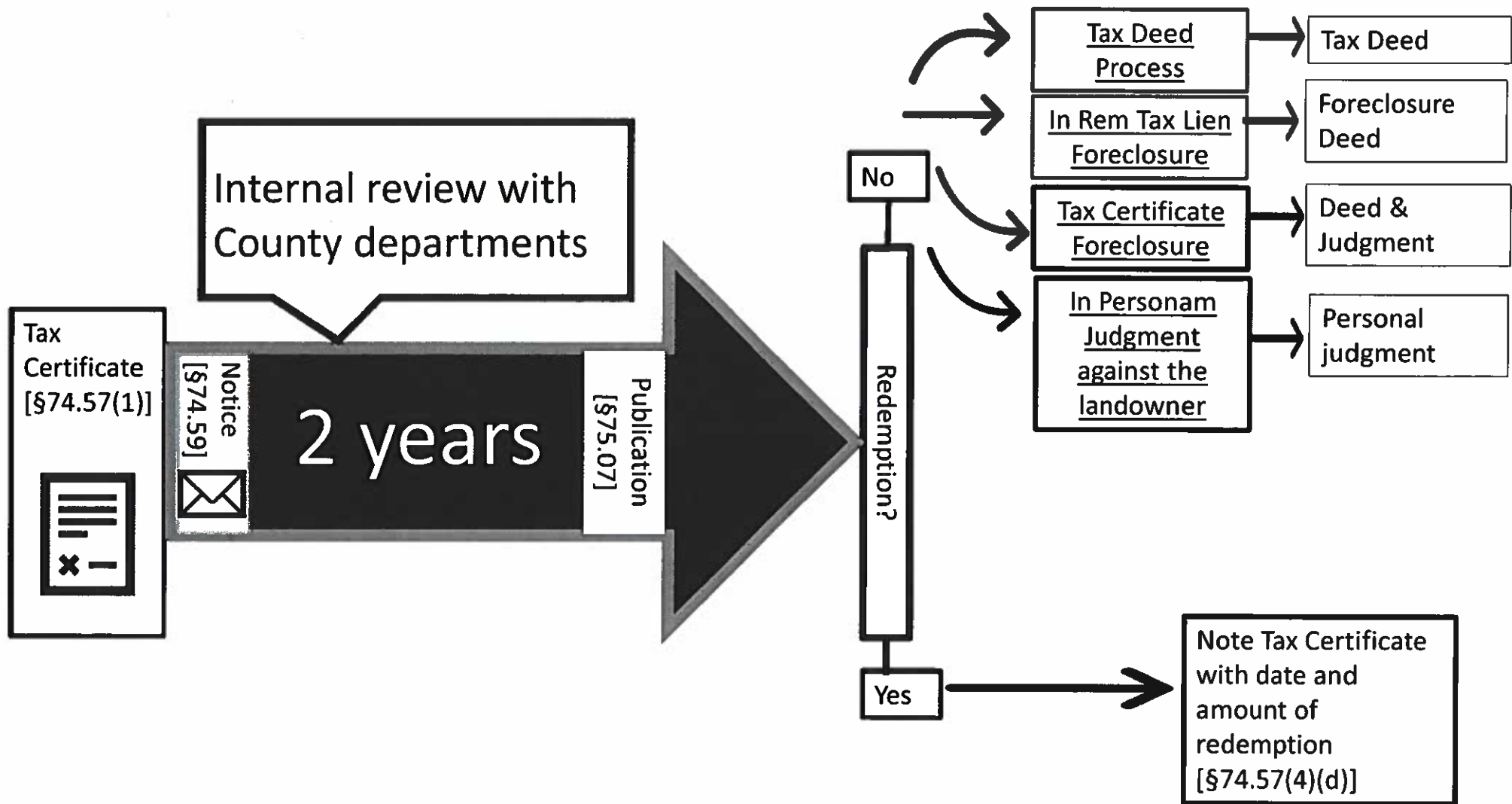


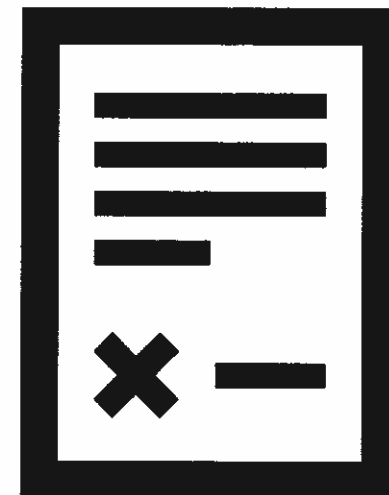
# How to Recover Unpaid Property Taxes Through Legal Processes

May, 2019



- Issued annually on September 1st
- Must include
  - legal description,
  - amount unpaid as of August 31st (property tax, special charges, special tax, special assessments)
  - the date interest and penalties accrue
  - date upon which the County may be entitled to Tax Deed or equivalent evidence of title.
- Using form issued by the Department of Revenue [§70.09(3)]
- Non-transferable (except to authorized cities)
- **Begins the 2 year redemption period\*.**
- Tax certificates are void after 11 calendar years.

## Tax Certificate



\* For purposes of In Rem Foreclosure of a lien for costs of razing a structure, the redemption period is shortened to one year.

# Tax Certificate Form

<b>Master Tax Certificate</b> <small>(sec. 74 57, Wis. Stats.)</small>	
STATE OF WISCONSIN _____ COUNTY	For Tax Roll of _____ COUNTY TREASURER'S OFFICE
<p>I, _____, Treasurer of _____ County, in the State of Wisconsin, certify that I have issued a tax certificate as required by law, on the 1st day of September, _____, to _____ County for the lands described on the attached listing. The record is on file in my office and is hereby made a part of this certificate. The attached listing contains, for each parcel of property, the owner's name and address, and legal description of each parcel of property. For each parcel, it contains the amount of unpaid real property taxes, special assessments, special charges, or special taxes on the _____ tax roll. _____ County will be entitled to deeds of conveyance of the lands in two years from the date certified below on the Affidavit of Mailing unless redeemed according to law. The rate of interest in case of redemption shall be 1 percent per month or fraction of a month plus any penalty that may apply from February 1, _____.</p>	
_____ County Treasurer	
<b>Affidavit of Mailing</b> <small>(sec. 74 59(2), Wis. Stats.)</small>	
<p>I certify that on _____, I mailed to each of the owners of record as shown on the attached listing, a notice advising him/her that on September 1, _____, I issued a tax certificate to _____ County on property owned by him/her.</p>	
_____ County Treasurer	
Attachment	
<small>74 59(2) a. 4-10</small>	

