax foreclosure judgment to the date of receipt of the request by the City Clerk.
- Administrative costs totaling \$1,370 must be paid by Cashier's Check or cash to the City Treasurer prior to acceptance of this application.
- Complete boxes A, B, C, and D, sign, and date the application.

 Forward completed application to the City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION

TELOANT INFORMATION.						
A. PROPERTY ADDRESS: 2302 West Howard Avenue						
TAX KEY NUMBER:552-1553-000						
NAME OF APPLICANT: Tudor Village Owners Association, Inc.						
c/o Attorney John A. Graettinger MAILING ADDRESS: 12750 West North Avenue						
Brookfield WI 53005 (262) 432-127	72					
CITY STATE ZIP CODE TELEPHONE NUME	BER					
EMAIL ADDRESS: jagraettinger@gmail.com						
B. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE IN WHICH THE FORM OWNERSHIP INTEREST (If not applicable, write NONE.): None	IER OWNER HAD AN					
ADDRESS	ZIP CODE					
ADDRESS	ZIP CODE					
ADDRESS	ZIP CODE					
ADDRESS	ZIP CODE					
ADDRESS (Use reverse side, if additional space is needed.)	ZIP CODE					
(OSC TOVETSE SIDE, II additional Space is freeded.)						
C. HAS WRITTEN CONSENT BEEN GIVEN TO THE APPLICANT BY THE FORMER OWNER VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?	TO REQUEST					
YES Attach documentation. Go to Section G.						
NO X You must complete Sections D, E, and F.						

. 4	D.	WHAT EFFORTS WERE UNDERTAKEN BY THE APPLICANT TO SECURE THE WRITTEN CONSENT OF THE FORMER OWNER TO APPLY FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?
		See attached STATEMENT.
		WHY WAS THE APPLICANT UNABLE TO SECURE THE REQUIRED WRITTEN CONSENT OF THE FORMER OWNER PRIOR TO APPLYING FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?
		See attached STATEMENT.
:	•	
	3	
		WHY IS IT IN THE BEST INTEREST OF THE CITY TO WAIVE THE REQUIREMENT THAT THE WRITTEN CONSENT OF THE FORMER OWNER BE ACQUIRED BY THE APPLICANT IN ORDER TO APPLY FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT? IN RESPONDING TO THIS QUESTION, PLEASE EXPLAIN YOUR PLANS FOR THE PROPERTY, INCLUDING YOUR PLANS FOR ITS MAINTENANCE, REUSE, OR DISPOSITION.
		See attached STATEMENT.
	•	
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	•	

G. IS THE PROPERTY	LISTED IN SECTION "A" CURRENTLY VACANT? YES X NO
	R ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S station must be attached.)
YES X NO	
I. IS THE APPLICATION PROVIDED?	ON COMPLETE AND HAS THE REQUIRED SUPPORTING DOCUMENTATION BEEN
YES X NO	
he property is restored to the for expense, which may be asso understands that if this req applicant paid. There are no t	ents that all of the information provided herein is true and correct and agrees that if title to ormer owner, applicant will indemnify and hold the City harmless from and against any cost erted against the City as a result of its being in the chain of title to the property. Applicant usest is withdrawn or denied the City shall retain all of the administrative costs refunds. Herefunds.
APPLICANT'S SIGNATURE:	By: morhwaten DATE: 11/2/ /2022
APPLICANT'S NAME:	Mark Watkins
APPLICANT'S TITLE:	President

 $Ref: K: \TAX\ ENFORCEMENT\ DIVISION \TAX\ ENFORCEMENT\ FOLDERS \ INREM \ Masters \ Application For Vacation Of Judgment-Interested Party 2020-08-13. doc$

STATEMENT

Introduction

Tudor Village Owners Association, Inc. is the Applicant. The "request to vacate" has been executed by Mark Watkins in his capacity as Applicant's president.

Applicant is the association of unit owners under Wisconsin Statutes Chapter 703 for Tudor Village Condominium (hereinafter the Condominium) located in Milwaukee County, Wisconsin. The Condominium consists of 42 residential units together with common elements. As confirmed by the letter report attached as Exhibit 1, Irene Genevieve Randall, James R. Randall and Robert L. Randall (hereinafter collectively the Randalls) are the titled owners of record of a unit which is part of the Condominium having property address of 2302 West Howard Avenue, Milwaukee, Wisconsin (hereinafter the Property). Each of the Randalls is deceased as confirmed by the death certificates attached as Exhibit 2. The last of the Randalls died August 12, 2019.

