CITY OF MILWAUKEE

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Assistant City Attorneys

May 3, 2001

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

Re:

File Numbers 010002;010003; 010004; 010005; 010006;

010007; 010008; and 010009

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*

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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.

Sincerely,

GRANT FLANGLEY

City Attorney

BEVERLY A. TEMPLE Assistant City Attorney

BAT:40640 Enclosure

cc: Ronald D. Leonhardt, City Clerk

EXHIBIT A

1. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

2. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

3. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

4. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

010002

Danny Atkins

4531 West Capitol Drive

267-0327-9

2000, No. 3 In Rem, Parcel 38

Case No. 00-CV-008706

03/05/01

Acq. plus 45 days = 4/20/01

4/5/01

020003

Annie Wright-Millsapp

3403-05 North 3rd Street

282-1310-100-7 and 282-1310-0

2000, No. 3, In Rem, Parcel 52

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/18/01

010004

Emilio Ramirez

1027 West Lincoln Avenue

497-1234-1

2000, No. 3, In Rem, Parcel 180

Case No. 00-CV-008706

3/05/01

Acq. plus 45 days = 4/20/01

4/18/01

010005

Joel Samuel Bechitsao

2349 North Booth Street

321-1193-6

2000, No. 3, In Rem, Parcel 94

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/18/01

5. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

6. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

7. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

8. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

010006

Glenn D. Nimrock

2463 West Tamarack Street

325-1438-6

2000, No. 3, In Rem, Parcel 109

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/18/01

010007

US Bank Trust/New Century Mtg.

2003 North 34th Street

349-1527-1

2000, No. 3, In Rem, Parcel 130

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/13/01

010008

Tha' Liza S. Brown

2233 North 15th Street

352-1937-6

2000, No. 3, In Rem, Parcel 137

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/16/01

010009

Rockie Taylor

2710 West Highland Boulevard

388-2231-9

2000, No. 3, In Rem, Parcel 151

Case No. 00-CV-008706

3/5/01

Acq. plus 45 days = 4/20/01

4/16/01