

State of Wisconsin vs. Steven A Magritz

Notice of Hearing

Case No.: 2011CF000236  
DA Case No.: 2011OZ001740

ADAM Y GEROL  
DISTRICT ATTORNEY  
OZAUKEE COUNTY JUSTICE CENTER  
1201 SOUTH SPRING STREET  
PORT WASHINGTON WI 53074

COPY

Adam Y. Gerol  
RECEIVED  
DEC 5 2011  
Ozaukee County District Attorney

This case is scheduled for: **Initial appearance**

Date 12-15-2011	Time 01:15 pm	Location (Include Room Number) Room 228 1201 S Spring St PO Box 994 Port Washington WI 53074
Court Official Sandy A Williams, Judge		
Re 1 - Criminal Slander of Title		

This matter will not be adjourned by the court except upon formal motion for good cause or with the specific approval of the court upon stipulation by all parties.

**If you require reasonable accommodations due to a disability, in order to participate in the court process, please call 262-284-8409 at least 10 working days prior to the scheduled court date. Please note that the court does not provide transportation.**

Ozaukee County Circuit Court  
Date: December 5, 2011

Distribution:

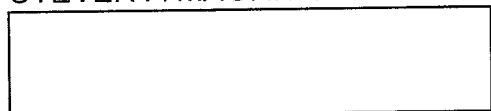
	Address	City	State	Zip
Court Original	Ozaukee County Justice Center, 1201 South	Port Washington	WI	53074
Adam Y Gerol	Spring Street			
Steven A Magritz				

Personal Service	Mail/Phone Notice	Electronic Notice
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF WISCONSIN

-VS-

STEVEN A MAGRITZ



Sex/Race: M/W

Alias:

Plaintiff,

DA Case No.: 2011OZ001740  
Assigned DA/ADA: Adam Gerol  
Agency Case No.: 11-18936  
Court Case No.: 2011CF

ATN:

COPY

Defendant,

**Criminal Complaint**

The undersigned law enforcement officer being first duly sworn, states that:

**Count 1: CRIMINAL SLANDER OF TITLE**

The above-named defendant on or about Wednesday, November 16, 2011, in the City of Port Washington, Ozaukee County, Wisconsin, did submit for filing, entering or recording any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in **or title** to real or personal property and who knew or should have known that the contents of any part of the contents of the instrument are **false, a sham or frivolous**, contrary to sec. 943.60(1), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**PROBABLE CAUSE:**

Complainant alleges that on or about October of 2001, judgment was granted to the County of Ozaukee condemning and forfeiting property owned by Steven A. Magritz and Chieko Magritz at 3797 Shady Lane in the Town of Saukville, Ozaukee County, Wisconsin. The basis for this county forfeiture and condemnation related to unpaid taxes. Complainant alleges that said **judgment and ownership** of these premises has remained with Ozaukee County since that date.

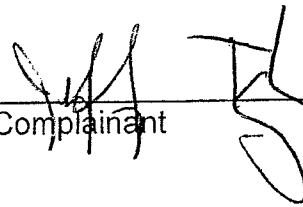
Complainant alleges that on or about November 11, 2011, **Steven Magritz** filed with the Ozaukee County Register of Deeds a document purporting to be a "Confirmation Deed" and a real estate transfer form to record, nun pro tunc, a conveyance of this property

relating back to 1990. A copy of this "Confirmation Deed" and legal description is attached to this complaint and incorporated by reference.

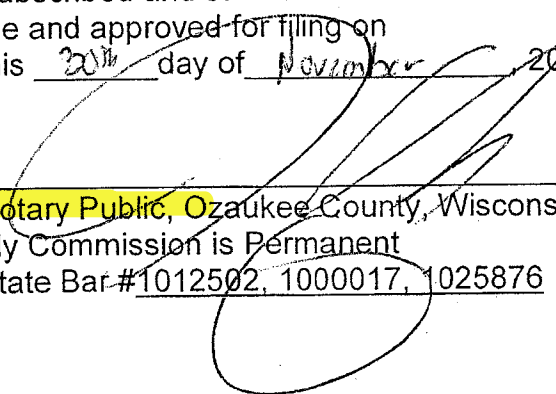
Lieutenant Taylor spoke with Ozaukee County Register of Deeds Ron Voigt who stated that in his experience and in the experience of every other Register of Deeds that he has communicated with, there is no such thing as a "Confirmation Deed." Voigt stated that this deed appears to be an attempt to cloud or confuse the issue of Magritz's ownership of the property when it was forfeited in 2001. Voigt stated that while he accepted the document for filing, it was a false or frivolous document.

Complainant further alleges that all the above stated events occurred in the County of Ozaukee, State of Wisconsin.

Based on the foregoing, the complainant believes this complaint to be true and correct.

  
Complainant

Subscribed and sworn to before  
me and approved for filing on  
this 20<sup>th</sup> day of November, 2011

  
Notary Public, Ozaukee County, Wisconsin  
My Commission is Permanent  
State Bar # 1012502, 1000017, 1025876

State of Wisconsin

Circuit Court

Ozaukee County

STATE OF WISCONSIN

Plaintiff,

SUMMONS

-VS-

Court Case No. 2011CF

STEVEN A MAGRITZ



THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of committing the crime(s) of:

<u>THE CRIME(S) OF:</u>	<u>DATE OF VIOLATION:</u>	<u>CONTRARY TO WIS. STATUTE(S):</u>
Criminal Slander of Title	11/16/2011	943.60(1)

The original of such complaint has been filed in the office of the Clerk of Courts for Ozaukee County.

