CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org

16-1071

December 8, 2016

To: Jennifer Hudon, City Clerk/Deputy Treasurer

From: Kathleen M. McDaniel, City Attorney KMM

Re: Wisconsin Housing and Economic Development Authority v. Chai Wang Xiong, et al
Case No. 16-CV-0383

Please find attached Notice of Entry of Judgment of Foreclosure. This ends the case regarding the above-referenced matter. There were no funds in excess of the lender's mortgage in this matter.

Please have the Council accept this report and place on file the documents relative to the above-referenced matter.

KMM:jr

Attachment

Cc: Lisa Mueller, Community Development Department

City Attorney Kathleen M. McDaniel • Staff Attorney Elizabeth Majerus
Paralegal Jane M. Rhode
CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543
Phone (920) 686-6990 • Fax (920) 686-6999

O'DESS and
ASSOCIATES, S.C.
ATTORNEYS AT LAW

1414 Underwood Avenue
Suite 403
Wauwatosa, WI 53213

(414) 727-1591 Main
(414) 727-1590 Fax

11/30, 2016

DEC - 2 2016

Clerk of Circuit Court
Manitowoc County Courthouse
1010 South 8th Street
Manitowoc WI 54220

RE: Wisconsin Housing and Economic Development Authority vs. Chai Wang Xiong, et al
Case No.: 16-CV-0383

Dear Clerk:

Enclosed for filing with the court, please find an original and a copy of the **Notice of Entry of Judgment** for this matter. I ask that you please return the file-stamped copy of the Notice of Entry of Judgment to my office in the enclosed stamped, self-addressed envelope.

Thank you for your continuing courtesies.

Respectfully yours,

M. Abigail O'Dess
MAO/yrs

Enclosures
cc: Attorney Kathleen M. McDaniel

O'DESS AND ASSOCIATES, S.C., IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

IF YOU HAVE PREVIOUSLY RECEIVED A CHAPTER 7 DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE SHOULD NOT BE CONSTRUED AS AN ATTEMPT TO COLLECT A DEBT.

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

Plaintiff,

vs.

CHAI WANG XIONG and POR CHOUA XIONG husband and wife and CITY OF MANITOWOC and HOLY FAMILY MEMORIAL, INC.

Defendants.

Case No. 16-CV-0383
Code No. 30404
Foreclosure of Mortgage
Dollar Amount Greater Than $10,000.00

NOTICE OF ENTRY OF JUDGMENT

TO: CHAI WANG XIONG and
POR CHOUA XIONG
Husband and Wife
1912 Viebahn Street
Manitowoc, WI 54220

HOLY FAMILY MEMORIAL, INC.
c/o Mark P. Herzog
2300 Western Avenue
Manitowoc, WI 54220

ATTORNEY KATHLEEN M. MCDANIEL
900 Quay Street
Manitowoc, WI 54220

PLEASE TAKE NOTICE, that on the **15th** day of **November, 2016,** judgment was duly entered in the above-entitled action in the office of the Clerk of Circuit Court for this county, in favor of the plaintiff and against the defendants above named, adjudging the foreclosure and sale of the mortgaged premises pursuant to law in the sum of **$93,616.90** in this action.

Dated at Milwaukee, Wisconsin, this 29 day of November 2016.

O'DESS AND ASSOCIATES, S.C.
Attorneys for Plaintiff

By: M. ABIGAIL O'DESS
Bar Code No. 1017869

Drafted by:
O'Dess and Associates, S.C
1414 Underwood Avenue, Ste. 403
Wauwatosa, WI 53213
Tel.: (414) 727-1591
Fax.: (414) 727-1590

O'DESS AND ASSOCIATES, S.C., IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

Plaintiff,

vs.

CHAI WANG XIONG and POR CHOUA XIONG husband and wife and CITY OF MANITOWOC and HOLY FAMILY MEMORIAL, INC.

Defendants.

Case No. 16CV0383
Code No. 30404
Foreclosure of Mortgage
Dollar Amount Greater Than $10,000.00

FILED

NOV 15 2016

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

FINDINGS OF FACT CONCLUSIONS OF LAW AND JUDGMENT OF FORECLOSURE

For informational purposes:

Occupancy	owner occupied
Statute	846.101
Redemption Period	six (6) months
Seeking Deficiency	no
Receiver Appointed	no

This action having come on to be heard before that branch of the Circuit Court for Manitowoc County, Wisconsin, on the 15th day of November 2016, presided over by the Honorable Gary L. Bendix; and

The summons and complaint having been fully served upon the defendant(s) in the manner provided by law, due proof thereof being on file, and the defendant(s) wholly in default; and

Due notice of the pendency of this action having been filed in the office of the Register of Deeds for Manitowoc County, more than twenty (20) days prior to this hearing; and

