



Spencer Coggs
City Treasurer

James F. Klajbor
Deputy City Treasurer


Margarita M. Gutierrez
Special Deputy City Treasurer

Robyn L. Malone
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

November 29, 2022

To: Milwaukee Common Council
City Hall, Room 205

From:  Erika Martinez
Tax Collection and Enforcement Coordinator

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 2620958000
Address: 3609 N TUCKER PL Unit 210
Owner Name: VILLA DU COUR OWNERS ASSOCIATION INC
Applicant/Requester: LOANCARE LLC
ATTN ATTY KELLY SMITH
2022-1 Inrem File
Parcel: 51
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:

- 1. Type or print firmly with a black ballpoint pen.
2. Use separate form for each property.
3. Refer to the copy of the attached ordinance for guidelines and eligibility.
4. Administrative costs totaling \$1,370 must be paid by Cashier's Check or cash to the City Treasurer prior to acceptance of this application.
5. Complete boxes A, B, C, and D, sign, and date the application.
6. Forward completed application to the City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS: 3609 North Tucker Place Unit 210, Milwaukee, WI 53222
TAX KEY NUMBER: 2620958000
NAME OF APPLICANT: Attorney Kelly M. Smith of Phillip A. Norman, P.C.
MAILING ADDRESS: 17035 W. Wisconsin Avenue, Suite 150
Brookfield WI 53005 262.314.6564
CITY STATE ZIP CODE TELEPHONE NUMBER
EMAIL ADDRESS: kelly.smith@normanattorney.com

B. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE IN WHICH THE FORMER OWNER HAD AN OWNERSHIP INTEREST (If not applicable, write NONE.):
NONE, to the best of applicant's knowledge
ADDRESS ZIP CODE
ADDRESS ZIP CODE
ADDRESS ZIP CODE
ADDRESS ZIP CODE
ADDRESS ZIP CODE
(Use reverse side, if additional space is needed.)

C. HAS WRITTEN CONSENT BEEN GIVEN TO THE APPLICANT BY THE FORMER OWNER TO REQUEST VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?
YES [] Attach documentation. Go to Section G.
NO [X] You must complete Sections D, E, and F.

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?

The former owner, Villa Du Cour Owners Association, took title to the property via a sheriff's deed in its own foreclosure case, Case No. 19 CV 9317. I contacted the attorney for the association by telephone and left a voicemail. I also followed by email (see attached). Unfortunately, consent was never granted.

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?

Villa Du Cour Owners Association did not consent, despite my efforts to contact them through their attorney.

F. 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.


LoanCare, LLC, as the holder of the first mortgage, has funds to reinstate all delinquent taxes and fees immediately if granted the ability to do so. As holder of the first mortgage, LoanCare's interest is superior to that of the immediate prior owner, Villa Du Cour Owners Association. LoanCare's interest was not foreclosed in the association's foreclosure action. While LoanCare, LLC was not able to obtain consent of the association, reinstatement of the taxes will also benefit the association as it will be permitted to apply for any surplus funds that may remain after a sheriff sale in LoanCare's foreclosure case, 21 CV 5010. Finally, upon information and belief, LoanCare, LLC did not receive notice of the tax foreclosure.

G. IS THE PROPERTY LISTED IN SECTION "A" CURRENTLY VACANT? YES NO

H. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached.)
YES NO

I. IS THE APPLICATION COMPLETE AND HAS THE REQUIRED SUPPORTING DOCUMENTATION BEEN PROVIDED?
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 the City harmless from and against any cost or expense, which may be asserted against the 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. There are no refunds.**

APPLICANT'S SIGNATURE:  DATE: 11/28/22

APPLICANT'S NAME: Kelly M. Smith

APPLICANT'S TITLE: Attorney for lienholder, LoanCare, LLC

Ref: K:\TAX ENFORCEMENT DIVISION\TAX ENFORCEMENT FOLDERS\INREM\Masters\ApplicationForVacationOfJudgment-InterestedParty2020-08-13.doc

19CV9317



SHERIFF'S DEED
Title of Document

Document Number

Re: Case No. 19-CV-9317 Julie
Villa Du Cour Owners Association, Inc. v. Koelsch, et al.

DOC # 11149331
RECORDED:
08/10/2021 01:50 PM
ISRAEL RAMON
REGISTER OF DEEDS
MILWAUKEE COUNTY, WI
AMOUNT: 30.00
FEE EXEMPT #: 77.25 (14)
TRANSFER FEE:

Pursuant to a judgment of foreclosure entered in this matter, the subject premises was sold at auction to Villa Du Cour Owners Association, Inc. as the highest bidder. Therefore, the sheriff does hereby grant and convey unto said successful bidder, all of the following described land, located in the County of Milwaukee, State of Wisconsin, to wit:

Unit 210 in Building 5, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said unit, all in Villa Du Cour Condominium - Stage V, a condominium declared and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin and recorded by a Declaration as such condominium in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on July 28, 1977, as Document No. 5125160, and amendments thereto, said Condominium being located in the City of Milwaukee, Milwaukee County, Wisconsin on the real estate described in said Declaration and Amendments and incorporated herein by this reference thereto.

