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March 18, 2014

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

2013AP1648

Deutsche Bank National Trust Company v. Sandra L. Jolin
(L.C. # 2009CV466)

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

Sandra Jolin and Arlin Jolin appeal an order confirming a sheriff's sale after foreclosure. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2011-12).¹ We affirm.

The circuit court entered a default foreclosure judgment in 2009. In May 2013, Sandra Jolin sent the court a letter objecting to confirmation of a sheriff's sale. In June 2013, the court issued a decision on her objections, and entered an order confirming the sale. The Jolins now appeal.

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

It appears that all or nearly all of the arguments in the appellate briefs filed by Sandra Jolin are related to the validity of the foreclosure judgment.² For example, Jolin argues that Deutsche Bank lacked standing to pursue foreclosure, that the promissory note and mortgage became separated, and that fraudulent document were used in assigning the mortgage. Deutsche Bank responds, citing well-established case law, that the foreclosure judgment was a final judgment from which the Jolins could have appealed. The bank is also correct that the current appeal is untimely by several years as to that judgment. Therefore, we cannot directly review issues related to the foreclosure judgment in this appeal.

After the time to appeal expired, the proper method to raise new issues about the foreclosure judgment was to move to vacate the judgment under WIS. STAT. § 806.07. In the circuit court's decision denying Sandra Jolin's objections, the court considered whether her objections satisfied the legal requirements for reopening the foreclosure judgment under that statute. The court concluded that the Jolins had not explained why they initially defaulted, or why they waited so long to seek further relief after the judgment. Accordingly, the court concluded that, if Sandra Jolin's objection was understood as seeking relief under § 806.07(2), it was not filed within a reasonable time.

On appeal, Sandra Jolin argues that they did not seek relief sooner because they had not been aware earlier of the various defects that they now assert exist in the foreclosure judgment, and because they were participating in a loan modification program. However, even if those assertions are true, given the amount of time that had passed, we are unable to conclude that the

² Although both Jolins signed the notice of appeal, the briefs are signed only by Sandra.

circuit court reached an unreasonable conclusion in deciding that the motion was not filed within a reasonable time when filed more than three years after the foreclosure judgment.

Finally, it does not appear that the Jolins are making any argument on appeal that claims errors occurred in the sheriff's sale. Their argument appears to be that the sheriff's sale was invalid because the foreclosure judgment was invalid. Because issues about the foreclosure judgment are not before us, this argument is not a basis to reverse the confirmation of the sheriff's sale.

IT IS ORDERED that the order appealed is summarily affirmed under WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals