



Spencer Coggs  
City Treasurer

James F. Klajbor  
Deputy City Treasurer

**OFFICE OF THE CITY TREASURER**  
Milwaukee, Wisconsin

April 8, 2015

To: Milwaukee Common Council  
City Hall, Room 205

From: Kerry R. Urban *KRU*  
Special Assistant to the City Treasurer

Re: Request for Vacation of Inrem Judgment  
Tax Key No.: 349-0865-000-1  
Address: 1949 N 29TH ST  
Owner Name: DEANDRE P PERKINS  
Applicant/Requester: SEAWAY BANK & TRUST CO  
2014-5 Inrem File  
Parcel: 186  
Case: 14CV-7793

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 1/5/2015.

JFK/em





## OFFICE OF THE CITY TREASURER

CITY HALL - ROOM 103 • 200 EAST WELLS STREET • MILWAUKEE, WISCONSIN 53202  
TELEPHONE: (414) 286-2260 • FAX: (414) 286-3186 • TDD: (414) 286-2025

### INTERESTED PARTY'S REQUEST TO VACATE AN IN REM TAX FORECLOSURE JUDGMENT

#### FOLLOW THE INSTRUCTIONS LISTED BELOW:

1. Type or print firmly with a black ball point pen.
2. Use separate form for each property.
3. Refer to the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem tax foreclosure judgment to the date of receipt of the request by the City Clerk.
4. Administrative costs totaling \$1,370 must be paid by Cashier's Check or cash to the Office of the City Treasurer prior to acceptance of this application.
5. Complete, sign, and date the application, providing the required supporting documentation.
6. Forward completed application to the City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

#### APPLICANT INFORMATION:

A. PROPERTY ADDRESS: 1949 N. 29th St., Milwaukee, WI

TAX KEY NUMBER: 349 0865 000 1

NAME OF FORMER OWNER: Deandre P Perkins

NAME OF APPLICANT: Seaway Bank and Trust Company

MAILING ADDRESS: 2102 W. Fond Du Lac Ave.

Milwaukee

WI

53206

(414) 343-6900

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

B. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE IN WHICH THE FORMER OWNER HAS AN OWNERSHIP INTEREST (If not applicable, write NONE.):

N/A - Unknown

ADDRESS

ZIP CODE

ADDRESS

ZIP CODE

ADDRESS

ZIP CODE

ADDRESS

ZIP CODE

(Use reverse side, if additional space is needed.)

C. HAS WRITTEN CONSENT BEEN GIVEN TO THE APPLICANT BY THE FORMER OWNER TO REQUEST VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?

YES ☐ Attach documentation. Go to Section G.

NO ☒ You must complete Sections D, E, and F.

- D. WHAT EFFORTS WERE UNDERTAKEN BY THE APPLICANT TO SECURE THE WRITTEN CONSENT OF THE FORMER OWNER TO APPLY FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?

A letter was mailed to the former owner on April 7, 2015 requesting former owner's written consent to Seaway's request to vacate the in rem foreclosure of the property and we are awaiting a response.

Former owner is a defendant in a pending foreclosure affecting the property and he has not responded to or participated in that foreclosure action.

- E. WHY WAS THE APPLICANT UNABLE TO SECURE THE REQUIRED WRITTEN CONSENT OF THE FORMER OWNER PRIOR TO APPLYING FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT?

Seaway did not request the former owner's consent to Seaway's application to vacate the tax foreclosure due to the lack of time within which to request such consent between the time Seaway opted to apply for vacation of the tax foreclosure and the deadline for filing the application. Prior to the deadline for filing the application to vacate the tax foreclosure, Seaway was assessing the value, condition, and other factors regarding whether to apply to vacate the tax foreclosure.

- F. WHY IS IT IN THE BEST INTEREST OF THE CITY TO WAIVE THE REQUIREMENT THAT THE WRITTEN CONSENT OF THE FORMER OWNER BE ACQUIRED BY THE APPLICANT IN ORDER TO APPLY FOR THE VACATION OF THE CITY'S IN REM TAX FORECLOSURE JUDGMENT? IN RESPONDING TO THIS QUESTION, PLEASE EXPLAIN YOUR PLANS FOR THE PROPERTY, INCLUDING YOUR PLANS FOR ITS MAINTENANCE, REUSE, OR DISPOSITION.

Because the property is in poor condition and is likely to sit vacant for an extended period of time if the City retains ownership of the property.

Seaway already has a pending foreclosure action pending on this property and expects to acquire ownership of the property within 7 months, at which time Seaway intends to sell the property to any one of the many investors with whom Seaway has a relationship and history of closing sales of properties like this. Seaway intends to maintain the property in a manner consistent with its obligations under City ordinances.

