

In 2002, the Dyes refinanced their home with a loan from Ameriquest Mortgage Company. After making two payments, the Dyes defaulted on the loan, and Ameriquest commenced a foreclosure action.

In 2004, Ameriquest obtained a foreclosure judgment, which was later assigned to Deutsche Bank National Trust Company. However, a sheriff's sale of the foreclosed property would not occur until many years later. This was due primarily to a series of bankruptcy actions filed by the Dyes, which appear to have been litigated in bad faith.²

Eventually, in 2018, a sheriff's sale took place, and the foreclosed property was sold for the full outstanding debt of \$548,603, an amount significantly higher than its tax assessment.³ The circuit court found that the bid constituted fair value for the property. Accordingly, it issued an order confirming the sale. This appeal follows.

The decision to confirm a sheriff's sale following a foreclosure rests within the circuit court's broad discretion. *Bank of New York v. Mills*, 2004 WI App 60, ¶8, 270 Wis. 2d 790, 678 N.W.2d 332. The court must decide whether the bid represents "fair value." *Id.*, ¶19. The determination of fair value involves whether the sale price shocks the court's conscience. *Id.*, ¶18.

² The Seventh Circuit Court of Appeals admonished the Dyes for engaging "in a pattern of abusive litigation to thwart execution of that [foreclosure] judgment." *In re Dye*, 448 F. App'x 625, 626 (7th Cir. 2011).

³ Per the property's 2017 tax bill, its total assessed value was \$265,400. A tax assessment is one measure of "fair value." *Bank of New York v. Mills*, 2004 WI App 60, ¶22, 270 Wis. 2d 790, 678 N.W.2d 332.

Confirmation is “analogous to the execution of a judgment and simply enforce[s] the parties’ rights which have been adjudicated....” *Shuput v. Lauer*, 109 Wis. 2d 164, 173, 325 N.W.2d 321 (1982). The appeal from the confirmation order does not encompass a challenge to the earlier foreclosure. *Id.*

On appeal, the Dyes do not raise objections to the property’s sale price or any other aspect of the sheriff’s sale. Rather, they attack the earlier foreclosure, alleging, among other things, an unlawful appraisal and their alleged rescission of the mortgage contract. We do not address such arguments because they are untimely and outside the scope of this appeal. In any event, nothing in the Dyes’ briefs persuades us that the circuit court erroneously exercised its discretion in confirming the sale at issue.

Given the history of this case, we remind the Dyes that no one has a right to file repeated frivolous actions or appeals. Further filings by the Dyes, if deemed frivolous by this court, may result in sanctions including, but not limited to, restricting future access to the courts, imposition of penalties or costs, or other actions as we consider appropriate.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals