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*

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 11th 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 22nd 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 30th 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 47th 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 11th 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 107th 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 23rd 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 10th 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 10th 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 24th 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 14th 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 33rd 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