

STATE OF WISCONSIN CIRCUIT COURT OZAUKEE COUNTY

FANNIE MAE,

Plaintiff,

v.

Case No. 2023-CV-242

Code Nos. 30404, 30303

CEDAR GARDENS AID PROPCO, LLC,
CEDAR GARDENS AID OPCO, LLC,
TAMARACK AID PROPCO, LLC,
TAMARACK AID OPCO, LLC,
MASTER TENANT (FNMA) AID OPCO, LLC, and
ENLIVANT AID (FNMA) MGMT LLC,

Defendants.

RECEIVED
MAR 12 2024
WAUKESHA COUNTY
SHERIFF'S DEPARTMENT

**NOTICE OF FORECLOSURE SALE
(WAUKESHA COUNTY PROPERTY - TAMARACK FACILITY)**

PLEASE TAKE NOTICE that by virtue of a Judgment entered on January 12, 2024 in the above-captioned action, I will sell the properties described below at public auction as follows:

Time: April 24, 2024, at 10:00 o'clock a.m.

Place: Lobby - Door No. 8
Waukesha County Sheriff's Department
515 W. Moreland Bd.
Waukesha, WI 53188

Property

Address: N84 W17147 Menomonee Avenue, Menomonee Falls, WI 53051

Amount

Owed: As of November 1, 2023 - \$77,996,010.03

Terms of Sale:

1. Cash or other immediately available funds
2. Ten percent (10%) of the successful bid must be paid at the sale in cash, cashier's check, or certified funds payable to the Waukesha County Sheriff's Department (personal checks cannot and will not be accepted). The balance of the successful bid must be paid to the Ozaukee County Clerk of Courts in cash, cashier's check or

certified funds within ten (10) days after the date of confirmation of the sale or else the ten percent (10%) down payment is forfeited.

3. Purchaser to pay all costs of sale including, but not limited to, real estate transfer fee, title insurance, and any recording fees.
4. The properties to be sold are described below. They are being sold in **AS IS WITH ALL FAULTS** condition, subject to any legal liens and encumbrances and any and all outstanding and accruing real estate taxes, personal property taxes, special assessments, penalties and interest, if any. Upon confirmation of the sale by the Court, purchaser will be required to pay all recording fees and, if desired, the cost of any title evidence. **THERE ARE NO EXPRESS OR IMPLIED WARRANTIES. THERE IS NO IMPLIED WARRANTY OF MERCHANTABILITY NOR ANY IMPLIED WARRANTY OF FITNESS FOR ANY PURPOSE.**
5. **MINIMUM BID QUALIFICATIONS FOR BIDDERS.** This sale is governed by Wis. Stats. §846.155. No bidder other than a party in the foreclosure action or said party's agent, or an assignee of the plaintiff, may submit a bid at this sale unless the bidder meets all of the qualifications required under Wis. Stats. §846.155 at the time of the sale. No sale to a purchaser that is not a party in the foreclosure action, or said party's agent, or an assignee of the plaintiff, may be confirmed unless prior to confirmation of sale he purchaser submits to the court an affidavit confirming that the purchaser meets the minimum bidder requirements of Wis. Stats. §846.155.

PROPERTIES IN SALE

- A. Land, improvements, appurtenances, leases and rents as described in, or associated with, the following:

Real Property Legal Description:

All of Certified Survey Map No. 996, recorded March 21, 1969 in Volume 6 of Certified Survey Maps on Pages 282 and 283, as Document No. 734636, being a part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin.

- B. **Personalty**, which includes:

- a) All of Tamarack AID Propco, LLC's Goods, accounts, choses of action, chattel paper, documents, general intangibles (including software), payment intangibles, instruments, investment property, letter of credit rights, supporting obligations, computer information, source codes, object codes, records and data, all deposit accounts and other property or assets of any kind or nature related to

the Land or the Improvements, including operating agreements, surveys plans and specifications and contracts, and all other intangible property and rights relating to the operation of, or used in connection with, the Land or the Improvements, including all governmental permits relating to any activities on the Land;

- b) "Goods" means all of Tamarack AID Propco, LLC's present and hereafter acquired right title and interest in all goods which are used now or in the future in connection with the ownership, management, or operation of the Land or the Improvements or are located on the Land or in the Improvements, including inventory; furniture; furnishings; machinery, equipment, engines, boilers, incinerators, and installed building materials; systems and equipment for the purpose of supplying or distributing; antennas, cable, wiring, and conduits used in prevention, or fire detection, or otherwise used to carry electronic signals; telephone systems and equipment; elevators and related machinery and equipment; fire detection, prevention and extinguishing systems and apparatus; security and access control systems and apparatus; plumbing systems; water heaters, ranges, stoves, microwave ovens, refrigerators, dishwashers, garbage disposers, washers, dryers, and other appliances; light fixtures, awnings, storm windows, and storm doors; pictures, screens, blinds, shades, curtains, and curtain rods; mirrors, cabinets, paneling, rugs, and floor and wall coverings; fences, trees, and plants; swimming pools; exercise equipment; supplies; tools; books and records (whether in written or electronic form); websites, URLs, blogs, and social network pages; computer equipment (hardware and software); and other tangible personal property which is used now or in the future in connection with the ownership, management, or operation of the Land or the Improvements or are located on the Land or in the Improvements.
- C. All rights of Tamarack AID Opco, LLC and Enlivant Aid (FNMA) Mgmt LLC in or under any license, other agreement, and any permit as to the property or facility, to the extent assignable under applicable law.
- D. All Tamarack AID Opco, LLC's and Master Tenant (FNMA) Aid Opco, LLC's rights (but not liabilities) under all Accounts, Contracts, Leases, Personalty, Rents and Third Party payments arising out of or associated with the Tamarack facility.

Dated: March 12th, 2024.

Eric Severson

Sheriff Eric J. Severson

By: _____,

Sheriff's Designee

Waukesha County, Wisconsin

Plaintiff's Attorneys:

von Briesen & Roper, s.c.

David Cisar

Christopher Koehnke

411 East Wisconsin Avenue, Suite 1000

Milwaukee, WI 53202

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