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**DISTRICT IV**

November 22, 2013

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2012AP1906

Deutsche Bank National Trust Co. v. Dominic Parise  
(L.C. # 2009CV127)

Before Blanchard, P.J., Sherman and Kloppenburg, JJ.

Dominic Parise appeals an order confirming a sheriff's sale. Upon our review of the parties' briefs and the record, we conclude at conference that the order should be summarily affirmed. WIS. STAT. RULE 809.21 (2011-12).<sup>1</sup>

Parise's brief on appeal alludes to three issues, but fails to develop any of them. He faults the circuit court for failing to address "several different issues," but does not identify the

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

issues. He contends he has a due process right to a hearing to address “several irregularities,” but does not identify the irregularities. Finally, he contends that the court should have granted a continuance, stating in conclusory terms that “[t]he delay was for a legitimate reason.” “A party must do more than toss a bunch of concepts into the air with hope that either the [circuit] court or the opposing party will arrange them into viable and fact-supported legal theories.” *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). We do not review issues that are not properly explained or developed. *M.C.I. Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988).

Were we to entertain what we best discern as Parise’s issues, the issues have no apparent merit. An appeal from an order confirming a sheriff’s sale does not bring before this court issues relating to the underlying foreclosure action. They are separate final decisions. *See, e.g., Shuput v. Lauer*, 109 Wis. 2d 164, 175-76, 325 N.W.2d 321 (1982). To the extent Parise’s issues relate to the foreclosure judgment they are not properly before the court. Even if his request for a hearing could be construed as a motion under WIS. STAT. § 806.07 for relief from the foreclosure judgment, the motion was not timely filed under §§ 806.07(1)(a) or (c). *See* § 806.07(2). Parise’s brief does not address whether the request was made within a reasonable time or directly challenge the circuit court’s ruling that it would not reopen the foreclosure judgment because “[t]hat is long well [passed].”

Regarding Parise’s request for a continuance, that issue is committed to the circuit court’s discretion. *Robertson-Ryan & Assocs. Inc. v. Pohlhammer*, 112 Wis. 2d 583, 587, 334 N.W.2d 246 (1983). The court reasonably exercised its discretion when it denied the request because Parise did not identify a legitimate reason for a continuance.

Finally, the circuit court's decision whether to confirm a sheriff's sale is discretionary. *Baumgarten v. Bubolz*, 104 Wis. 2d 210, 218, 311 N.W.2d 230 (Ct. App. 1981). It will be affirmed if the court undertook a reasonable inquiry into the facts and made a reasonable application of the appropriate legal standard and there exists a sound basis for the determination. *Brown v. Mosser Lee Co.*, 164 Wis. 2d 612, 617, 476 N.W.2d 294 (Ct. App. 1991). Deutsche Bank did not seek any deficiency judgment. The court circuit considered the written submissions of the parties and gave Parise an opportunity to present evidence regarding the fair sale price. None of the issues raised in Parise's brief on appeal relate to the fair value of the foreclosed property. Parise did not file a reply brief, in effect conceding the arguments made in Deutsche Bank's brief. See *Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979).

IT IS ORDERED that the order is summarily affirmed. WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*