As unit owner in the Condominium, the Randalls and their estates continued to have a duty to pay the Applicant condominium assessments. The assessments are used by the Applicant to pay the common expenses of the Condominium (e.g., insurance, common element maintenance expenses, etc.) for the benefit of all 42 unit owners. Attached as Exhibit 3 is a statement of account setting forth the unpaid condominium assessments (a/k/a fees and late fees) due from the Randalls payable to the Applicant for the period from July 1, 2019 thru June 1, 2022; the balance due thru January 1, 2021 is \$4,710. No payments have been received by Applicant from or on account of the Randalls since the beginning of July 2019. Additional assessments have accrued after May 1, 2021 and are payable. Pursuant to Wisconsin Statutes \$703.165, Applicant filed with the Milwaukee County Clerk of Courts on June 9, 2021, a Statement of Condominium Lien relating to the \$4,710.00 due through January 1, 2021; see attached Exhibit 4.

On June 1, 2022, Applicant commenced a condominium lien foreclosure action against the Property in accordance with the provisions of Wisconsin Statutes §703.165 (hereinafter the Foreclosure Action). A copy of the Summons and Complaint as filed is attached as Exhibit 5. Because a review of Wisconsin CCAP records confirmed that no probate administration had been commenced with respect to any of the Randalls, Attorney Christopher M. Hueneke was appointed as special administrator by the Milwaukee County probate court for purposes of receiving service of process on behalf of each of the Randall's estates. In conjunction with the Foreclosure Action, a Lis Pendens was recorded with the Milwaukee County Register of Deeds (see attached Exhibit 6) giving notice of Applicant's lien rights.

At the time of commencing the Foreclosure Action, Applicant was not aware of Milwaukee's *in rem* tax foreclosure proceeding with respect to the Property. Applicant first became aware of Milwaukee's *in rem* tax foreclosure proceeding in September 2022 while preparing motion papers to seek a judgment of condominium lien foreclosure against the Property in conjunction with Applicant's Foreclosure Action.

Applicant has now obtained a judgment of foreclosure with respect to the Applicant's condominium lien interest in the Property (hereinafter the Judgment); see attached Exhibit 7. The Judgment permits Applicant to proceed with a sheriff's sale at any time after five (5) weeks from the date of entry of the Judgment. Except for Milwaukee's priority claims for real estate taxes, no other lien claim has priority over Applicant's Judgment (e.g., there is no mortgage against the Property, and defendant Wisconsin's claim has been found to be subordinate to Applicant's lien rights).

If Applicant is granted an order vacating Milwaukee's *in rem* foreclosure judgment,
Applicant anticipates scheduling a sheriff's sale of the Property as soon as possible. Based
on the Milwaukee assessor's records (see attached Exhibit 8), Applicant believes the value of

the Property to be in excess of \$50,000. Any purchaser of the Property at the sheriff's sale would be responsible to bring all delinquent taxes current. Alternatively, Applicant is prepared to bring the taxes current as a condition precedent to obtaining the vacating of Milwaukee's *in rem* foreclosure judgment. Bottom line, Applicant expects that the confirmation of any sheriff's sale will result in net proceeds which will be adequate to bring the condominium assessments presently unpaid with respect to the Property current or substantially current. Such net proceeds will then be available for use by the Applicant for the benefit of all 42 unit owners at the Condominium.

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D. What efforts were undertaken by the applicant to secure the written consent of the former owner to apply for the vacation of the city's *in rem* tax foreclosure judgment?

As confirmed in the "Introduction" above, the owners of record of the Property are all deceased, and that except for the special administration proceedings, no probate proceedings were or are presently pending in Milwaukee County. As such, there was no ability for Applicant to secure such written consents.

E. Why was the applicant unable to secure the required written consent of the former owner prior to applying for the vacation of the city's *in rem* tax foreclosure judgment?

As confirmed in the "Introduction" above, the owners of record of the Property are all deceased, and that except for the special administration proceedings,

no probate proceedings were or are presently pending in Milwaukee County. As such, there was no ability for Applicant to secure such written consents.

F. Why is it in the best interest of the city to waive the requirements that the written consent of the former owner be acquired by the applicant in order to apply for the vacation of the city's in rem tax foreclosure judgment? In responding to this question, please explain your plans for the property, including your plans for its maintenance, reuse or disposition.