## Errors on the Tax Certificate [§74.61]

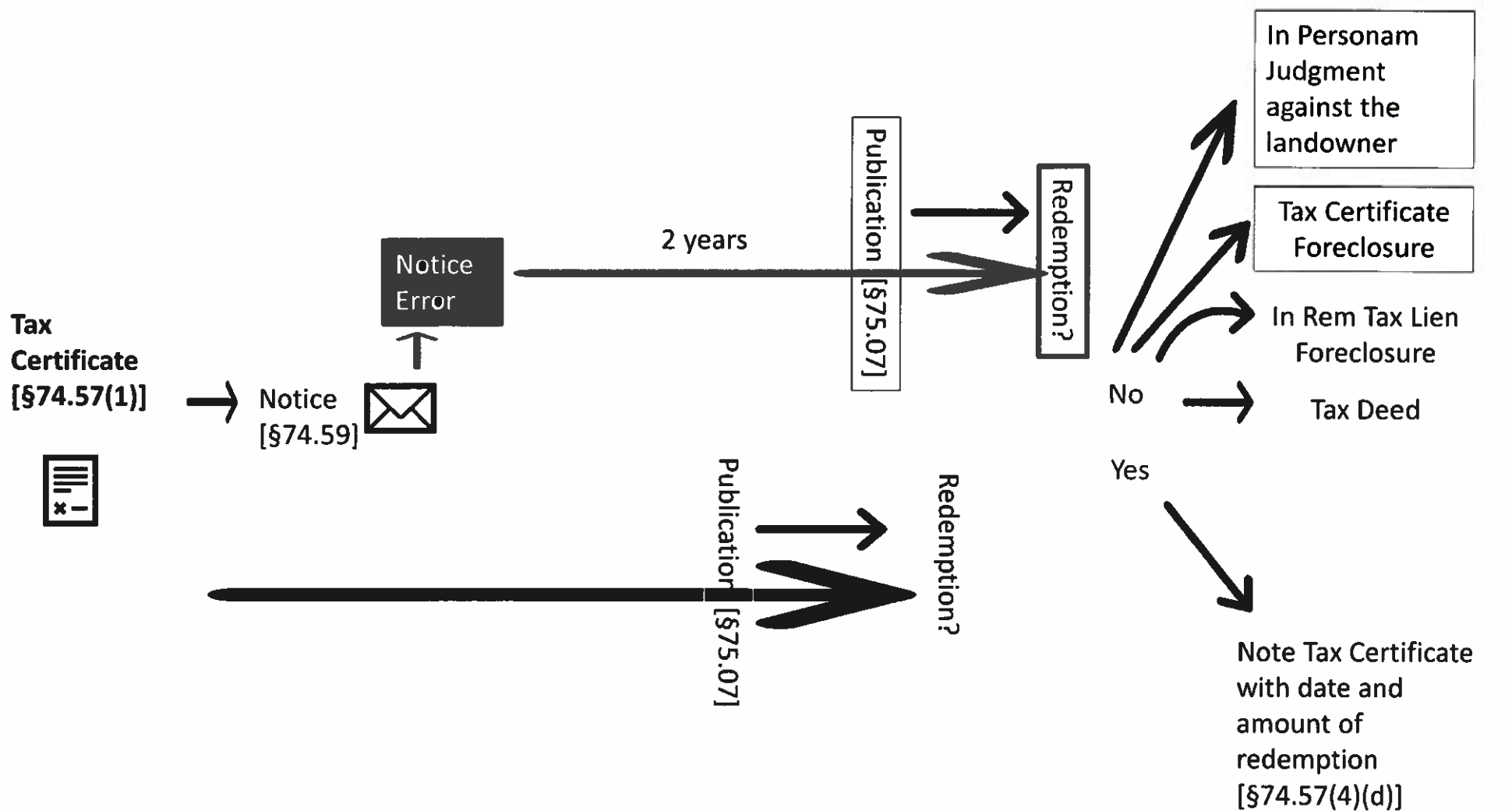
- Assessor to correct using the form issued by the Department of Revenue [§70.09(3)].
- Assessor to provide notice to “record interests” [§801.11(4)].
  - “Record interests” have 20 days to object [§74.61(3)].
  - After 20 days without objection, the Treasurer amends the Tax Certificate in writing and signs the Verification Form issued by the Department of Revenue.
- The Tax Certificate amendment is retroactive to the date of issuance [§74.61].

# Department of Revenue Form for Notice of Amendment to Tax Certificate to Correct Errors

NOTICE OF DESCRIPTION CORRECTION ON TAX CERTIFICATE (S. 74.61)	
Date _____	County _____ State of Wisconsin
Name _____ Address _____ Tax District Name _____ Parcel No. _____ Corrected Legal Description _____	(This information could be printed on a label or the entire notice could be created by computer.)
<p>I am hereby serving you with notice that as of the above date I have received from the assessor of this Taxation District an affidavit showing a corrected description for this property. A written objection to this description change may be filed with the following County Treasurer within 20 days. If no written objection is filed, I will verify and correct this description on the tax certificate. Any tax certificate corrected under 74.61 is valid as of the issue date of the original tax certificate, and any tax deed or equivalent evidence of title issued on the corrected tax certificate is valid.</p>	
_____ (County Treasurer's Name)	
_____ (County Treasurer's Address)	
_____ (County Treasurer's City, State)	
Form (M. 9.92)	WISCONSIN DEPARTMENT OF REVENUE

# Notice [§74.59]

- Within **90 days** of issuing the Certificate, the Treasurer must mail to each owner of record per tax rolls, a Notice that states:
  - That, on September 1, a tax certificate was issued to the County for all property for which real property taxes, special assessments, special charges or special taxes remained unpaid at the close of business on August 31.
  - The “amount of [property tax, special charge, special assessment, special tax] is unpaid as of [date of mailing], on property which the tax rolls show as owned by the addressee;”
  - That the County will be entitled to ownership of the property if the amount due remains unpaid.
  - That the records showing the delinquency are available for inspection in the Treasurer’s office.
- **Error or failure to mail** within 90 day window will delay the running of the 2 year redemption period until the date the notice is actually mailed (lose the 90 days).





# Department of Revenue Form for Notice of Tax Certification

NOTICE OF ISSUANCE OF TAX CERTIFICATE FOR TAX ROLL OF \_\_\_\_\_  
(3-74-59)

Date \_\_\_\_\_ County \_\_\_\_\_  
State of Wisconsin

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Tax District Name \_\_\_\_\_  
Parcel No. \_\_\_\_\_  
Legal Description \_\_\_\_\_  
(This information could be printed on a label or the entire notice could be omitted by computer.)

I am advising you that as of the above date there are outstanding unpaid real property taxes, special assessments, special charges or special taxes on the real property identified above for which you are listed as the owner of record.

If you have filed a petition in bankruptcy, you should contact your attorney.

On September 1, \_\_\_\_\_ I issued a tax certificate to this county for this property as provided in s. 74.87, Wis. Stats. This means if you fail to pay the outstanding delinquent real property taxes, special assessments, special charges or special taxes, plus interest and penalty, ownership of the property will eventually transfer to the county. If there are no outstanding taxes from prior years, this transfer will occur no earlier than two years after issuance of the tax certificate.

Last paragraph for Version 1:  
The records showing the delinquency are available for your inspection in my office.

Last paragraph for Version 2:  
The amount of delinquent tax due plus interest and penalty as of the date of this notice is shown on the attached statement.

Last paragraph for Version 3:  
The amount of delinquent tax due plus interest and penalty as of the date of this notice is shown below.

County Treasurer's Name \_\_\_\_\_  
Address \_\_\_\_\_

16-74000-01/00001

## Affidavit of Mailing [§74.59(3)]

- The Affidavit **MUST**:
  - Identify the property owners and the addresses to which the notice was mailed;
  - Contain a description of each parcel of property, as shown on the tax certificate, for which a notice was mailed;
  - State the amount of unpaid real property taxes, special assessments, special charges or special taxes for each property.
- Retain the affidavit of mailing with the Tax Certificate and the tax rolls. [§74.63]

# Affidavit of Mailing [§74.59(3)]

<b>MILWAUKEE COUNTY TREASURER'S AFFIDAVIT OF MAILING PURSUANT TO Wisc. Stat. §74.59(3)</b>	
STATE OF WISCONSIN ) ) SS MILWAUKEE COUNTY )	
I, <u>DAVID CULLEN</u> , being duly sworn under oath, deposes and states as follows:	
<ol style="list-style-type: none"><li>1. I, David Cullen, am the Treasurer for Milwaukee County.</li><li>2. On <u>[DATE]</u>, I caused Milwaukee County's Tax Certificate and Notice of Mailing to be sent via Certified U.S. Mail, return receipt requested to all persons on the attached List "A," at the addresses noted therein.</li><li>3. After a reasonable search using all due diligence, no post-office address could be ascertained for the parties set forth on List "B."</li></ol>	
<div style="text-align: right;"><u>/s/</u> _____ David Cullen, Treasurer Milwaukee County</div>	
Subscribed and sworn to before me this ____ day of _____, _____.	
<div style="text-align: right;"><u>/s/</u> _____ Notary Public, State of Wisconsin My commission expires: _____</div>	

# Publication of the Tax Certificate

**6 -10 months** prior to the expiration of the redemption period:

- Publish notice for **TWO** successive weeks [§75.07(1), §985.07(2)].
- Review the Tax Certificate for errors or omissions. Any property for which an error or omission is discovered in the Certificate should not be included in the publication. The property with the error/omission should be deleted from the Certificate and re-issued in the next Certificate. [§75.07(2)(a)]

The Second publication may be a summary of the material included in the first insertion in the same manner in which the first insertion was published. The summary must be accompanied by a notice that the full text of the material included in the first insertion is available for viewing as an electronic document on the county's web site, in the newspaper in which the initial insertion was published , as an electronic document on the newspaper's legal notices internet site and in a readily accessible physical location within the municipality [§985.075(2)]

The newspaper that publishes shall, in addition to newspaper publication, place an electronic copy of the publication at no additional charge on its legal notices internet site [§985.02(3)].

The tax certificate process

## Publication - Contents

- Specifying each parcel (condensed description authorized) [§75.07(1)]
- Naming the assessed taxpayer [§75.07(1)]
- Stating the amount due, with all charges and interest calculated to the last day of redemption. [§75.07(1)]
- Stating the last date for redemption [§75.07(1)]
- Stating that unredeemed properties will be conveyed to the County. [§75.07(1)]

## Publication - Additional Details

- In a “bona fide” local paper published “widely,” “regularly,” and continuously” and “likely to give notice in the area or to the affected person” [§985.02(1), §985.03]\*.
- The newspaper that publishes a legal notice shall, in addition to newspaper publication, place an electronic copy of the legal notice at no additional charge on the its legal notices Internet site [§985.02(3)].
- If the publication includes 3,000 properties, or more, the Treasurer must bid the publication and submit the list to the lowest qualifying bidder at least 10 days prior to publication [§75.07(2)(b)].

\* Chapter 985 contains many criteria for selecting a publication. Based upon the criteria and current publications available within Milwaukee county, the office e of the corporation counsel recommends publishing in the Milwaukee journal sentinel. Should current conditions change, or should the office of the treasurer wish to use a publication other than the Milwaukee journal sentinel, please consult corporation counsel for details.

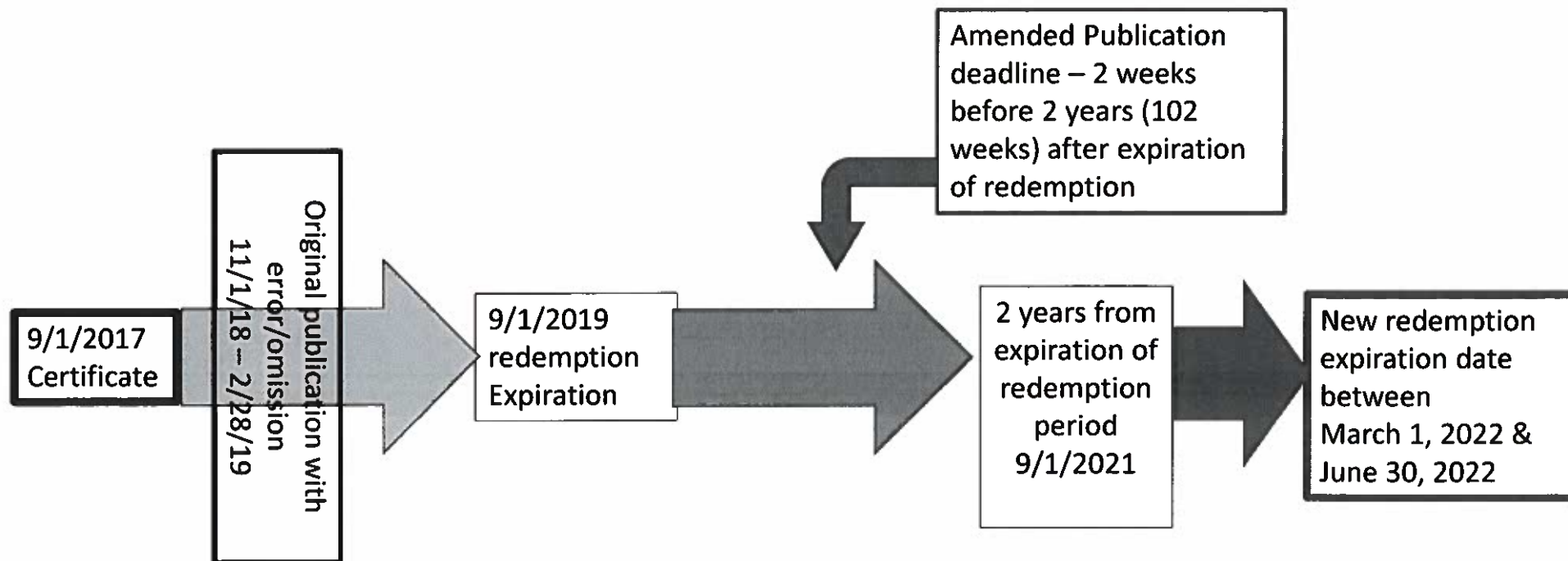
The tax certificate process

# Publication - Omissions or Errors [§75.10]

Where parcels were omitted from the publication, or if there was an error in the process of publication:

- Republish;
- Anytime up to **2 years\*** after the expiration of the redemption period;
- Using the same methods;
- EXCEPT that new redemption date shall not be less than 6 nor more than 10 months from the last date of the corrected publication.
- Tax Deeds for parcels published under this method may not be issued until after the extended date of redemption, but are issued with an effective date that is retroactive to the original date of redemption. [§75.10]

\* Allowing for 2 weeks of publication means the true deadline is 102 weeks from the date of expiration of the redemption period.



## Publication of Tax Certificate - Error or Omission



## Affidavit of Publication [§985.12]

Prepared by the newspaper, received by the County:

- attached to a copy of the notice clipped from the newspaper,
- specifying the date of each insertion,
- the paper in which it was published.
- **Retained** in the Treasurers records and/or used in foreclosure process.

The fee for an affidavit of publication shall be \$1.

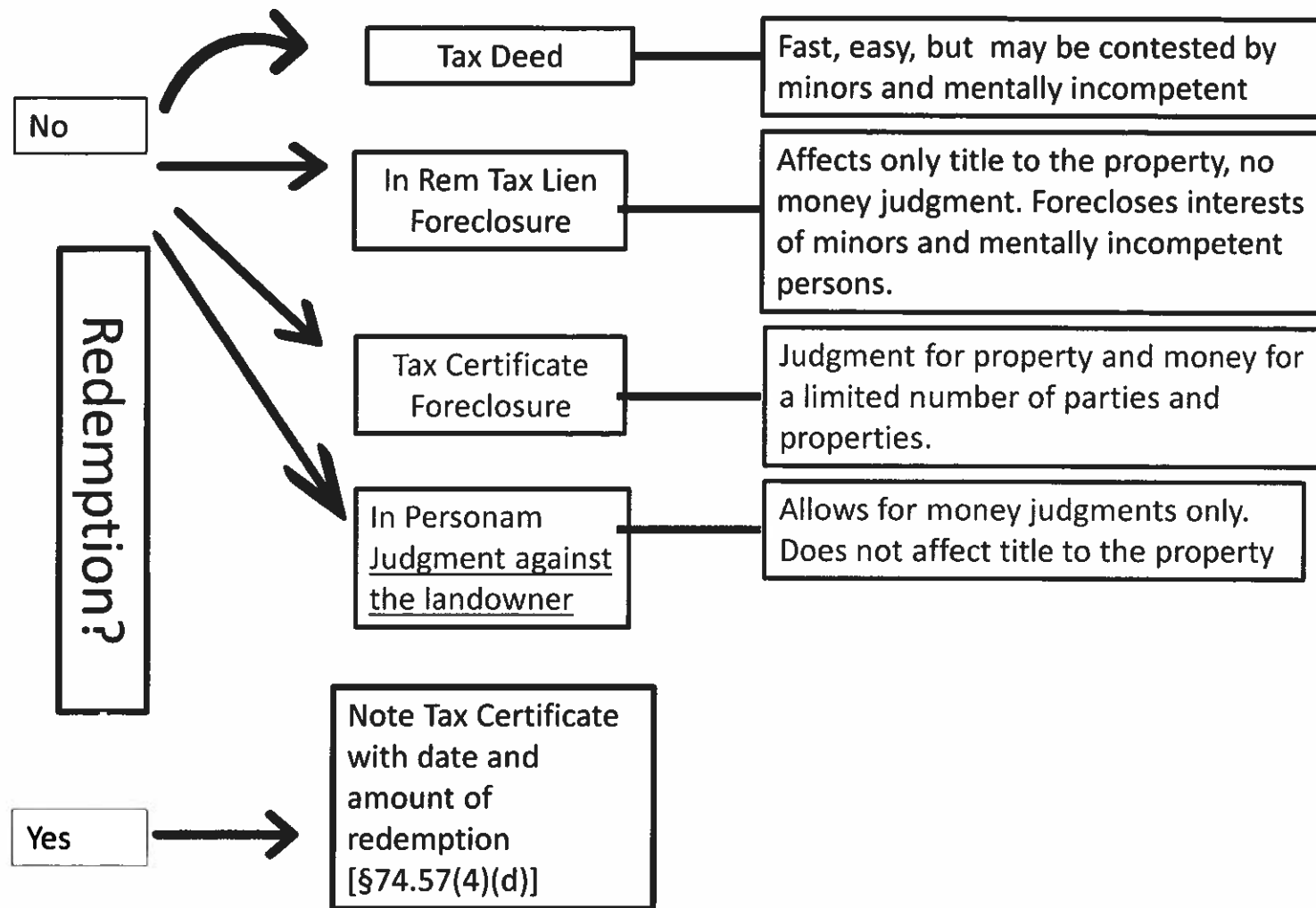
# Redemption?

- If the unpaid amount is redeemed, the Tax Certificate is noted with the date and amount of redemption.  
[§74.57(4)(d)]

# No Redemption?

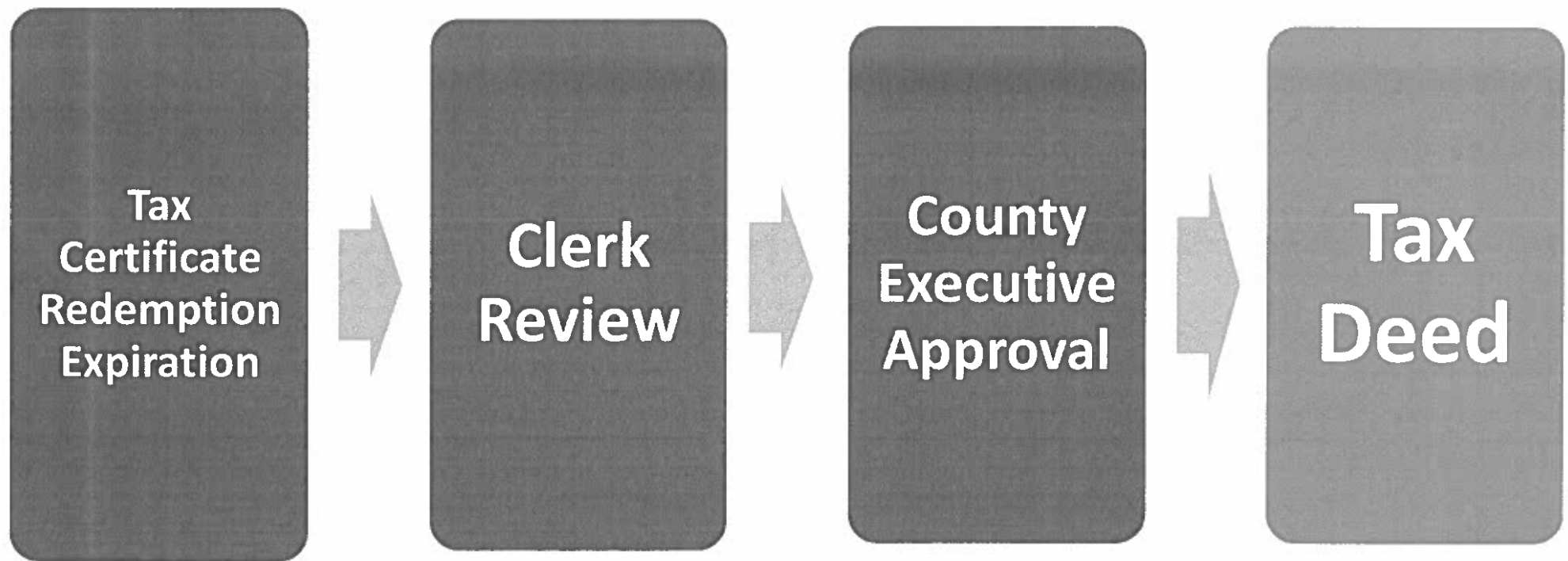
## **County elects to:**

1. Tax Deed [§75.14]  
- OR-
2. Foreclose on the tax lien (In Rem) [§75.521]  
- OR-
3. Foreclose on the Tax Certificate [§75.19]  
- OR-
4. In Personam Judgment



# The Tax Deed Process

## overview of the Tax Deed Process [§75.14]



## Tax Deed [75.14

At the end of the redemption period, the Treasurer forwards the Tax Certificate to the County Clerk.

If the Tax Certificate and the publication are free of error, the Clerk issues a Tax Deed (in FSA), if the County Executive has authorized issuance\*.

*POTENTIAL ISSUE: Tax Deeds issued through this process may be later challenged by Interested Parties that are minors or mentally incompetent\*\*.*

- Act 14 & 55 vests the county Board's power over non-park property in the county executive for Milwaukee county. This is an opportunity for the County Executive to perform an Equity Analysis and/or consult with OAAA.

\*\* Foreclosing on the certificate may be used after a tax deed has been issued to foreclose the right of redemption or interest of the minor or person adjudged mentally incompetent. In such an action the minor or person adjudged mentally incompetent must appear by guardian ad litem, and the general guardian, if the person has one, shall be joined as a party defendant.

## Tax deed process - ERROR correction

If there is an error in the publication, the Clerk notes the error on the Tax Certificate and the Treasurer republishes the information in the next round of publications. This extends the redemption period for **one year**.

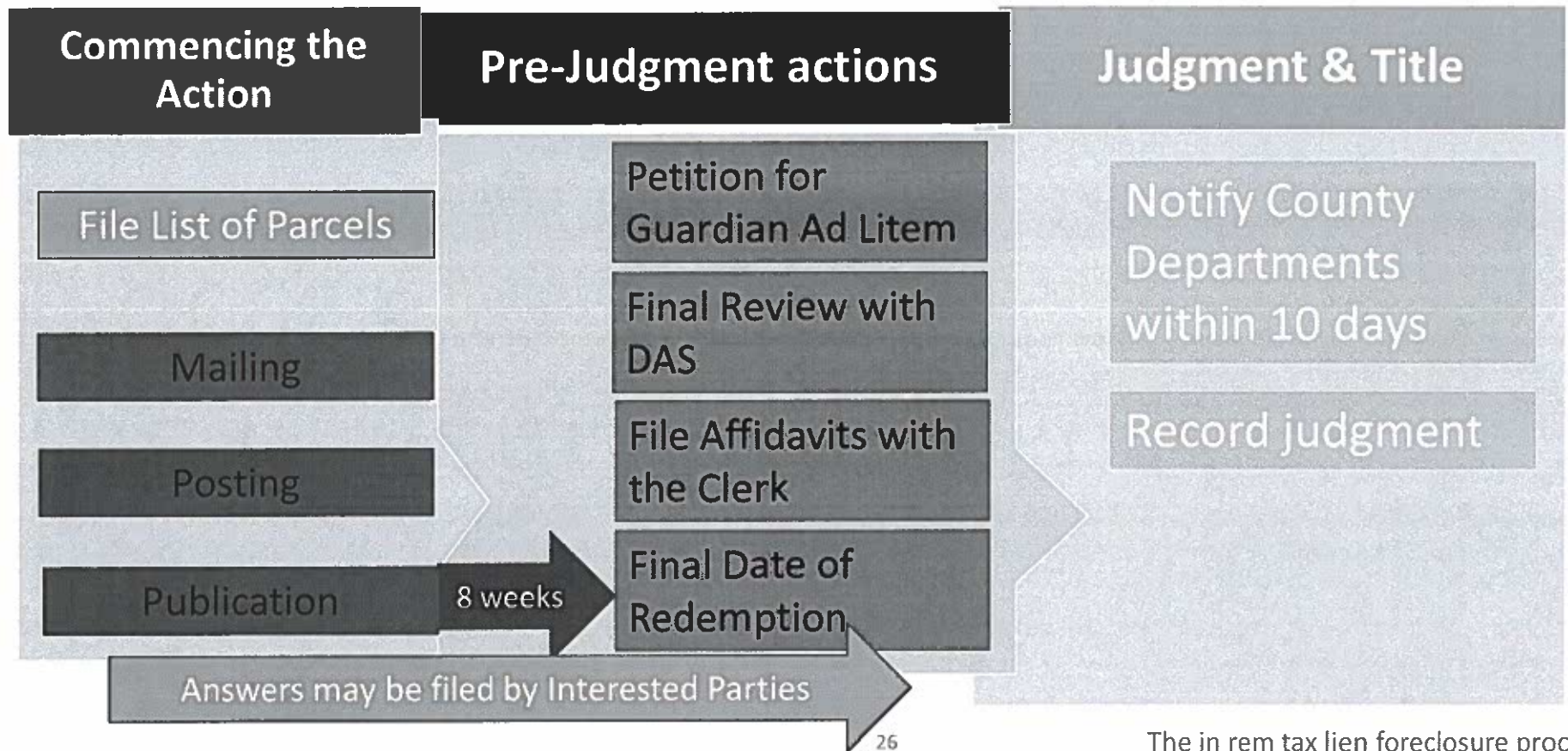
If there is an error in the Tax Certificate, the Board must cancel the affected portion of the Tax Certificate & direct the Treasurer to correct the Tax Certificate per 74.61 and include the parcel in the next Tax Certificate if it remains unredeemed.

Tax Deeds for parcels published after the original time for publication due to error or omission may not be issued until after the extended date of redemption, but are issued with an effective date that is retroactive to the original date of redemption. [75.10]



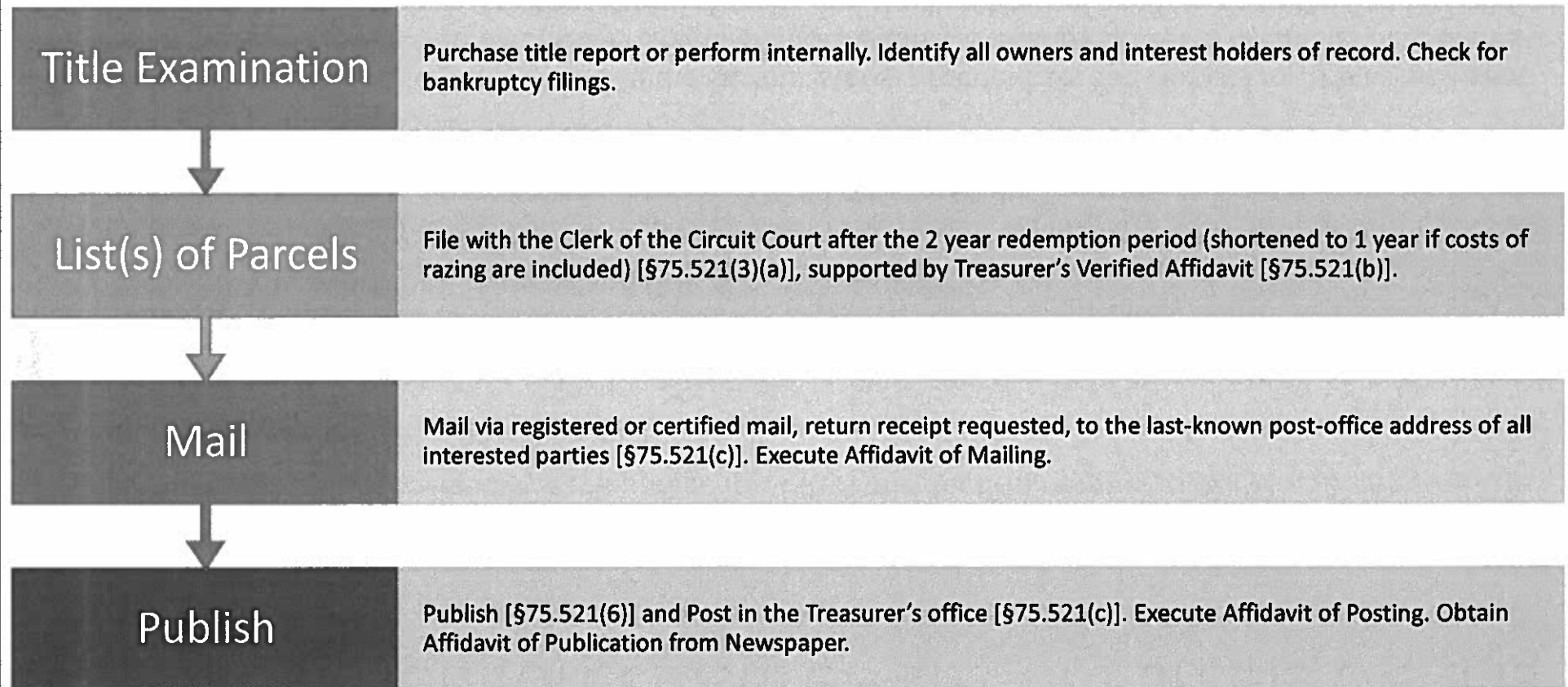
# The In Rem Foreclosure Process

# Overview of the In rem tax lien foreclosure process



The in rem tax lien foreclosure process

## Commencing the in rem tax lien Foreclosure process [75.521]



# In rem tax lien foreclosure - List of Parcels Details

- For each property, the List of Parcels shall contain:
  - 1. a description sufficient to identify each parcel: **lot, block and section number, plat** [§75.521(4)(am)(1)];
  - 2. All **interested parties** [§75.521(4)(am)(2)];
  - 3. the **principal sum**, the **date** from which and the **rate** at which **interest** shall be computed on said principal sum [§75.521(4)(am)(3)];
  - 4. A **petition to the court** for judgment and title [§75.521(4)(am)(4)];
  - 5. The names of all **municipalities**, other than the foreclosing county, having any right, title or interest in the land or in the tax liens or in the proceeds thereof [§75.521(4)(am)(5)];
- Supported by the Verified Affidavit of the Treasurer [§75.521(b)].
- The county does not need to plead or prove the various steps, proceedings and notices for the assessment and levy of the taxes, assessments or other lawful charges against the lands set forth in the list of tax liens and all such taxes, assessments or other lawful charges and the lien thereof shall be presumed to be valid. [§75.521(12)(a)]

# List of parcels – property Description

For each parcel:

“A brief description sufficient to identify each parcel affected by such tax lien. The description shall state the lot, block and section number of any parcel upon any tract, the plat or map of which is recorded and filed in the office of the register of deeds of such county. If the lands be unplatted an engineer's metes and bounds description shall be a sufficient description.”

[§75.521(4)(am)(1)]

# List of Parcels Template

STATE OF WISCONSIN CIRCUIT COURT of MILWAUKEE COUNTY							
In the Matter of the Tax Liens Being Foreclosed by Milwaukee County, Proceeding in Rem [year] Number _____							
	Address	Pin	Legal Description	Interested Parties	Principal Sum Due	date interest begins	Interest Rate
1			Lot, block and section number of tract	Owner(s) & Mortgagee(s) of record (state of Wisconsin) (interested non-County municipality)			
<p>Petitioner Milwaukee County seeks judgment vesting title to each of these listed parcels of land in Milwaukee County, as of the date of entry of judgment and barring any and all claims whatsoever of the former owner or any person claiming through and under the former owner since the date of filing the list of tax liens in the office of the clerk of the circuit court.</p> <p style="text-align: center;">Dated at Milwaukee, Wisconsin this ____ day of _____, _____.</p> <p style="text-align: center;">David Colin Milwaukee County Treasurer</p> <p style="text-align: center;">_____</p> <p><b><u>Mailing Address:</u></b>            Milwaukee County Office of Corporation Counsel            901 North 9th Street, Room 102            Milwaukee, WI 53233            Telephone: 414-278-4033            Facsimile:            Email:</p>							

# Treasurer's Affidavit in Support of the List of Parcels

STATE OF WISCONSIN CIRCUIT COURT of MILWAUKEE COUNTY	
Verified Affidavit in Support of the Foreclosure of Tax Liens of Milwaukee County Being Foreclosed by Proceeding in Rem [year] Number	
STATE OF WISCONSIN ) ) SS MILWAUKEE COUNTY )	<p>• I, <u>DAVID CULLEN</u>, being duly sworn under oath, deposes and states as follows:</p> <ol style="list-style-type: none"> <li>1. I, David Cullen, am the Treasurer for Milwaukee County.</li> <li>2. On <u>[DATE]</u>, I reviewed the attached list of properties.</li> <li>3. By signing this affidavit, I verify that the attached list of properties is true and accurate in accordance with property information of record, the Milwaukee County tax rolls and the records of my Office.</li> </ol> <div style="text-align: right; margin-top: 20px;"> <u>/s/</u>            David Cullen, Treasurer            Milwaukee County         </div>
Subscribed and sworn to before me this ____ day of _____, _____.	
<u>/s/</u> Notary Public, State of Wisconsin My commission expires: _____	

## Answers to List of Parcels [75.521(7)]

- By any **Interested Party**;
- **Served** upon the Treasurer;
- **Filed** in the office of the clerk of the circuit court;
- Within **30 days** of the last date for redemption.
- A verified answer, setting forth in detail, the nature and amount of that person's interest and objecting to the proposed foreclosure upon one or more of the following grounds only:
  - **1.** That the lands in which such person is interested, described in such list of tax liens, were not liable to taxation, special assessment, special charge or special tax when levied;
  - **2.** payment made before the last day of the redemption period;
  - **3.** That the tax lien is barred by the statute of limitations.
- Defenses not affirmatively plead are waived [75.521(12)].
- Whenever a timely, verified Answer is filed, there shall be a severance of the proceeding for any parcel or parcels of land addressed in the Answer. Remaining parcels shall continue, unaffected in the process [75.521(10)].



## mailing – notice to Interested Parties [§75.521(3)(c)]

The Treasurer shall send notice of the filing of the list of parcels:

- By registered or certified mail, return receipt requested
- To the last-known post-office address of each Interested Party
- With the petition and the parts of the list of tax liens that include the description of a particular parcel.

## Mailing - Interested Parties

- Interested Parties include:
- **Owner(s)** and **Mortgagee(s)** as recorded with the register of deeds;
- The **state of Wisconsin** if it has a determined, but unpaid death tax lien; a filed, non-outlawed income or franchise tax warrant; or a judgment entered in the judgment and lien docket.
- Any **Municipality** having any right, title or interest in the land or in the tax liens or in the proceeds.
- [§75.521(4)(am)(2)]
- The **United States**, if it holds a lien against the property [28 USC §2410].
- All Interested Parties are entitled to Redeem for the amount of the lien + pro rata costs. The Redeeming Party is entitled to a Certificate of Redemption, which shall be filed by the Treasurer with the Clerk of the Circuit Court and has the effect of canceling the petition to foreclose on that parcel (and only that parcel). The Treasurer shall also note the redemption on the tax rolls. [§75.521(5)]

# Notice of mailing to Interested Parties (form)

STATE OF WISCONSIN CIRCUIT COURT of MILWAUKEE COUNTY	
In Re: the Matter of the Tax Lien Being Foreclosed by Milwaukee County, Proceeding In Rem;	Case No. _____
NOTICE OF MAILING	
<p>TO: SEE ATTACHED LIST</p> <p>_____, of the Milwaukee County Treasurer's Office, 901 N. 9<sup>th</sup> Street, Room 102, Milwaukee, WI, 53233, being sworn, states that on _____ s/he mailed the enclosed documents</p> <ol style="list-style-type: none"> <li>1. Milwaukee County's Petition to Foreclose Parcels;</li> <li>2. The List of Parcels included in Milwaukee County's Petition to Foreclose Parcels</li> </ol> <p>via Certified U.S. Mail, return receipt requested by placing these documents in Milwaukee County's mail system for delivery to the United States Postal System, pursuant to the standard practice of the mail system, with all postage prepaid and all forms required.</p> <p style="text-align: right; margin-right: 100px;">/s/ _____</p> <p>Subscribed and sworn to before me This ____ day of _____, 20____.</p> <p>_____ Notary Public, State of Wisconsin My commission expires: _____</p>	

# Mailing - Affidavit of Mailing

After Notice is mailed, the Treasurer shall file an Affidavit of Mailing with the Clerk of the Circuit Court.

The Affidavit of Mailing must contain:

- The Case Number assigned to the Petition;
- A statement that Notice was mailed to the Interested Parties.
- The statement must include the
  - names of the Interested Parties,
  - addresses of the Interested Parties,
  - the date of mailing,
  - the notarized signature of the Treasurer.
- If no post-office address could be found for the Interested Party, the Affidavit shall state that no present post-office address was ascertainable for the Interested Party.

STATE OF WISCONSIN CIRCUIT COURT of MILWAUKEE COUNTY	
In Re: the Matter of the Tax Lien Being Foreclosed by Milwaukee County, Proceeding In Rem;	Case No. _____
<b>AFFIDAVIT OF MAILING</b>	
STATE OF WISCONSIN    ) ) SS MILWAUKEE COUNTY    )	
I, <u>DAVID CULLEN</u> , being duly sworn under oath, deposes and states as follows: <ol style="list-style-type: none"> <li>1. I, David Cullen, am the Treasurer for Milwaukee County.</li> <li>2. On <u>[DATE]</u>, I caused Milwaukee County's Petition For Foreclosure and List of Parcels to be sent via Certified U.S. Mail, return receipt requested to all persons on the attached List "A," at the addresses noted therein.</li> <li>3. After a reasonable search using all due diligence, no post-office address could be ascertained for the parties set forth on List "B."</li> </ol>	
<u>/s/</u> _____ David Cullen, Treasurer Milwaukee County	
Subscribed and sworn to before me this ____ day of _____, _____.	
<u>/s/</u> _____ Notary Public, State of Wisconsin My commission expires: _____	

## Publication- contents [75.521(6)]

- Inserted 3 times [§75.07(1), §985.07(2)];
- With all statutory language [§75.521(6)]
- Also posted in the Treasurer's Office [§75.521(6)].

The Second publication may be a summary of the material included in the first insertion in the same manner in which the first insertion was published. The summary must be accompanied by a notice that the full text of the material included in the first insertion is available for viewing as an electronic document on the county's web site, in the newspaper in which the initial insertion was published, as an electronic document on the newspaper's legal notices internet site and in a readily accessible physical location within the municipality [§985.075(2)]

The in rem tax lien foreclosure process

# Treasurer's Affidavit of Posting (form)

STATE OF WISCONSIN CIRCUIT COURT of MILWAUKEE COUNTY	
In Re: the Matter of the Tax Lien Being Foreclosed by Milwaukee County, Proceeding In Rem;	Case No. _____
<b>AFFIDAVIT OF POSTING</b>	
<div style="display: flex; justify-content: space-between;"> <div>STATE OF WISCONSIN )                                   ) SS MILWAUKEE COUNTY )</div> <div> <p>I, <u>DAVID CULLEN</u>, being duly sworn under oath, deposes and states as follows:</p> <ol style="list-style-type: none"> <li>1. I, David Cullen, am the Treasurer for Milwaukee County.</li> <li>2. On <u>[DATE]</u>, I caused Milwaukee County's Petition For Foreclosure and List of Parcels to be posted in the Office of the Treasurer, at 901 N. 9<sup>th</sup> Street, Room 102, Milwaukee, WI 53233.</li> </ol> <div style="text-align: right; margin-top: 20px;"> <u>/s/</u> _____  David Cullen, Treasurer  Milwaukee County </div> </div> </div>	
Subscribed and sworn to before me this ____ day of _____, _____.	
<u>/s/</u> _____ Notary Public, State of Wisconsin My commission expires: _____	

## Publication - details

- In a “bona fide” local paper published “widely,” “regularly,” and “continuously” and “likely to give notice in the area or to the affected person” [§985.02(1), §985.03];
- The newspaper that publishes a legal notice shall, in addition to newspaper publication, place an electronic copy of the legal notice at no additional charge on the its legal notices Internet site [§985.02(3)]\*.
- The newspaper that publishes shall, in addition to newspaper publication, place an electronic copy of the publication at no additional charge on its legal notices internet site [§985.02(3)].
- Chapter 985 contains many criteria for selecting a publication. Based upon the criteria and current publications available within Milwaukee county, the office e of the corporation counsel recommends publishing in the Milwaukee journal sentinel. Should current conditions change, or should the office of the treasurer wish to use a publication other than the Milwaukee journal sentinel, please consult corporation counsel for details.



# Public Notice of Filing (Form)

## NOTICE OF COMMENCEMENT OF PROCEEDING IN REM TO FORECLOSE TAX LIENS BY MILWAUKEE COUNTY

(Here insert list of tax liens and petition as filed in office of clerk of the circuit court.)

TAKE NOTICE That all persons having or claiming to have any right, title or interest in or lien upon the real property described in the list of tax liens, No. \_\_\_\_\_, on file in the office of the clerk of the circuit court of Milwaukee county, dated \_\_\_\_\_, and hereinabove set forth, are hereby notified that the filing of such list of tax liens in the office of the clerk of the circuit court of Milwaukee county constitutes the commencement by said Milwaukee county of a special proceeding in the circuit court for Milwaukee county to foreclose the tax liens therein described by foreclosure proceeding in rem and that a notice of the pendency of such proceeding against each piece or parcel of land therein described was filed in the office of the clerk of the circuit court on \_\_\_\_\_ (insert date). Such proceeding is brought against the real property herein described only and is to foreclose the tax liens described in such list. No personal judgment will be entered herein for such taxes, assessments or other legal charges or any part thereof.

TAKE FURTHER NOTICE That all persons having or claiming to have any right, title or interest in or lien upon the real property described in said list of tax liens are hereby notified that a certified copy of such list of tax liens has been posted in the office of the county treasurer of .... county and will remain posted for public inspection up to and including \_\_\_\_\_ (*here insert date at least 8 weeks from the date of the first publication of this notice*) which date is hereby fixed as the last day for redemption.

TAKE FURTHER NOTICE That any person having or claiming to have any right, title or interest in or lien upon any such parcel may, on or before said \_\_\_\_\_ (*insert redemption final date*), redeem such delinquent tax liens by paying to the county treasurer of \_\_\_\_\_ county, the amount of all such unpaid tax liens and in addition thereto, all interest and penalties which have accrued on said unpaid tax liens, computed to and including the date of redemption, plus the reasonable costs that the county incurred to initiate the proceedings plus the person's share of the reasonable costs of publication under sub. (6).

Milwaukee County  
By David Cullen  
County Treasurer

## Publication - Affidavit of publication [§985.12]

- Prepared by the newspaper, received by the County:
  - Attached to a copy of the notice clipped from the newspaper,
  - Specifying the date of each insertion,
  - The paper in which it was published,
- Constitutes presumptive evidence of the publication and of the facts stated therein.
- The fee for an affidavit of publication shall be \$1.

## Pre-judgment action - Guardian ad Litem [§75.521(12)(b)]

- The judgment and title awarded through this process is valid even against infants, individuals adjudicated incompetent, absentees or nonresidents of the state of Wisconsin IF a guardian ad litem is appointed.
- It is not necessary to determine whether an Interested Party fits any of these categories to appoint a guardian ad litem to serve Interested Parties to the foreclosure.
- The Court may appoint a guardian as litem without notice.
- The fee for services of the guardian ad litem shall be paid by the County.

The Office of the Corporation Counsel recommends that the county petition for the appointment of a guardian ad litem in all in rem tax foreclosure cases. The in the in rem tax lien foreclosure process

## Pre-judgment event - Final Right of Redemption

- All Interested Parties may redeem the property by payment of:
  - all **unpaid tax** liens,
  - all **interest and penalties** which have accrued on the tax liens, computed to and including the date of redemption,
  - the reasonable **costs incurred** to initiate the proceedings, and
  - the person's share of the reasonable **costs of publication**.
  - [§75.521(6)].
- The final date shall be a date certain that is at least 8 weeks from the first publication of this notice. [§75.521(6)]

## Filing the Affidavits with the Clerk of Court [§75.521(9)]

- All of the Affidavits: (Affidavit of Filing, Affidavit of Publication, Affidavit of Posting, Affidavit of Mailing) shall be:
  - Made by the person performing such acts
  - Filed in the office of the clerk of the circuit court.

## Final County Review of Properties [MCGO §6.01(1)]

- Within three (3) days after the final date of redemption, the Treasurer shall furnish Department of Administrative Services - Economic Development Division a list of the remaining properties in the court action and the projected foreclosure date and the Division shall present a written report to the Treasurer on which of the remaining properties in the court action contains or are likely to contain hazardous materials [MCGO §6.01(1)].
- Properties containing, or likely to contain hazardous materials should only be taken through foreclosure if the Treasurer and Administrative Services are in agreement [MCGO §6.01(2)]
  - The Treasurer and Administrative Services may undertake a Phase 1 Environmental Assessment, or develop a plan for submittal to the WI DNR if funds are available [MCGO §6.01(3)].
  - Inability to agree, or lack of funds for remediation should result in the removal the property from it's Petition for Judgment [MCGO §6.01(4)].

This is an opportunity for the County Executive to perform an Equity Analysis and/or consult with OOAAA.

The tax lien in rem foreclosure process

## Judgment & Title [§75.521(8) (13) & (14)]

- **JUDGMENT TO BE RECORDED.** A certified copy of the judgment of the court in both default and contested cases shall be recorded by the prevailing party in the office of the register of deeds of such county [§75.521(14)].
- The Treasurer shall notify other County Departments of the foreclosure within 10 days of the judgment [MCGO §6.01(5)(c)].

## Judgment - types

- **Default judgment:** If no Answer is filed, the Court shall enter judgment once the final redemption period has passed and the Treasurer has filed all of the required documents with the Clerk of the Court [§75.521(8)].
- **Non-default judgments:** Where a timely, verified Answer is filed:
  - If the Court finds in favor of the Defendant, it shall make a final judgment divesting the parcel of the lien. [§75.521 (13)(a)].
  - If the Court finds against the Defendant, it shall enter a final judgment vesting title in the County [§75.521(13)].



## Judgment – Title Details

- **Title Obtained:** The title is in fee simple absolute; subject, however, to all unpaid taxes and charges which are subsequent to the latest dated tax lien appearing on the List and to recorded restrictions as provided by §75.14, and all persons, both natural and artificial, including the state of Wisconsin, infants, individuals adjudicated incompetent, absentees and nonresidents who may have had any right, title, interest, claim, lien or equity of redemption in such lands, are forever barred and foreclosed of such right, title, interest, claim, lien or equity of redemption. [§75.521 (8) & (13)].
- Judgment is based upon the latest dated tax lien appearing on the list of tax liens and shall have the effect of the issuance of a tax deed and of judgment to bar former owners and quiet title thereon [§75.521(13)].

## Post-judgment considerations

- **Congratulations!**
- **The process is complete!**



- If any of the following events occur, consult with corporation counsel:
  - 1. A motion by an Interested Party if served upon the County
  - 2. A Homestead Owner seeks a Right of Return
  - 3. The United States is a party to the In Rem Tax Lien Foreclosure action.

# Foreclosing on the Tax Certificate [§75.19]

## Foreclosing on the tax certificate

- Allows for a money judgment and title; however, is limited to one property, or one owner per filing.
- If there are reasons to pursue foreclosure of the tax certificate, contact the Office of the Corporation Counsel.

In personal judgment

## In Personam Judgment

- An In Personam judgment allows for a money judgment ONLY and will not affect title to the property.
- If there are reasons to pursue an In Personam Judgment, contact the Office of the Corporation Counsel.

Created for the Milwaukee County Office of the Treasurer

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