

# CITY OF MILWAUKEE

Form CA-43

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September 20, 2004

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

Re: File Numbers 040704, 040675, 040676, 040677, 040678, 040679, 040680, 040681,  
040682, 040685, 040684, 040683

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* 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

Ms. Kathleen M. Marquardt  
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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.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



BEVERLY A. TEMPLE  
Assistant City Attorney

BAT:enm  
Enc.

85291/1060-2004-1009  
c: Ronald D. Leonhardt, City Clerk

## EXHIBIT A

1. File No. 040704  
Requestor: Raymond Harvey  
Parcel Address: 3369 North 4<sup>th</sup> Street  
Tax Key No. 282-331-000-5  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/27/04
2. File No. 040675  
Requestor: Wilma L. Peete  
Parcel Address: 3557 North 15<sup>th</sup> Street  
Tax Key No. 271-0883-000-5  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/27/04
3. File No. 040676  
Requestor: Mary L. Reese  
Parcel Address: 5033 North 19<sup>th</sup> Place  
Tax Key No. 205-0431-000-1  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/29/04
4. File No. 040677  
Requestor: Arthur L. Davis  
Parcel Address: 3702 North 7<sup>th</sup> Street  
Tax Key No. 272-0333-000-1  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/30/04

5. File No. 040678  
Requestor: Stevan T. Feltes  
Parcel Address: 3209 North 80<sup>th</sup> Street  
Tax Key No. 292-0324-000-5  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/25/04
6. File No. 040679  
Requestor: Richard C. Ewers  
Parcel Address: 2824-26 North 34<sup>th</sup> Street  
Tax Key No. 309-1027-000-8  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/30/04
7. File No. 040680  
Requestor: Zenon Perez  
Parcel Address: 2854 North 35<sup>th</sup> Street  
Tax Key No. 309-1072-000-3  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/31/04
8. File No. 040681  
Requestor: Moresse Davis  
Parcel Address: 1002-04 West North Avenue  
Tax Key No. 323-1279-000-8  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/30/04

9. File No. 040682  
Requestor: Mason Temple Church of God in Christ,  
Inc.  
Parcel Address: 5219 West Center Street  
Tax Key No. 329-0414-110-X  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/28/04
10. File No. 040685  
Requestor: Xay Chai  
Parcel Address: 2154 South 25<sup>th</sup> Street  
Tax Key No. 470-2047-000-X  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/25/04
11. File No. 040684  
Requestor: Brent A. Jaje  
Parcel Address: 2148-50 South 20<sup>th</sup> Street  
Tax Key No. 469-2502-000-1  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/30/04
12. File No. 040683  
Requestor: Fred Strutz dba Realty Improvements  
Parcel Address: 2038-40 North 34<sup>th</sup> Street  
Tax Key No. 349-0362-000-7  
Foreclosure Action: 2004, No. 1 In Rem  
Case No. 04CV002780  
Date of City Acquisition: 7/14/04  
Acq. plus 45 days =08/30/04  
Date of Requestor's Request: 8/30/04