

STATE OF WISCONSIN

CIRCUIT COURT

PIERCE COUNTY

WAUMANDEE STATE BANK,

Plaintiff,

JUDGMENT

vs.

Case No. 19CV98

FIELD MCCONNELL  
N3572 County Road S  
Plum City, WI 54761

AND

DENISE MCCONNELL  
N3572 County Road S  
Plum City, WI 54761

AND

UNITED STATES OF AMERICA  
(Internal Revenue Service)

AND

STATE OF WISCONSIN  
(Department of Revenue)

Defendants.

At a term of the Circuit Court for Pierce County, Wisconsin, held at the Courthouse in the

City of Ellsworth on October 11, 2019, present: The Honorable Joseph D. Boles.

The above entitled action coming on to be heard on October 11, 2019 at 3 p.m. by the Court without a jury. Roger M. Hillestad appearing as attorney for the Plaintiff, and due proof having been made and filed showing service of the Summons and Complaint upon the Defendants within sixty (60) days of filing of the Summons and Complaint herein as shown by the Certificates of Service and Admissions of Service on file herein and it further appearing by due proof that the Notice of pendency of this action was duly filed in the office of the Register of Deeds for Pierce County, Wisconsin, on February 3, 2017, said Notice being filed subsequent to the filing of the Complaint herein in the office of the Clerk of Courts and more than twenty (20) days prior to the hearing of this action, and proof of the matters and things alleged in the Complaint and the computation of amounts due the Plaintiff having been taken in open court and this Court hereby granted an extension of time to answer to Defendant, Denise McConnell, to October 31, 2019, and no appearance, answer or demurrer has been entered or filed on behalf of any of the Defendants except the Defendants, United States of America who filed a Notice of Appearance and Claim for Surplus and the State of Wisconsin who filed a Notice of Appearance and Claim for Surplus, and due Notice of Application for Judgment has been timely served on all Defendants shown by the Affidavit of Mailing herein and the Court having filed its Findings of Fact and Conclusions of Law and Order for Judgment.

NOW, THEREFORE, on the motion of Roger M. Hillestad, attorney for Plaintiff, and pursuant to the Order of the Court for Judgment:

IT IS HEREBY ORDERED AND ADJUDGED that there is now due and owing to the Plaintiff as of October 11, 2019, under the note and mortgage involved herein, the sum of \$285,593.98 principal, which includes the sum of \$15,207.77 paid by Plaintiff for the 2016 delinquent real estate taxes, \$408.82 interest and late payment penalty, \$4,500.00 attorney's fees and \$659.15 disbursements for a total of \$291,161.95.

IT IS FURTHER ORDERED AND ADJUDGED that the mortgaged premises hereinafter described:

All of the North 1/2 of the SE1/4 of Section 10, Township 25 North, Range 15 West, lying South and East of County Trunk Highway AS@.

And a part of the South 1/2 of the NE1/4 of Section 10, Township 25 North, Range 15 West, described as follows: Beginning at the East Quarter post of Section 10, Township 25 North, Range 15 West, thence North along the East section line 58 rods, thence South 55 degrees West 40 rods, thence South 87 degrees West 25 rods 8 links, thence South 78 3/4 degrees West 26 rods; thence South 50 1/2 degrees West 22 rods 2 links; thence South 70 degrees West 13 rods 9 links; thence South 49 3/4 degrees West 4 rods; thence South 44 degrees West 7 rods 9 1/2 links; thence East along the East and West 1/4 line 121 rods 2 links to the place of beginning.

All that part of the NE1/4 of the SW1/4 of Section 10, Township 25 North, Range

15 West, lying Easterly of County Trunk Highway AS@.

All being in the Town of of Union, Pierce County, Wisconsin.