Applicant as the association of unit owners for Tudor Village Condominium (i.e., the Condominium in which the Property is a unit) anticipates selling the Property at sheriff's sale to a new owner which will result in net proceeds which will benefit all 42 unit owners in the Tudor Village Condominium. A new unit owner of the Property will result following the Court's confirmation of the sheriff's sale. The new owner would then be responsible for the payment of any unpaid and future real estate taxes. Alternatively, Applicant is willing to bring the tax arrearage account current, if necessary, to obtain the consent of Milwaukee to vacate its *in rem* judgment of tax foreclosure. The failure of Milwaukee to vacate its *in rem* judgment will result in the Applicant condominium association losing any legal right it has to recover the delinquent assessments attributable to the Property; this will result in significant harm to the remaining other unit owners at Tudor Village Condominium.



20825 Swenson Dr., Suite 200 Waukesha, WI 53186

Phone: (262)796-3800 / Fax: (262)796-3888

John Graettinger, Attorney At Law 12750 W North Avenue Suite B Brookfield, WI 53005 Attn: John Graettinger

Letter Report No.:

RE-32122

Customer Ref. No.: Revised 3/29/2022

Dear Sir/Madam:

We find that the grantee(s) named in the latest recorded conveyance of the real estate described below

Irene Genevieve Randall, James R Randall and Robert L Randall

Legal Description:

Unit No. 2302, together with an undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said Unit in Tudor Village Condominium, a condominium created and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin, dated May 26, 1981 and recorded in the Register of Deeds office for Milwaukee County, on May 29, 1981, on Reel 1378, Images 917 to 932 inclusive, as Document No. 5478392, and Amendment of Declaration of Condominium as recorded in the Register of Deeds office for Milwaukee County, on July 30, 1984, on Reel 1664, Images 562 to 564, inclusive, as Document No. 5737967, and any amendments and/or corrections thereto and by a Condominium Plat and any amendments and/or corrections thereto. Incorporated herein by this reference thereto is the real estate described in and subject to said Declaration which is located in the City of Milwaukee, Milwaukee County, Wisconsin.

Tax Key No.:

552-1553-000

Property Address: 2302 W Howard Avenue

This report is limited to those matters appearing subsequent to the date of the latest conveyance of record.

Real Estate Mortgages and/or Leases:

NONE

Docketed Judgments, State and Federal Tax Liens and Construction Liens Appearing Against the Grantee(s) in the Latest Recorded Conveyance:

Medical Assistance Lien dated August 1, 2019 and filed of record on August 8, 2019 as Document No. 10896219, by State of Wisconsin Department of Health Services, against the real property owned by James Randall in the amount of \$59,935.08.

Condominium Lien filed in the Office of the Clerk of the Circuit Court on June 9, 2021, as No. 2021CO000149, by Tudor Village Owners Association, Inc., c/o Condominium Services, Inc., S96W12972 Claude Harmon Circle, Muskego, WI 53150, against Robert L. Randall, James R. Randall and Irene Genevieve Randall, 2302 West Howard Avenue, Milwaukee, WI 53221, in the sum of \$4,710.00, affecting the subject premises.

Outstanding Real Estate Taxes:

Unpaid delinquent taxes for the year 2019 in the amount of \$1,383.94, exclusive of fees and interest.

Letter Report WID0088.doc / Updated: 07.13.16 Printed: 03.29.22 @ 08:13 AM by kar

Page 1

FXHIBIT!

Unpaid delinquent taxes for the year 2020 in the amount of \$1,390.46, exclusive of fees and interest.

Unpaid delinquent taxes for the year 2021 in the amount of \$1,401.92, exclusive of fee and interest.

Dated this 8th day of March, 2022 at Milwaukee County, Wisconsin, the effective date hereof.

This Report is for informational purposes only. This report is not an abstract of title or a title insurance commitment or policy and should not be relied upon in place of such. It is not the intention of Chicago Title Company to provide any type of express or implied warranty, guaranty, or indemnity with respect to the accuracy or completeness of the information contained in the report. If this report is to be used by the customer as the search required in order for the customer to issue a title insurance commitment or policy, or if the information contained in this report is resold, the customer does so at their own risk. In order to obtain information from the company which will carry the full liability of a title insurance commitment or policy, Chicago Title Company will issue, if requested, a commitment of title insurance and will charge a fee in compliance with rates filed with the Office of the Commissioner of Insurance.

Sincerely,

CHICAGO TITLE COMPANY

ena Krueger

Dena J Krueger

Residential Examiner dena.krueger@ctt.com

Letter Report WID0088.doc / Updated: 07.13.16

EXHIBIT (LONT)

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES ORIGINAL CERTIFICATE OF DEATH FACT OF DEATH

STATE FILE DATE: MARCH 28, 2019 STATE FILE NUMBER: 2019012297

			FACT OF DEATH			
* DEGLOCKES NAME First	Менто	Last			2 SOCIAL SECURITY NUMBER	5 DATE PROTIOUTS ED LE AD
IRENE	GENEVIEVE	RANDALL			473-24-7413	MARCH 24, 2019
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PHYSICIAN	STEVE CHANG					MARCH 27, 2019
MARCH 24, 2019	32 TIME OF DEATH (246) 20:30		TERS MAIDING ADDING	STE 200. NEW BERLIN. W	/I 53151	

3975373

N



NO AMENDMENTS PRESENT

I certify that these is current contains a true and correct reproduction of facts on tile with the Wisconsin Vital Records Office.

20960843

Date Issued: AUGUST 16, 2021



STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES ORIGINAL CERTIFICATE OF DEATH FACT OF DEATH

STATE FILE DATE: MAY 15, 2019 STATE FILE NUMBER: 2019019300

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я97537я

NO AMENDMENTS PRESENT

Leetify that this document contains a true and correct reproduction of tacks on file with the Wisconsin Vital Records Office.

20960842 Date Issued AUGUST 16, 2021



Ex. 2 (111)T.



Type or Print Use Permanent BLACK Ink, No Whiteout or Erasures

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Ecertify that this document contains a fruct and correct reproduction of facts on tile with the Wisconsin Vital Records Office.

20960841

Date Issued.



Tudor Village Condominiums

James Randall 2302 W. Howard Ave Milwaukee, Wisconsin 53221

	Fee	Late Fee	Paid		
7/1/2019	190.00	25.00		215.00	\mathcal{A}
8/1/2019	190.00	25.00		215.00	///
9/1/2019	190.00	25.00		215.00	011
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12/1/2020	210.00	25.00		235.00	W
1/1/2021	210.00	25.00		235.00	V
2/1/2021	210.00	25.00		235.00	
3/1/2021	210.00	25.00		235.00	
4/1/2021	210.00	25.00		235.00	
5/1/2021	210.00	25.00		235.00	
6/1/2021	210.00	25.00		235.00	
7/1/2021	210.00	25.00		235.00	
8/1/2021	210.00	25.00		235.00	
9/1/2021	210.00	25.00		235.00	
10/1/2021	210.00	25.00		235.00	
11/1/2021	210.00	25.00		235.00	
12/1/2021	210.00	25.00		235.00	
1/1/2022	225.00	25.00		250.00	
2/1/2022	225.00	25.00		250.00	
3/1/2022	225.00	25.00		250.00	
4/1/2022	225.00	25.00		250.00	
5/1/2022	225.00	25.00		250.00	
6/1/2022	225.00	25.00		250.00	

Total Due

8,795.00

14 4/2 8/22

EXHIBIT 3

Casa 2021 CO000149

Document 4

Filed 06-09-2021

Page 1 of 1

FILED 06-09-2021 John Barrett Clark of Circuit Court 2021CO000149

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Irene Genevieve Randall, James R. Randall and Robert L. Randall, owners of Unit 2302 in Tudor Village Condominium (street address: 2302 West Howard Avenue, Milwaukee, Wisconsin 53221) are Indebted to the Association in the amount of \$4,710.00 as of July 1, 2019, for their proportionate share of common expenses (including late fees) of the Condominium plus late fees for the period from July 1, 2019 to January 1, 2021, plus costs of collection, and actual attorney fees.

> TUDOR VILLAGE OWNERS ASSOCIATION, INC. a Wisconsin non-stock corporation

Mark Watkins - President c/o Condominium Services, Inc. S96 W12972 Claude Harmon Circle

Muskego, WI 53150

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information, and belief.

Subscribed and sworn to before me this 2/2/1/day of May, 2021.

Notary Public, State of Wisconsin

My commission expires: 9/14

EXHIB,

ge 1 of 10

FILED
06-01-2022
George L. Christenson
Clerk of Circuit Court
2022CV003537
Honorable Christopher R.
Foley-14
Branch 14

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

TUDOR VILLAGE OWNERS ASSOCIATION, INC.

a Wisconsin non-stock corporation c/o Condominium Services, Inc. S96 W12972 Claude Harmon Circle Muskego, WI 53150,

Plaintiff,

ν.

