

# CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

March 21, 2002

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

Re: File Numbers 011637, 011632, 011633, 011634, 011635, 011636, 011638, 011639, 011640, 011641, 011642, 011643, 011644, 011645, 011645

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*

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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.

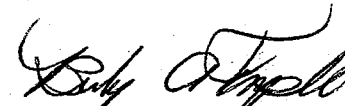
In light of the above, and concerning the particular properties at issue, **SO LONG AS THE WRITTEN REQUESTS FOR VACATION WERE SUBMITTED TO THE CITY WITHIN 45 DAYS OF THE RESPECTIVE *IN REM* FORECLOSURE JUDGMENTS**, this office has no objection to the Common Council and/or the Judiciary and Legislation 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.

Respectfully,



GRANT F. LANGLEY  
City Attorney



BEVERLY A. TEMPLE  
Assistant City Attorney

BAT:enm  
Enc.

51646  
c: Ronald D. Leonhardt, City Clerk

## EXHIBIT A

1. File No. 011637  
Requestor: Michelle L. Grundy  
Parcel Address: 1942 S 33<sup>rd</sup> Street  
Tax Key No. 471-0200-1  
Foreclosure Action: 2001, No. 3, In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 03/14/02  
Date of Requestor's Request: 3/14/02
  
2. File No. 011632  
Requestor: Gloria Griffin  
Parcel Address: 2565-67 N 24<sup>th</sup> Street  
Tax Key No. 325-0910-3  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/12/02
  
3. File No. 011633  
Requestor: Marilyn E. Johnson  
Parcel Address: 2444 N 21<sup>st</sup> Street  
Tax Key No. 325-0512-X  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/13/02
  
4. File No. 011634  
Requestor: Westside Housing Coop  
Parcel Address: 2828-30 W Juneau Ave  
Tax Key No. 365-1520-7  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/14/02

5. File No. 011635  
Requestor: Westside Housing Coop  
Parcel Address: 2120-22 W McKinley Ave  
Tax Key No. 364-1320-2  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/14/02
6. File No. 011636  
Requestor: Randolph J. Price  
Parcel Address: 3847 S Griffin Ave  
Tax Key No. 548-0378-8  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/14/02
7. File No. 011638  
Requestor: Robert P. Trudeau  
Parcel Address: 2075 S 15<sup>th</sup> Street  
Tax Key No. 469-0703-8  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/14/02
8. File No. 011639  
Requestor: David West  
Parcel Address: 3436 N 44<sup>th</sup> Street  
Tax Key No. 288-0823-5  
Foreclosure Action: 2001, No. 2 In Rem  
Case No. 01-CV-006959  
Date of City Acquisition: 01/14/02  
Acq. plus 45 days = 2/28/02  
Date of Requestor's Request: 2/26/02

9. File No. 011640  
Requestor: Mary Ehlert  
Parcel Address: 1517 N 51<sup>st</sup> Street  
Tax Key No. 368-0021-8  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/7/02
10. File No. 011641  
Requestor: Alma Downs  
Parcel Address: 4135 W Vliet Street  
Tax Key No. 366-0201-1  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/4/02
11. File No. 011642  
Requestor: Donjay Knox (unrecorded owner)  
Parcel Address: 3502 W Kilbourn Ave  
Tax Key No. 387-0726-6  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/5/02
12. File No. 011643  
Requestor: Thelmer J. Lock  
Parcel Address: 2725 N 23<sup>rd</sup> Street  
Tax Key No. 310-0404-X  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 2/14/02

12. File No. 011644  
Requestor: Ivory Jefferson for Jefferson Properties  
(unrecorded owner  
Parcel Address: 2506-08 N 12<sup>th</sup> Street  
Tax Key No. 323-1112-9  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/11/02
13. File No. 011645  
Requestor: Tilda Wilkes  
Parcel Address: 3342 N 26<sup>th</sup> Street  
Tax Key No. 285-1432-6  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/12/02
14. File No. 011646  
Requestor: Dorothy N. Cain  
Parcel Address: 2513 W Garfield Ave  
Tax Key No. 350-2235-3  
Foreclosure Action: 2001, No. 3 In Rem  
Case No. 01-CV-008855  
Date of City Acquisition: 01/28/02  
Acq. plus 45 days = 3/14/02  
Date of Requestor's Request: 3/7/02