Said matter having duly come on to be heard before this Court as provided by law, O'Dess and Associates, S.C., attorneys for the plaintiff, and the defendant(s), except _____ not having appeared either in person or by attorney; and the Court having read the proofs submitted in open court and having determined that all material allegations of the complaint on file herein are true; and

It further appearing that the mortgaged premises is a parcel of real estate consisting of twenty acres or less and that the said premises cannot be sold in parcels without injury to the interest of the parties; and

It further appearing that as of the date of the hearing herein, there is due to the plaintiff upon the note and mortgage the sum of $87,494.31 for principal, the sum of $3,141.43 for interest, the sum of $112.00 for late charges, the sum of $2,050.00 for attorneys' fees, plus the costs, advances and disbursements as taxed in the amount of $819.50, less interest earned on escrow in the sum of $.34, for a total sum of $93,616.90.

It further appearing that the said defendant(s) are not in the military service and that said defendant(s) are not infants or under guardianship;

NOW, THEREFORE, on motion of O'Dess and Associates, S.C., attorneys for plaintiff,

IT IS BY THE COURT FOUND, DETERMINED, AND ADJUDGED:

1. That all of the material allegations of the plaintiff's complaint are proven and true.

2. That plaintiff's mortgage is superior and paramount to the liens and/or interests of the defendant(s) herein.

3. That as of the date of the hearing herein, there is due to the plaintiff upon the note and mortgage the sum of $87,494.31 for principal, the sum of $3,141.43 for interest, the sum of $112.00 for late charges, the sum of $2,050.00 for attorneys' fees, plus the costs, advances and disbursements as taxed in the amount of $819.50, less interest earned on escrow in the sum of $.34, for a total sum of $93,616.90.

4. That all sums hereafter advanced by plaintiff for insurance, necessary repairs, taxes, and costs of this action not included in the judgment may be added to the judgment by order at any time after the entry thereof.

5. That the mortgaged premises are described as follows:

Tract 3A, Volume 7 Certified Survey Maps, page 313, as Document No. 523269; said map being part of Lot Ninety-six (96), according to the recorded plat of HINCKLEY'S SUBDIVISION, in the City of Manitowoc, Manitowoc County, Wisconsin., being a resurvey of Tract 3, Volume 4 Certified Survey Maps, page 509. More commonly known as 1912 Viebahn Street. Tax Key No.: 355-096-008

6. That the mortgaged premises cannot be sold in parcels without injury to the interests of the parties and the described premises, unless sooner redeemed as provided by law may be sold at public auction in this State and County, by and under the direction of the sheriff, at any time after **six (6) months** from the date of entry of judgment in the manner provided by law for the amounts due the plaintiff; that notice of said sale shall be made by publication for three successive weeks in a newspaper published in this County. That in the event, the Department of Veterans Affairs (VA) is a defendant, the VA must be given notice of the sheriff's sale by registered mail, return receipt requested, at least three weeks prior to the sale of the premises.

7. That after deducting the sheriff's fees and expenses of sale, the proceeds of sale shall first be applied to the amounts due the plaintiff, as hereinbefore specified, together with interest as provided by law at the rate of 5.75% per annum, and that the surplus, if any, shall be subject to the further order of this Court.

8. That the mortgagor defendant(s) may remain entitled to possession of the described real estate and are entitled to all rents, issues and profits therefrom to the date of confirmation of sale by the Court unless they abandon said property.

9. That after the sheriff's sale, the sheriff shall make due report thereof to the Court as provided by law, and the purchaser shall be let into possession of the premises on production of Sheriff's Deed, or a duly certified copy thereof, and all parties to this action or other persons securing possession after the date the Lis Pendens was recorded shall deliver possession to said purchaser.

10. **That no deficiency judgment may be obtained against the mortgagor defendant(s).**

11. That the defendant(s) and all persons claiming under them are enjoined from committing waste upon the premises during the pendency of this action.

12. That except for the right to redeem the mortgaged premises before sale, the defendants be forever barred and foreclosed of any right, title or interest in and to the said mortgaged premises and same shall be extinguished at confirmation of sale.

13. That in the event the United States of America is a party to this action, they shall be entitled to either 120 days from the confirmation of sheriff's sale to redeem the mortgaged property

or one year from the date of the confirmation of sheriff's sale to redeem the mortgaged property, based upon their lien interest in the mortgage property.

14. That the plaintiff is granted permission, pursuant to §846.09, Wisconsin Statutes, to amend its pleadings to add any other parties it determines are necessary.

15. That the name and pertinent information for plaintiff and each defendant herein is below:

Plaintiff

That the plaintiff, Wisconsin Housing and Economic Development Authority, is a self-supporting public housing agency, with its offices located at 201 West Washington Avenue, Suite 700, Madison, Wisconsin. That Wisconsin Housing and Economic Development Authority is the servicer for Federal National Mortgage Association. That Federal National Mortgage Association ("Fannie Mae"), is a corporation organized and existing under the laws of the United States of America, with its offices located at 14221 Dallas Parkway, Suite 1000, Dallas, TX 75254.

Defendants

That the defendants, Chai Wang Xiong and Por Choua Xiong, husband and wife, are adult residents of the City of Manitowoc, County of Manitowoc, State of Wisconsin, residing at 1912 Viebahn Street; that defendants' occupations are unknown.

. That the defendant, City of Manitowoc, is a body politic and a body corporate, duly organized and existing under the laws of the State of Wisconsin, with its offices located in care of the City Clerk, 900 Quay Street, Manitowoc, Wisconsin 54220; that said defendant has, or may have, or may claim to have, an interest or lien in the subject premises by virtue of the following:

> Mortgage, and the Terms and Conditions thereof, from Chai Wang and Por Choua Xiong to The City of Manitowoc for $14,605.00 dated December 9, 2010 and recorded on March 29, 2011 in the Office of the Register of Deeds for Manitowoc County, Wisconsin, as Document No. 1097315.

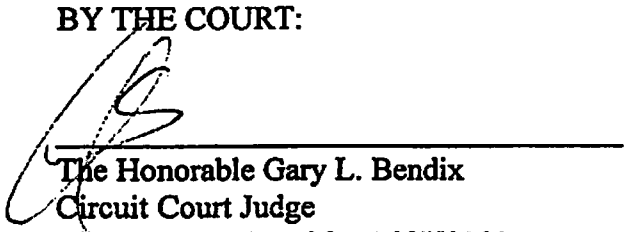
. That the defendant, Holy Family Memorial, Inc., is a non-stock corporation, duly organized and existing under the laws of the State of Wisconsin, with its registered agent veing Mark P. Herzog, located at 2300 Western Avenue, Manitowoc, WI 54220; that said defendant has, or may have, or may claim to have, an interest or lien in the subject premises by virtue of the following:

> Judgment docketed in the Office of the Clerk of Courts for Manitowoc County on April 5, 2016, No. 2016SC000251 in favor of Holy Family Memorial Inc. P.O. Box 2170

Manitowoc, WI 54221-2170 plaintiff, vs. Chai Wang Xiong 1912 Viebahn Street Manitowoc, WI 54220-6415 defendant, in the sum of $3,525.02.

Dated this 15th day of November 2016.

BY THE COURT:



The Honorable Gary L. Bendix
Circuit Court Judge
Circuit Court Case No. 16CV0383
WHEDA v. Chai Wang Xiong et al
Findings of Fact Conclusions of Law and Judgment of Foreclosure

O'DESS and ASSOCIATES, S.C.
1414 Underwood Avenue, Suite 403
Milwaukee, Wisconsin 53213
(414) 727-1591
(414) 727-1590 (FAX)

SUMMARY OF JUDGMENT

Principal	$87,494.31
Interest	3,141.43
Attorneys' Fees	2,050.00
Costs, Advances and Disbursements	819.50
Late Charges	112.00
Less Interest Earned on Escrow	(.34)
TOTAL	$93,616.90

SUMMARY OF COSTS, ADVANCES AND DISBURSEMENTS

Title	225.00
Clerk of Court	265.50
Register of Deeds	34.00
Process	195.00
Property Maintenance	100.00
TOTAL	$819.50

The above costs, advances and disbursements are hereby adjudged, taxed, and allowed at **$819.50** and Judgment entered on this 15th day of November 2016

Clerk of Courts

By: Lori M. Higgins

Deputy ~~JUDGMENT~~ CLERK

Circuit Court Case No. 16CV0383

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

Plaintiff,

vs.

CHAI WANG XIONG and POR CHOUA XIONG husband and wife and CITY OF MANITOWOC and HOLY FAMILY MEMORIAL, INC.

Defendants.

Case No. 16-CV-0383
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AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

Kimberly M. Meadows, Paralegal, at O'Dess and Associates, S.C., being first duly sworn on oath, says that on the 30 day of November, 2016, she mailed, properly enclosed in a postpaid envelope a copy of the **Notice of Entry of Judgment** in the above entitled action, addressed to the following named persons at the proper post office addresses set forth:

TO: CHAI WANG XIONG and
POR CHOUA XIONG
Husband and Wife
1912 Viebahn Street
Manitowoc, WI 54220

HOLY FAMILY MEMORIAL, INC.
c/o Mark P. Herzog
2300 Western Avenue
Manitowoc, WI 54220

ATTORNEY KATHLEEN M. MCDANIEL
900 Quay Street
Manitowoc, WI 54220

Dated: 11/30, 2016

Kimberly M. Meadows

Subscribed and sworn to before me
this 30 day of November, 2016

M. Abigail O'Dess
Notary Public, State of Wisconsin
My Commission is Permanent.