

# CITY OF MILWAUKEE

Form CA-43

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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  
August 23, 2002  
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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 38<sup>th</sup> 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 36<sup>th</sup> 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 23<sup>rd</sup> 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