

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
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March 4, 2004

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

Re: File Numbers 031553, 031515, 031590, 031595, 031594, 031552, 031550, 031555,  
031551, 031516, 031591, 031592, 031554, 031593, 031596

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  
March 4, 2004  
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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 E. LANGLEY  
City Attorney



BEVERLY A. TEMPLE  
Assistant City Attorney

BAT:wt:75614

Enclosures

c: Ronald D. Leonhardt, City Clerk

EXHIBIT A

1. File No. 031553  
Requestor: Margaret Collier  
Parcel Address: 1229 West McKinley Avenue  
Tax Key No. 363-0378-000-3  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 219  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 24, 2004
2. File No. 031515  
Requestor: Betty Bell  
Parcel Address: 3426 West Walnut Street  
Tax Key No. 365-0908-000-8  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 225  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 17, 2004
3. File No. 031590  
Requestor: 6317 West Bluemound Trust  
Parcel Address: 6317 West Bluemound Road  
Tax Key No. 405-0304-000-1  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 240  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 26, 2004
4. File No. 031595  
Requestor: Elias and Yvonne Zarate  
Parcel Address: 923A South 10<sup>th</sup> Street  
Tax Key No. 432-0681-000-X  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 244  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 25, 2004

5. File No. 031594  
Requestor: Mark Valadez  
Parcel Address: 1428 South 4<sup>th</sup> Street  
Tax Key No. 462-0264-000-1  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 267  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 25, 2004
6. File No. 031552  
Requestor: Jose A. Nieves  
Parcel Address: 2309 West Pierce Street  
Tax Key No. 434-1605-000-8  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 250  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 23, 2004
7. File No. 031550  
Requestor: Nafisa Charab  
Parcel Address: 2101 West North Avenue  
Tax Key No. 350-0891-000-4  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 197  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 23, 2004
8. File No. 031555  
Requestor: Colleen Burns  
Parcel Address: 2553 North 35<sup>th</sup> Street  
Tax Key No. 327-0333-100-8  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 166  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 24, 2004

9. File No. 031551  
Requestor: Doris and Verser Thomas  
Parcel Address: 2614 North Palmer Street  
Tax Key No. 322-0418-000-7  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 132  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 20, 2004
10. File No. 031516  
Requestor: Luis Salazar  
Parcel Address: 7721 C West Sheridan Avenue  
Tax Key No. 187-1151-000-8  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 5  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 12, 2004
11. File No. 031591  
Requestor: Lou L. Xiong  
Parcel Address: 3001-3005 West Clybourne Street  
Tax Key No. 401-0102-000-4  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 239  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 26, 2004
12. File No. 031592  
Requestor: William and Geneva Wilbourn  
Parcel Address: 3263 North 20<sup>th</sup> Street  
Tax Key No. 285-0116-100-6  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 46  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 22, 2004

13. File No. 031554  
Requestor: Darlene Astemborski  
Parcel Address: 2128 North Oakland Avenue  
Tax Key No. 356-0902-000-6  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 216  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 24, 2004
14. File No. 031596  
Requestor: Larry Williams  
Parcel Address: 4462 North 45<sup>th</sup> Street  
Tax Key No. 228-1438-000-2  
Foreclosure Action: 2003, No. 2 In Rem, Parcel 12  
Case No. 03-CV-008330  
Date of City Acquisition: January 12, 2004  
Acq. plus 45 days = February 26, 2004  
Date of Requestor's Request: February 25, 2004