




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 
Special Assistant to the City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 581-0619-000-1
Address: 4270 S HOWELL AV
Owner Name: DAWOD & SONS INVESTMENTS LLC
Applicant/Requester: SEAWAY BANK & TRUST CO
2014-5 Inrem File
Parcel: 239
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: 4270-4272 S. Howell Ave., Milwaukee, WI

TAX KEY NUMBER: 581 0619 000 1

NAME OF FORMER OWNER: Dawod & Sons Investments, LLC

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 it 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

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 4270-4272 S. Howell Ave.

Dear Common Council Members:

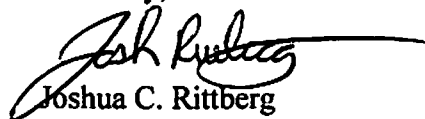
This letter is intended as a supplement to Seaway Bank and Trust Company's prior written application to vacate the tax foreclosure of property located at 4270-4272 S. Howell Ave. (the "Property"). The purpose of this supplement is in part to address the requirements of a recent modification of the City 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 a business entity named Dawod & Sons Investments, LLC. Seaway mailed Dawod & Sons Investments, LLC a letter dated March 27, 2015, requesting that Dawod & Sons Investments, LLC sign a consent form that was enclosed with the letter, and requesting that Dawod & Sons Investments, LLC 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 Dawod & Sons Investments, LLC, through its registered agent and purported owner, Luay D. Kattoun, 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 Dawod & Sons Investments, LLC owes Seaway more than the Property is worth, making it likely that Dawod & Sons Investments, LLC 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 \$42,000.00, 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 Dawod & Sons Investments, LLC 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 seven 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.***

DOCUMENT NO.

ASSIGNMENT OF MORTGAGE – BY LENDERThe undersigned Lender, for valuable consideration, receipt of which is acknowledged, assigns to Seaway Bank and Trust Companya Mortgage executed by Luay Kattoumto Lender and recorded in the office of the Register of Deeds of
Milwaukee County, Wisconsin, as Document No. 09422817
in N/A(Volume/Page/Etc.)
encumbering the real estate described below, together with a note or loan agreement from Borrower to Lender dated April 24, 2007☐ 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

581-0619-000-1

Parcel Identifier Number

Lots 7 and 8, except the North 0.15 feet of Lot 8, Block 2, Huelsbeck's Park, in the Northwest 1/4 of Section 21, Township 6 North, Range 22 East, City of Milwaukee, County of Milwaukee, State of Wisconsin.

[For informational purposes only: 4270 - 4272 S. Howell Ave., Milwaukee, WI 53207 / Tax Key No. 581-0619-000-1]

☐ 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

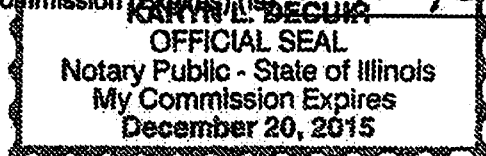
(Type of authority)

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

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

X [Signature]

Notary Public, Illinois

My Commission Expires 12/20/2015Dated 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.

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: 581-0619-000 - 1
Property Address: 4270 4270 S HOWELL AV
Owner Name DAWOD & SONS INVESTMENTS LLC

Applicant: SEAWAY BANK & TRUST CO

Parcel No. 239

CaseNumber: 14CV-7793