Recording Area

Name and Return Address
Brian J Seidl
411 E. Wisconsin Avenue
Suite 1000
Milwaukee, WI 53202

262-0958-000
Parcel Identification Number (PIN)

Tax Key No. 262-0958-000.

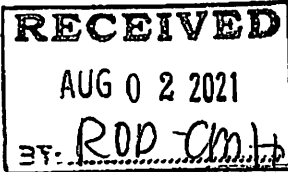
ADDRESS: 3609 N. Tucker Place, Unit 210, Milwaukee, WI 53222

Denita R. Ball

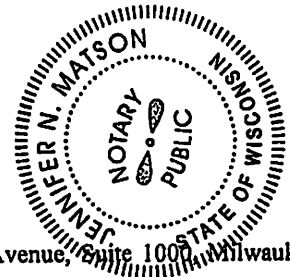
Denita R Ball, Chief Deputy
Office of the Sheriff Milwaukee County, WI

STATE OF WISCONSIN)
MILWAUKEE COUNTY) ss.

Personally came before me this 4th day of June, 2021, the above named Denita R Ball personally known to me as the officer described above, and who executed this document as the sheriff or on behalf of the sheriff of this county.



Jennifer N Matson
Notary Public, State of Wisconsin
My Commission: 11/19/2023



This instrument was drafted by Brian J. Seidl, von Briesen & Roper, s.c., 411 E. Wisconsin Avenue, Suite 1000 Milwaukee, Wisconsin 53202.

210002

Document Number
LIS PENDENS
Title of Document

DOC # 11153187
RECORDED
08/19/2021 02:12 PM
ISRAEL RAMON
REGISTER OF DEEDS
Milwaukee County, WI
AMOUNT: 30.00
TRANSFER FEE:
FEE EXEMPT #:
This document has been electronically recorded and returned to the submitter.

State of Wisconsin Circuit Court Milwaukee County

LoanCare, LLC

Plaintiff

Case No: 21 CV 5010
Honorable Kevin E. Martens

Vs

Julie Koelsch
Unknown Spouse of Julie Koelsch
Villa Du Cour Owners Association, Inc.

Defendants

Record this document with the Register of Deeds

Name and Return Address
Phillip A. Norman, P.C.
17035 W. Wisconsin Ave
Suite 150
Brookfield, WI 53005
Loancare v Koelsch

2620958000

Parcel Identification Number (PIN)

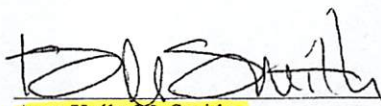
NOTICE IS HEREBY GIVEN that an action has been commenced and is pending in the above named Court upon the complaint of the above named plaintiff against the above named defendants on file herein; that the object of said action is to foreclose a mortgage dated November 19, 2013 and entered into between Julie Koelsch, mortgagors, and Green Tree Servicing, LLC, its successors and assigns, mortgagee, which mortgage was recorded November 27, 2013 as Document Number 10316602, together with the note and indebtedness it secures. Said mortgage was assigned to LoanCare, LLC by an assignment recorded on January 16, 2020 as document number 10944312. Said mortgage is now held by plaintiff; that the above-referenced action affects the title to the real estate described by the legal description stated as follows:

Unit 210 in Building 5, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said unit, all in Villa Du Cour Condominium - Stage V, a condominium declared and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin and recorded by a Declaration as such condominium in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on July 28, 1977, Reel 1035 Images 1338 to 1347 inclusive, as Document No. 5125160; Amendment to Declaration of Condominium of Villa Du Cour recorded on December 10, 1979, on Reel 1265, Images 1441 to 1446, inclusive, as Document No. 5371279 and Amendment to Declaration of Condominium of Villa Du Cour recorded on July 23, 1999, on Reel 4611, Image 881, as Document No. 7777861 and Amendment to Declaration of Condominium recorded June 1, 2004 as Document No. 8795300, said condominium being located in the City of Milwaukee, County of Milwaukee, State of Wisconsin on the real estate described in said Declaration and incorporated herein by this reference thereto.

For Informational Purposes Only
Address: 3609 North Tucker Place Unit 210, Milwaukee, WI 53222

Dated on this 19th day of August, 2021

17035 W. Wisconsin Ave. Suite 150
Brookfield, WI 53005
262-314-6564



Atty. Kelly M. Smith
State Bar No. 1067970
Phillip A. Norman, P.C.

Drafted by: Kelly M. Smith

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

<u>Cashier Category</u>	<u>Cashier Payclass</u>		<u>Dollar 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 11/29/2022

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2022 - 1
WholeTaxkey: 262-0958-000-
Property Address: 3609 N TUCKER PL Unit 210
Owner Name VILLA DU COUR OWNERS ASSOCIATION INC

Applicant: LOANCARE LLC ATTN ATTY KELLY SMITH

Parcel No. 51
CaseNumber: 22-CV-002281