And the whole thereof be sold at public auction in the County of Pierce, State of Wisconsin, be and under the direction of the Sheriff of Pierce County, at any time after 3 months from entry of judgment pursuant to Section 846.103 Wis. Stats., unless previous to such sale, said premises and this judgment shall be redeemed in the manner provided by law, by the payment of the amount of \$291,161.95 judgment for principal and interest on the note and mortgage, together with attorney=s fees, costs, and interest thereon at the rate of 4.75% per annum, and any subsequent costs incurred herein, plus any additions to said judgment by reason of taxes, insurance premises or necessary repairs paid, except as to the United States of America (Internal Revenue Services) which has the right to redeem from sale for a period of 120 days from date of sale pursuant to 28 U.S.C. 2410(E).

IT IS FURTHER ORDERED AND ADJUDGED that in the case of sale pursuant hereto, said Sheriff shall give public notice of the time and place of such sale in the manner provided by law, and that the publication of such notice be made in the Pierce County Herald, a newspaper published in the City of Ellsworth, Pierce County, Wisconsin; that any of the parties to this action may purchase at this sale, that the Sheriff shall file with the Clerk of Court, his report of said sale, and shall immediately after deposit with said Clerk the proceeds hereof, after deducting the costs and expenses of the sale, unless otherwise ordered by the Court; that said Sheriff may accept from the purchaser at said sale, as a deposit or a down payment upon the same, not less than \$100.00 in which case such amount shall be deposited with the Clerk of Court as above provided, and the sale price shall be paid to said Clerk by said purchaser at such sale, upon confirmation thereof, except that if Plaintiff is the successful bidder at such sale, the said Sheriff may take the receipt of the Plaintiff in lieu of cash payment; that the Sheriff, upon compliance on the part of the purchaser with terms of such sale as required by law, shall make and execute to said purchaser a Deed to the premises so sold as herein described, stating the price paid therefore, and shall forthwith deliver such Deed to the Clerk of this Court to be held by said Clerk until the confirmation of such sale; that upon confirmation thereof, the Clerk shall deliver said Deed to said purchaser upon confirmation with the terms of said sale, and the payment by him of any balance of the sale price to be paid; the Clerk shall thereupon pay to the Plaintiff from the proceeds of such sale, the sum of \$659.15 adjudged to be disbursements of this action, the further sum of \$4,500.00 adjudged to be attorney's fees through judgment, sale and confirmation proceedings, the further sum of \$286,002.71, the amount of said judgment, together with interest on all said sums at a rate of 4.75% per annum from date hereof plus actual disbursements concerning said sale or so much thereof, as the monies derived from sale of said premises will pay the same, and take receipts therefore; that the surplus money, if any, shall be subject to further order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that upon confirmation of sale of said mortgaged premises, the purchaser or purchasers or his or their heirs, representatives or assigns, shall be let into possession of the premises sold, upon production of the Sheriff=s Deed thereto or a duly authenticated copy thereof; that each and every one of the parties to this action who may be in possession of said premises, and every other person, who since the filing of notice of

the pendency of this action has come into possession of the same or any part thereof under them or either of them, shall deliver to such grantee or grantees named in such Deed, possession of the mortgaged premises, and that a Writ of Assistance issue, if necessary, to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants and each of them, their heirs, successors and assigns and all persons, claiming under or either of them after the filing of the Notice of pendency of this action, be forever barred and foreclosed of all right, title, interest and equity of redemption in said mortgaged premises, except the right to redeem the same before sale as provided by law.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff may pay taxes on said mortgaged premises, expense of necessary repairs, or insurance premiums accruing against same, now due or which shall hereinafter become due before the sale thereof, and have a lien on the premises for the amount so paid with interest thereon from the date of payment at 4.75% per annum, and that in the event any such payments are made, the Plaintiff may obtain an Order at the foot of this Judgment directing that the amount so paid, with interest, be likewise paid from the proceeds of the same or redemption of said mortgaged premises.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants and all persons claiming under them be and they are hereby enjoined from committing waste upon said mortgaged premises and from doing any other act that may impair the value of the same, unless meanwhile said premises shall have been duly redeemed as provided by law.

SUMMARY OF JUDGMENT

Principal.....	\$ 285,593.98
Interest to October 11, 2019.....	\$ 408.82
Attorney=s Fees to Judgment.....	\$ 4,500.00
Disbursements.....	\$ <u>659.15</u>
TOTAL:	\$ 291,161.95