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**DISTRICT II**

July 24, 2013

To:

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

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2012AP2014

Bank of America NA v. Kara Wiesner (L.C. #2011CV1371)

Before Brown, C.J., Neubauer, P.J., and Reilly, J.

Michael Wiesner appeals from a circuit court order confirming the sheriff's sale of his home after entry of a judgment of foreclosure. On appeal, Wiesner challenges the judgment of foreclosure because the circuit court did not have personal jurisdiction over him. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. WIS. STAT. RULE 809.21 (2011-12).<sup>1</sup> The time for challenging the judgment of foreclosure has expired and even if the judgment of foreclosure were before us, we

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

would conclude that personal jurisdiction was achieved by publication of the summons. We affirm.

In December 2011, the circuit court granted a judgment of foreclosure to Bank of America, N.A. Wiesner did not file a notice of appeal. The order confirming the sheriff's sale was entered on September 6, 2012. Wiesner appeals from that order.

On appeal, Wiesner argues that the circuit court lacked personal jurisdiction over him because he was never served with the foreclosure summons. A judgment of foreclosure<sup>2</sup> is a final, appealable order. *Shuput v. Lauer*, 109 Wis.2d 164, 172, 325 N.W.2d 321 (1982). Because Wiesner did not file a timely notice of appeal from the judgment of foreclosure, that judgment is not before us in this appeal. *See id.* at 173.<sup>3</sup>

Although Wiesner timely appealed from the order confirming the sheriff's sale, *see id.* at 172, he does not challenge the confirmation order on appeal. Therefore, we affirm the order.

Upon the foregoing reasons,

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

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

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<sup>2</sup> The judgment of foreclosure determines the parties' rights in the subject property. *Shuput v. Lauer*, 109 Wis. 2d 164, 172, 325 N.W.2d 321 (1982).

<sup>3</sup> Even if the judgment of foreclosure were properly before us, we would note that Wiesner was served via publication as authorized by WIS. STAT. § 801.13(2).