



Legislation Details (With Text)

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On agenda: **Final action:** 5/13/2014

Effective date:

Title: A substitute ordinance relating to the conveyance of in rem properties.

Sponsors: ALD. BAUMAN

Indexes: IN REM JUDGMENTS

Attachments: 1. Letter from the City Attorney, 2. Hearing Noitce List, 3. MCO 304-50 Vacation of In Rem Judgement.pdf, 4. Department of City Development Letter.pdf, 5. Letter from DCD dated Nov 10 2010

Date	Ver.	Action By	Action	Result	Tally
11/11/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/24/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/31/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
4/29/2014	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/29/2014	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
5/5/2014	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
5/13/2014	1	COMMON COUNCIL	PLACED ON FILE	Pass	15:0

..Number

100915

SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance relating to the conveyance of in rem properties.

304-50-0 am

304-50-14 rc

The city grants a 90-day period after obtaining an in rem judgment against a tax-delinquent property during which the previous owner can pay all taxes due and any associated cost and retake possession of the property. This is currently done by the city attorney through the petitioning of the court to vacate the city’s judgment. As a result, all liens previously attached to the property are reattached. This ordinance changes the process by which the city returns the property to a conveyance issued by the department of city development for the amount of taxes due and any associated costs. This change results in the previous owner retaking possession of the property without any previously attached liens.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-50-0 of the code is amended to read:

304-50. ~~[[Vacation of In Rem Judgment]]~~ >> Conveyance of In Rem Property <<. Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the ~~[[city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment]]~~ >> commissioner of the department of city development shall convey a property to its previous owner, notwithstanding s. 304-49-8-e, <<only where the following requirements have been complied with:

Part 2. Section 304-50-14 of the code is repealed and recreated to read:

14. If each of the requirements of subs. 1 to 13 has been satisfied, the commissioner of the department of city development is authorized to sign deeds and instruments of conveyance and related documents on behalf of the city with respect to conveyances authorized hereunder. All deeds for conveyances authorized hereunder shall be recorded by the department of city development with the Milwaukee county register of deeds office within 7 business days of closing, and the grantee shall pay the cost of recording. Alternatively, a title insurance company, a lender or the grantor's or grantee's attorney may record the deed so long as the party agrees to meet the time period for recording required hereunder.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB 124322-2

RTW

12/20/2010