

# CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

March 5, 2002

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

Re: File Numbers 011580, 011581, 011582, 011583, 011584, 011585, 011586,  
011587, 011588, 011589, 011590, 011591, 011592, 011593, 011594, 011595,  
011596, 011597, 011598, 011599, 011600

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*


Kathleen Marquardt  
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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.

3768  
c: Ronald D. Leonhardt, City Clerk

EXHIBIT A

1. File No. 011580  
Requestor: Juanita Villarreal (unrecorded owner)  
Parcel Address: 1501 S 11<sup>th</sup> Street  
Tax Key No. 461-1252-7  
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: 2/28/02
  
2. File No. 011581  
Requestor: Winston Williams III  
Parcel Address: 3957 N 22<sup>nd</sup> Street  
Tax Key No. 270-1823-9  
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: 2/28/02
  
3. File No. 011582  
Requestor: Kharntay Xaiyalath  
Parcel Address: 1425 N 30<sup>th</sup> Street  
Tax Key No. 365-0267-4  
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: 2/28/02
  
4. File No. 011583  
Requestor: Leonard Cratic, Jr.  
Parcel Address: 3386 N 47<sup>th</sup> Street  
Tax Key No. 288-0392-3  
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: 1/28/02

5. File No. 011584  
Requestor: B W Properties  
Parcel Address: 1515 W Lincoln Avenue  
Tax Key No. 496-0608-9  
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: 2/27/02
6. File No. 011585  
Requestor: B W Properties  
Parcel Address: 2100 W National Avenue  
Tax Key No. 434-0037-2  
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: 2/27/02
7. File No. 011586  
Requestor: Lowell E. Davis  
Parcel Address: 1805 W Monroe Street  
Tax Key No. 351-2682-100-8  
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: 2/28/02
8. File No. 011587  
Requestor: Robert Jasso  
Parcel Address: 1301 S 11<sup>th</sup> Street  
Tax Key No. 432-0032-0  
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. 011588  
Requestor: Terry F. Tilson  
Parcel Address: 5050 N 107<sup>th</sup> Street  
Tax Key No. 216-9946-111-0  
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: 2/28/02
10. File No. 011589  
Requestor: Arthur E. Friedman  
Parcel Address: 1408 W Capitol Drive  
Tax Key No. 244-0630-1  
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: 2/27/02
11. File No. 011590  
Requestor: Bobbi Caldwell  
Parcel Address: 3363 N 23<sup>rd</sup> Street  
Tax Key No. 285-1380-4  
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: 2/27/02
12. File No. 011591  
Requestor: Larry L. Moore  
Parcel Address: 2912-14 N 10<sup>th</sup> Street  
Tax Key No. 312-9972-100-3  
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: 2/27/02

13. File No. 011592  
Requestor: Ramon Sancha  
Parcel Address: 1440-44 S 10<sup>th</sup> Street  
Tax Key No. 461-0125-8  
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: 2/25/02
14. File No. 011593  
Requestor: Alice L. Goins  
Parcel Address: 2124 W Keefe Avenue  
Tax Key No. 270-0717-4  
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: 2/25/02
15. File No. 011594  
Requestor: Robert Wright  
Parcel Address: 2444 N Teutonia Avenue  
Tax Key No. 324-9906-8  
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: 2/22/02
16. File No. 011595  
Requestor: Andrew Kildau  
Parcel Address: 3200 S 54th Street  
Tax Key No. 530-1130-2  
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: 2/25/02

17. File No. 011596  
Requestor: Thomascene Walters-Jiles  
Parcel Address: 1933-35 N 24<sup>th</sup> Street  
Tax Key No. 350-0320-9  
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: 2/26/02
18. File No. 011597  
Requestor: Emmett Echols  
Parcel Address: 3270 N 14<sup>th</sup> Street  
Tax Key No. 284-1610-6  
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: 2/25/02
19. File No. 011598  
Requestor: Option One Mortgage Corp., mortgagee  
Parcel Address: 4432-34 W Lloyd Street  
Tax Key No. 347-0366-4  
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: 2/20/02
20. File No. 011599  
Requestor: Aames Home Loan, lienholder  
Parcel Address: 5821-23 W Washington Blvd.  
Tax Key No. 346-0806-8  
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

21.	File No.	011600
	Requestor:	John B. Williams, Jr.
	Parcel Address:	413-15 N 33 <sup>rd</sup> Street
	Tax Key No.	401-0191-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:	3/1/02