G. IS THE PROPERTY LISTED IN SECTION "A" CURRENTLY VACANT? YES ☒ NO ☐

H. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? *(Documentation must be attached.)*

YES ☒ NO ☐

I. IS THE APPLICATION COMPLETE AND HAS THE REQUIRED SUPPORTING DOCUMENTATION BEEN PROVIDED?

YES ☒ NO ☐

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold the City harmless from and against any cost or expense, which may be asserted against the City as a result of its being in the chain of title to the property. **Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid. There are no refunds.**

APPLICANT'S SIGNATURE: \_\_\_\_\_

DATE: 4/7/15

APPLICANT'S NAME: \_\_\_\_\_

Benjamin Payne

APPLICANT'S TITLE: \_\_\_\_\_

Attorney for Seaway

## **Hanson & Payne, LLC**

Attorneys at Law  
740 N. James Lovell St.  
Milwaukee, Wisconsin 53233  
www.hansonpayne.com

### **Drafter's contact information:**

Joshua C. Rittberg  
Phone: (414) 271-4550  
Fax: (414) 271-7731  
e-mail: jrittberg@hansonpayne.com

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**March 27, 2015**

Milwaukee Common Council  
c/o Office of the City Treasurer – City of Milwaukee  
Attn: Kerry Urban  
Milwaukee City Hall  
200 E. Wells St.  
Milwaukee, Wisconsin 53202

**Re: Application of Seaway Bank and Trust Company to vacate tax foreclosure of property located at 1949 N. 29<sup>th</sup> St.**

**Dear Common Council Members:**

This letter is intended as a supplement to Seaway Bank and Trust Company's prior written application to vacate the tax foreclosure of property located at 1949 N. 29<sup>th</sup> St. (the "Property"). The purpose of this supplement is in part to address the requirements of a recent modification of the City ordinance regarding vacation of tax foreclosures, and in part to express Seaway's intentions with respect to the Property if the Common Council approves Seaway's request to vacate the tax foreclosure of the Property.

I understand that the City ordinance regarding vacation of tax foreclosures has recently been modified, or is in the process of being modified, by the Common Council to require that the party applying for vacation of a tax foreclosure attempt to obtain the consent of the former property owner if the party applying for vacation of the tax foreclosure is a mortgage holder or anyone other than the former owner. Seaway holds a first mortgage on the Property and the former owner is DeAndre P. Perkins ("Mr. Perkins"). Seaway mailed Mr. Perkins a letter dated March 27, 2015, requesting that Mr. Perkins sign a consent form that was enclosed with the letter, and requesting that Mr. Perkins return the signed consent form in a self-addressed stamped envelope that was also enclosed with the letter (copy attached). Seaway believes it is unlikely that Mr. Perkins will sign and return the consent form due to the fact that Seaway has a pending foreclosure action on the Property and it is likely that Mr. Perkins owes Seaway more than the Property is worth, making it likely that Mr. Perkins could not ultimately save the Property from Seaway's foreclosure regardless of whether it consents to Seaway's application to vacate the tax foreclosure. Seaway will report on the status of its request for the former owner's consent at the Common Council meeting at which Seaway's application to vacate the tax foreclosure is on the agenda.

With respect to Seaway's intentions regarding the Property, if the Common Council approves Seaway's request to vacate the tax foreclosure, Seaway intends to pay the outstanding

real estate taxes on the Property, totaling nearly \$40,000.00, in full within 30 days of the Common Council approving Seaway's request. The City's tax foreclosure of the Property was conducted at a time during which Seaway was undergoing an organization-wide personnel restructuring and it was never Seaway's intention to allow the Property to go to tax foreclosure for unpaid taxes. It is likely that the City's tax foreclosure of the Property was misprocessed by Seaway due to job responsibility reassignments and changes in channels of communication within Seaway. The loss of the Property as collateral for Seaway's loans from Mr. Perkins would be financially harmful to Seaway and is a matter to which Seaway has dedicated its focused attention going forward. Seaway is now using Hanson & Payne, LLC's office to address the tax foreclosure and to coordinate property management and property condition issues on the Property in the future.

If the Common Council approves Seaway's request to vacate the tax foreclosure, Seaway intends to communicate with all of the Property's tenants and introduce them to Seaway's property management company, Bonds Property Management, and to promptly address any existing or future building code issues during the remainder of Seaway's pending foreclosure action and for as long as Seaway owns the property if it obtains title to the Property through Seaway's foreclosure action. Seaway anticipates the remaining duration of its own foreclosure action on the Property to be approximately four months from the date the tax foreclosure of the Property is vacated. I will be happy to address any unanswered questions the Common Council members may have when the matter comes before the Common Council.

Sincerely,



Joshua C. Rittberg

Enclosure: copy of letter Seaway mailed to former owner re – consent to vacate tax foreclosure

RECORDED  
04/06/2015 03:30PMJOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: \$30.00

FEE EXEMPT #: 0

0  
\*\*\*This document has been  
electronically recorded and  
returned to the submitter. \*\*W.B.A. 425 (6/99) 11113  
© 1999 Wisconsin Bankers Association / Distributed by FIPCO®

DOCUMENT NO.

## ASSIGNMENT OF MORTGAGE - BY LENDER

The undersigned Lender, for valuable consideration, receipt of which is  
acknowledged, assigns to Seaway Bank and Trust Companya Mortgage executed by DeAndre P. Perkinsto Lender and recorded in the office of the Register of Deeds of  
Milwaukee County, Wisconsin, as Document No. 09676474  
in N/A

(Volume/Page/Etc.)

encumbering the real estate described below, together with a note or loan  
agreement from Borrower to Lender dated November 26, 2008☐ If checked, this assignment is without recourse to Lender.

## Recording Area

Name and Return Address  
Benjamin Payne  
Hanson & Payne, LLC  
740 N. James Lovell St.  
Milwaukee, Wisconsin 53233

310-1357-000-3 / 349-0865-000-1 / 324-2104-000-0

Parcel Identifier Number

See Attachment for Legal Descriptions

☐ If checked here, real estate description continues or appears on attached sheet.

STATE OF ILLINOIS

County of Cook

This instrument was acknowledged before me

on 4/6/15by Jerri Edwards

(Name of person(s))

as Chief Credit Officer

(Type of authority)

of Seaway Bank and Trust Company, as successor in interest to Legacy Bank

(Name of party on behalf of whom instrument was executed)

X Karyn L. DecuirDated April 6, 2015

Legacy Bank

NAME OF LENDER

By X Jerri EdwardsTitle Chief Credit Officer, for Seaway Bank and  
Trust Company\* Jerri Edwards

Attest

Title

\*

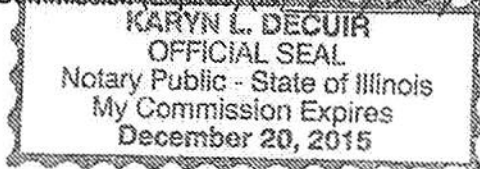
This instrument was drafted by:

Joshua C. Rittberg

(Type or Print)

\*Type of print name signed above.

Notary Public, Illinois

My Commission Expires (Date) 12/20/2015

## **Legal Descriptions Attachment**

### **Parcel 1:**

Lot 17, Block 7, A. K. Mayhew's Subdivision of part of the East 1/2 of the Northwest 1/4 of Section 18, Town 7 North, Range 22 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 310-1357-3

Address 2866 N. 23rd Street, Milwaukee, WI 53206

### **Parcel 2:**

Lot 3, Block 4, Garfield Heights, being a part of the Northeast 1/4 of Section 24, Town 7 North, Range 21 East, and Lot 3, Block 2, Miller's Park, a Subdivision of a part of the East 1/2 of the Northeast 1/4 of Section 24, Town 7 North, Range 21 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 349-0865-1

Address: 1949 N. 29th Street, Milwaukee, WI 53208

### **Parcel 3:**

Lot 10, Block 1, Subdivision of Lot 3 in Partition of a tract of 31.12 Acres in the East 1/2 of the Southeast 1/4 of Section 18, Town 7 North, Range 22 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 324-2104-0

Address: 2532 N. 14th Street, Milwaukee, WI 53206

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Office of the City Treasurer - Milwaukee, Wisconsin  
Administration Division  
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>	<u>Dollar Amount</u>
1910	Delinquent Tax Collection	
	1911 City Treasurer Costs	220.00
	1912 DCD Costs	450.00
	1913 City Clerk Costs	200.00
	1914 City Attorney Costs	500.00
	Grand Total	1,370.00

Date 4/7/2015

**Comments for Treasurer's Use Only**

Administrative Costs - Request for Vacation of Judgment

File Number: 2014 - 5  
Taxkey Number: 349-0865-000 - 1  
Property Address: 1949 1949 N 29TH ST  
Owner Name DEANDRE P PERKINS

Applicant: SEAWAY BANK & TRUST CO

Parcel No. 186

CaseNumber: 14CV-7793