SUMMONS

Case Code 30404

ESTATE OF IRENE GENEVIEVE RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road Suite 120 Greenfield, WI 53220,

ESTATE OF JAMES R. RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road Suite 120 Greenfield, WI 53220,

ESTATE OF ROBERT L. RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road -Suite 120 Greenfield, WI 53220, -and-

STATE OF WISCONSIN -

Department of Health Services c/o Attorney General Wisconsin State Capital 17 West Main Street Madison, WI 53703,

Defendants.



STATE OF WISCONSIN, to said defendants:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this Summons (45 days if you are the State of Wisconsin) you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is 901 North 9th Street, Milwaukee, Wisconsin 53233, and to Attorney John A. Graettinger, plaintiffs attorney, whose address is 12750 West North Avenue, Suite B, Brookfield, WI 53005. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days (45 days if you are the State of Wisconsin), the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: May 26, 2022.

hn A. Graettinger, Attorney for Plaintiff

State Bar No. 1015469

12750 West North Avenue, Suite B

Brookfield, WI 53005

Telephone No. (262) 432-1272

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

ge 3 of 10

FILED
06-01-2022
George L. Christenson
Clerk of Circuit Court
2022CV003537
Honorable Christopher R.
Foley-14
Branch 14

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

TUDOR VILLAGE OWNERS ASSOCIATION, INC.

a Wisconsin non-stock corporation c/o Condominium Services, Inc. S96 W12972 Claude Harmon Circle Muskego, WI 53150,

Plaintiff.

COMPLAINT

٧.

Case Code 30404

ESTATE OF IRENE GENEVIEVE RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road Suite 120 Greenfield, WI 53220,

ESTATE OF JAMES R. RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road Suite 120 Greenfield, WI 53220,

ESTATE OF ROBERT L. RANDALL

c/o Christopher M. Hueneke - Special Administrator 4377 West Loomis Road Suite 120 Greenfield, WI 53220, -and-

STATE OF WISCONSIN -

Department of Health Services c/o Attorney General Wisconsin State Capital 17 West Main Street Madison, WI 53703,

Defendants.

Ex. 5 (LOUT.)

NOW COMES, the above named plaintiff by its attorney, John A. Graettinger, and as and for a cause of action against the above-named defendants, alleges and shows to the Court as follows:

- 1. Plaintiff is a Wisconsin non-stock corporation whose shareholders are all unit owners of Tudor Village Condominium; said condominium having been created pursuant to a condominium declaration duly recorded with the Register of Deeds for Milwaukee County, Wisconsin.
- 2. Irene Genevieve Randall (hereinafter Irene) is deceased as of March 24, 2019; prior to her death, Irene was the owner of an interest in a condominium unit as alleged and described in Paragraph 6 below; Irene's interest in this action is being represented by a Special Administrator, namely Christopher M. Hueneke as appointed in the above named estate having Milwaukee County Circuit Court Case No. 2022-PR-822.
- 3. James R. Randall (hereinafter James), is deceased as of May 12, 2019; prior to his death, James was the owner of an interest in a condominium unit as alleged and described in Paragraph 6 below; furthermore, James' interest in this action is being represented by a Special Administrator, namely Christopher M. Hueneke as appointed in the above named estate having Milwaukee County Circuit Court Case No. 2022-PR-821.
- 4. Robert L. Randall (hereinafter Robert), is deceased as of September 8, 2005; prior to his death, Robert was the owner of an interest in a condominium unit as alleged and described in Paragraph 6 below; furthermore, Robert's interest in this action is being represented by a Special Administrator, namely Christopher M. Huencke as appointed in the above named estate having Milwaukee County Circuit Court Case No. 2022-PR-820.
- 5. Irene and the Estate of Irene Genevieve Randall, James and the Estate of James R. Randall, and Robert and the Estate of Robert L. Randall are the "unit owners" of a unit of Tudor Village Condominium; said unit being located in the County of Milwaukee, State of Wisconsin and legally described as follows:

Unit 2302, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said Unit in Tudor Village Condominium, a condominium created and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin, dated May 26, 1981 and recorded in the Register of Deeds office for Milwaukee County, on May 29, 1981, on Reel 1378, Images 917 to 932 inclusive, as Document No. 547892, and Amendment of Declaration of Condominium as recorded in the Register of Deeds office for



- 11. The unit is a one-family residence that is unoccupied and cannot be sold in parcels; furthermore, on information and belief, the unit is abandoned as said term is defined in Wisconsin Statutes §846.102 (said belief being based upon various circumstances, including the fact that the unit has been unoccupied from the period of time after James' death, the real estate taxes have not been paid since 2019, and the interior of the unit is in has been left vacant).
- 12. On information and belief, Irene, James and Robert were unmarried persons at the times of their deaths.
- 13. Defendant State of Wisconsin may claim an interest in the unit by reason of a medical assistance lien dated August 1, 2019 and filed of record on August 8, 2019 as Document No. 10896219 by the State of Wisconsin Department of Health Services against the property owned by James in the amount of \$59,935.08; that any lien rights which the defendant State of Wisconsin may have by reason of said lien are subordinate to the lien rights claimed by plaintiff.

WHEREFORE, plaintiff demands that its condominium lien as set forth on attached Exhibit B be declared paramount and superior to the interests of all other parties to this action, and furthermore, plaintiff demands that the interest of Irene Genevieve Randall and the Estate of Irene Genevieve Randall, James R. Randall and the Estate of James R. Randall, and Robert L. Randall and the Estate of Wisconsin in and to the real estate described in Paragraph 5 above, be sold to satisfy the lien which is equal to the amount as follows:

- For the sum of \$4,710.00 representing unpaid common charges and late fees assessed for the period of time from July 1, 2019 to January 1, 2021.
- Plus costs of this action, including reasonable attorney fees.

Furthermore, plaintiff demands that the condominium unit which is the subject matter this Complaint be deemed "abandoned" within the meaning of Wisconsin Statutes §846.102 which allows for a five (5) week period of redemption following entry of judgment.



Dated: May 26, 2022.

John A. Graettinger, Attorney for Plaintiff

State Bar No. 1015469

12750 West North Avenue, Suite B

Brookfield, WI 53005

Telephone No. (262) 432-1272

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Late Fee

Pald

Tudor Village Condominiums

James Randall 2302 W. Howard Ave Mllwaukee, Wisconsin 53221



March 5/22/21	7/1/2019 8/1/2019 9/1/2019 10/1/2019 11/1/2019 11/1/2019 12/1/2020 2/1/2020 6/1/2020 6/1/2020 9/1/2020 9/1/2020 10/1/2020 11/1/2020 11/1/2020 12/1/2020 1/1/2021 2/1/2021 3/1/2021 4/1/2021	190,00 190,00 190,00 190,00 190,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00 210,00	25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00 25.00	215.00 215.00 215.00 215.00 215.00 215.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00 235.00
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EX. 5 (CONT.)

Case 2021CO000149

Document 4

Filed 06-09-2021

Page 1 of 1

FILED 06-09-2021 John Barrett Clork of Circuit Court 2021CO000149

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Irene Genevieve Randall, James R. Randall and Robert L. Randall, owners of Unit 2302 in Tudor Village Condominium (street address: 2302 West Howard Avenue, Milwaukee, Wisconsin 53221) are indebted to the Association in the amount of \$4,710.00 as of July 1, 2019, for their proportionate share of common expenses (including late fees) of the Condominium plus late fees for the period from July 1, 2019 to January 1, 2021, plus costs of collection, and actual attorney fees.

TUDOR VILLAGE OWNERS ASSOCIATION, INC. a Wisconsin non-stock corporation

Mark Watkins - President

c/o Condominium Services, Inc. S96 W12972 Claude Harmon Circle

Muskego, WI 53150

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information, and belief.

Mark Watkins - President

Subscribed and sworn to before me this 2/ol/day of May, 2021.

Notary Public, State of Wisconsin

My commission expires: 9/14

= 9/14/2023

Ex. 5 (CONT.)

Tudor Village Owners Association, Inc. .c/o Condominium Services, Inc. S96 W12972 Claude Harmon Circle Muskego, WI 53150 Telephone (414) 672-7585 Facsimile (800) 662-9971

Registered Mail - Return Receipt Requested

Irene Genevieve Randall, James R. Randall and Robert L. Randall 2302 West Howard Avenue Milwaukee, WI 53221

RE: Attached Statement of Condominium Lien

Dear Unit Owners,

Please be advised that an action will be brought to foreclosure the attached lien ten (10) days after the date of this letter.

Sincerely yours,

Mark Watkins - President

enclosure

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Ex. 5 (LODT.

