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**DISTRICT IV**

May 27, 2014

To:

Hon. Alan J. White  
Circuit Court Judge  
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You are hereby notified that the Court has entered the following opinion and order:

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2013AP2418

Associated Bank N.A. v. Melvin D. Gillen (L.C. # 2013CV209)

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

Melvin and Shelby Gillen appeal a judgment of foreclosure. After reviewing 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).<sup>1</sup> We affirm.

The sole issue raised on this appeal is that the Notice of Default the bank provided to the Gillens did not comply with the requirements set forth in ¶15 of the mortgage. The Gillens did

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

not present that argument to the circuit court, however. Instead, they made a more general assertion that the bank had not given them notice of default, which the circuit court found to be untrue.

This court will generally not consider issues raised for the first time on appeal, so that we do not “blindsided trial courts with reversals based on theories which did not originate in their forum.” *Schonscheck v. Paccar, Inc.*, 2003 WI App 79, ¶¶10-11, 261 Wis. 2d 769, 661 N.W.2d 476 (quoted source omitted). Moreover, “a party must raise an issue with sufficient prominence that the trial court understands that it is called upon to make a ruling.” *Schwittay v. Sheboygan Falls Mut. Ins. Co.*, 2001 WI App 140, ¶16 n.3, 246 Wis. 2d 385, 630 N.W.2d 772. We conclude that the Gillens forfeited any right to challenge the sufficiency of the Notice of Default by failing to develop an argument specifying its alleged deficiencies in the circuit court.

IT IS ORDERED that the judgment of foreclosure is summarily affirmed under WIS. STAT. RULE 809.21(1).

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