Case 2021CO000149

Document 4

Filed 06-09-2021

Page 1 of 1

FILED 06-09-2021 John Barrett Clerk of Circuit Court 2021CO000149

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Irene Genevieve Randall, James R. Randall and Robert L. Randall, owners of Unit 2302 in Tudor Village Condominium (street address: 2302 West Howard Avenue, Milwaukee, Wisconsin 53221) are indebted to the Association in the amount of \$4,710.00 as of July 1, 2019, for their proportionate share of common expenses (including late fees) of the Condominium plus late fees for the period from July 1, 2019 to January 1, 2021, plus costs of collection, and actual attorney fees.

TUDOR VILLAGE OWNERS ASSOCIATION, INC. a Wisconsin non-stock corporation

By: //Z

Mark Watkins - President c/o Condominium Services, Inc.

S96 W12972 Claude Harmon Circle

Muskego, WI 53150

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information, and belief.

Mark Watkins - President

Subscribed and sworn to before me this 266 day of May, 2021.

Notary Public, State of Wisconsin

My commission expires: 9/14/

BIT MEDRI

EXHIBIT 5

Тჯ: 4089გიწლeorge L. Christenson

Clerk of Circuit Court D0601261265554

RECORDED: 06/13/2022 09:07 AN ISRAEL RAMON REGISTER OF DEEDS MILWAUKEE COUNTY, WI

AMOUNT: 30.00

LIS PENDENS

Document No.

Document Title

TUDOR VILLAGE OWNERS ASSOCIATION, INC.,

Plaintiff,

vs.

Case No. 2022-CV-3537 Code No. 30404

ESTATE OF IRENE GENEVIEVE RANDALL, et al.

Defendants.

Recording Area

Return To:

Attorney John A. Graettinger 12750 West North Avenue Brookfield, WI 53005

NOTICE IS HEREBY GIVEN that an action is pending in this court to foreclose a statement of condominium lien filed with the Milwaukee County Clerk of Courts, State of Wisconsin, and described as follows:

552-1553-000 Parcel Identification Number

Unit 2302, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said Unit in Tudor Village Condominium, a condominium created and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin, dated May 26, 1981 and recorded in the Register of Deeds office for Milwaukee County, on May 29, 1981, on Reel 1378, Images 917 to 932 inclusive, as Document No. 547892, and Amendment of Declaration of Condominium as recorded in the Register of Deeds office for Milwaukee County, on July 30, 1984, on Reel 1664, Images 562 to 564; inclusive, as Document No. 5737967, and any amendments and/or corrections thereto and by a Condominium Plat and any amendments and/or corrections thereto. Incorporated herein by this reference thereto is the real estate described in and subject to said Declaration which is located in the City of Milwaukee, Milwaukee County, Wisconsin.

Tax Key No: 552-1553-000

Address:

2302 West Howard Avenue

Milwaukee, WI

Dated: June 7, 2022.

John A. Gracttinger - Attorney for Plaintiff

State Bar No. 1015469

12750 West North Avenue, Suite B

Brookfield, WI 53005

Telephone No. 262-432-1272

This document drafted by: Attorney John A. Graettinger

EXHIBIT 6

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

TUDOR VILLAGE OWNERS ASSOCIATION, INC.,

Plaintiff,

v.

Case No. 2022-CV-3537

ESTATE OF IRENE GENEVIEVE RANDALL, ESTATE OF JAMES R. RANDALL, ESTATE OF ROBERT L. RANDALL and STATE OF WISCONSIN,

NOV 2.1 2022

Defendants.

\$5.00 JUDGMENT FEE PAID

JUDGMENT OF FORECLOSURE

The Court having executed and filed a FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER FOR JUDGMENT in the above captioned matter on November 8, 2022;

NOW THEREFORE, JUDGMENT IS HEREBY ENTERED AS FOLLOWS:

- 1. (Intentionally omitted.)
- 2. As of November 7, 2022, there is due and owing to the plaintiff from the defendant estates the sum of \$14,795.44 determined as follows:
 - A. For the sum of \$4,710.00 representing unpaid common charges and late fees assessed for the period from July 1, 2019 to January 1, 2021,

ESHIBIT 7

- B. Plus the sum of \$10,085.44 actual attorney fees and costs of collection associated with this action.
- 3. That all costs of collection incurred by plaintiff after entry of judgment may be added to this judgment by order at any time after the entry thereof and before confirmation of the sale upon motion of the plaintiff's attorney.
- 4. That the liened premises are located in the County of Milwaukee, State of Wisconsin, and described as follows:

Unit 2302, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said Unit in Tudor Village Condominium, a condominium created and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin, dated May 26, 1981 and recorded in the Register of Deeds office for Milwaukee County, on May 29, 1981, on Reel 1378, Images 917 to 932 inclusive, as Document No. 547892, and Amendment of Declaration of Condominium as recorded in the Register of Deeds office for Milwaukee County, on July 30, 1984, on Reel 1664, Images 562 to 564, inclusive, as Document No. 5737967, and any amendments and/or corrections thereto and by a Condominium Plat and any amendments and/or corrections thereto. Incorporated herein by this reference thereto is the real estate described in and subject to said Declaration which is located in the City of Milwaukee, Milwaukee County, Wisconsin.

Tax Key No: 552-1553-000

Address: 2302 West Howard Avenue

Milwaukee, WI

- 5. That the liened premises cannot be sold in parcels without injury to the interests of the parties.
- 6. That the liened premises are deemed "abandoned" within the meaning of Wisconsin Statutes \$846.102 and shall be sold at public auction, in the county of Milwaukee, by and under the direction of the Sheriff of Milwaukee County, at any time after five (5) weeks from the date of entry of this judgment in the manner provided by law for the foreclosure of mortgages on real estate (including publication in The Daily

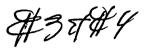
Ex7 (cont)

Decument 34

Reporter), unless previous to the sale of the liened premises, the judgment shall be redeemed by payment of the judgment and costs (including any added costs of collection after entry of judgment). That the Sheriff, upon compliance on the part of the purchaser with the terms of the sale, shall make, execute and deliver to the purchaser, a deed of the liened premises so sold, which deed, upon the confirmation of the sale, shall vest in the purchaser (subject to those priority liens set forth in Wis. Stats. §703.165(5)) all the right, title and interest of the defendant estates and their heirs, personal representatives and assigns, in and to the liened premises sold, and shall be a bar to all claim, right or equity of redemption therein, of and against the parties to this action, and also against all persons claiming under the defendant estates subsequent to the filing of the notice of the pendency of this action.

- 7. That after deducting the sheriff's fees and expenses of sale, the proceeds of the sale shall be first applied to pay the amounts due plaintiff from defendants Lloyd under this judgment entered pursuant to this order through the date of confirmation of the sheriff's sale. That the surplus after confirmation, if any, shall be subject to the further order of this Court. That the deficiency after confirmation, if any, shall be determined and shall be docketed and enforced as in other cases by plaintiff against defendants Lloyd.
- 8. That after the sheriff's sale, the sheriff shall make due report thereof to the Court as provided by law, and the purchaser shall be let into possession of the premises on production of a sheriff's deed, or duly certified copy thereof, and all parties to this action or other persons securing possession after the date the lis pendens was filed shall deliver possession to said purchaser, and that the Court or the Clerk shall, on application, issue a writ of assistance to deliver such possession.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL





Residential / Commercial Real Estate Property Detail

Parcel ID

5521553000

Location

2302 W HOWARD AV

Legal Description

TUDOR VILLAGE CONDOMINIUM ETC IN SW 1/4 SEC 18-6-2 2 UNIT 2302 & UND INTEREST IN THE COMMON AREAS & F

ACILITIE

Owner as of December 1

IRENE GENEVIEVE RANDALL

Customer ID

140855

Jurisdiction

MILW

Assessed Value .

\$56,000.00

Exemptions Value

\$0.00

2020 Charges

\$1,390.46

©2021 Tyler Technologies, Inc.

12/2/8 Arm

EXHIBIT 8

Office of the City Treasurer - Milwaukee, Wisconsin Administration Division Cash Deposit of Delinquent Tax Collection

Cashier <u>Category</u>	Cashier <u>Payclass</u>		Dollar <u>Amount</u>
1910		Delinquent Tax Collection	
	1911	City Treasurer Costs	220.00
	1912	DCD Costs	450.00
	1913	City Clerk Costs	200.00
	1914	City Attorney Costs	500.00
		Grand Total	1,370.00

Date 11/22/2022

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number:

2022 - 1

WholeTaxkey:

552-1553-000-

Property Address:

2302 W HOWARD AV

Owner Name

IRENE GENEVIEVE RANDALL

JAMES R RANDALL

Applicant:

TUDOR VILLAGE OWNERS ASSOCIATION INC

ATTN ATTY JOHN ARAETTINGER

Parcel No.

187

CaseNumber:

22-CV-002281