**You, the defendant are therefore summoned to appear before the Circuit Court on the date and time indicated on the attached Notice of Hearing**

**(SEE NOTICE OF HEARING ATTACHED)**

In case of your failure to appear, a warrant for your arrest may be issued.

This is a criminal case which can affect your rights and your liberty. You should strongly consider consulting with an attorney. If you believe you cannot afford an attorney, you should contact the Public Defender's Office, **at least one week PRIOR TO YOUR COURT APPEARANCE**, at (262)284-1862, located at 1032 S. Spring Street, Port Washington, WI 53074.

Enc.

Adam Y. Gerol  
District Attorney  
State Bar No. 1012502

COPY

CONFIRMATION DEED

Document Number

Document Title

This Confirmation Deed is made on May 16, 2011 by Betty Jane Magritz (Grantor) of [redacted] Wisconsin and Steven Alan Magritz Washington, Wisconsin.

Grantor conveyed to Grantee by Warranty Deeds the lands described in the Deeds, which Deeds were dated September 14, 1990 and recorded in the book of deeds, Document Number 435131, Volume 683, Page 210, and Document Number 435132, Volume 683, Page 212, in the office of the Register of Deeds, Ozaukee County, Wisconsin. Copies of the Deeds are attached hereto and incorporated herein by reference. These Deeds were not intended to be executed to the public.

In the aforesaid incorporated Deeds, by mistake of the parties, the following mistakes have thus far been identified:

1. The name of the Grantee was incorrectly abbreviated as Steven A. Magritz instead of being correctly set forth as Steven Alan Magritz.
2. The venue was incorrectly stated as being in the corporation named State of Wisconsin, instead of correctly stating as being on the land of geographic Wisconsin.
3. The granting phrase incorrectly stated "An undivided one-half interest as tenant-in-common" instead of the correct phrase "An undivided one-half interest as a freehold".
3. The boiler plate phrases incorrectly stated, to wit, "the said Grantor, for a valuable consideration, conveys to Grantee the following described real estate", and, "Together with all and singular the hereditaments and appurtenances thereunto belonging; And warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except -none- and will warrant and defend the same" instead of correctly stating:

"The Grantor, having received the purchase money from the Grantee, does by these presents, Give and Grant to Steven Alan Magritz and to his heirs, the land (common law definition, which includes everything both above and below the surface) described in this Indenture, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said Steven Alan Magritz and his heirs and assigns forever; and further, the Grantor, for herself and her heirs and assigns, covenants (1) that the Grantor is lawfully seized of the land, (2) that she has good right to sell, transfer, assign, and convey all rights, titles, and interests in the land, (3) that the premises are free from all encumbrances (except a contract with the corporation named State of Wisconsin, which expires December 31, 1996), (4) that the Grantor and her heirs and assigns will forever warrant and defend the Grantee and his heirs and assigns against every person lawfully claiming the premises or any part thereof, (5) that the Grantor and her heirs and assigns will guarantee the quiet enjoyment of the premises to the Grantee and his heirs and assigns, and (6) that the Grantor and her heirs and assigns will, on demand of the Grantee or his heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required."

To prevent future difficulties, and to permit recordation of deeds that reflect the true intent of the parties, the parties desire to correct the mistakes and in exchange of their mutual promises hereby set forth their signatures to bear witness of the same, nunc pro tunc September 14, 1990. The metes and bounds description of the granted land is attached hereto and incorporated herein by reference.

[redacted signature line]

Betty Jane Magritz

[redacted signature line]

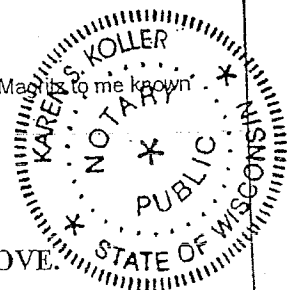
Steven Alan Magritz

State of Wisconsin )  
Ozaukee County ) ss.

Personally came before me this 16th day of May, 2011 the above named Betty Jane Magritz and Steven Alan Magritz to me known to be the persons who executed the foregoing instrument and acknowledge the same.

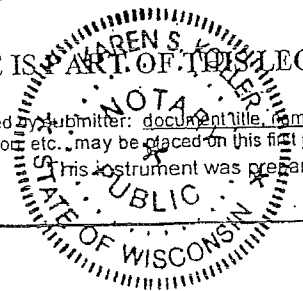
*Karen S. Koller*

My Commission expires: 3/3/2013



THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. This instrument was prepared by Steven Alan Magritz



COPY

Legal Description Attachment to Confirmation Deed

Seller (Grantor): Betty Jane Magritz

Buyer (Grantee) Steven Alan Magritz

Legal Description Attachment to Confirmation Deed dated May 16, 2011 nunc pro tunc September 14, 1990

Parcel Identification Number (PIN): 04-034-09-001.00

1. Forty-seven (47) acres, more or less, situated in Government Lots 8 and 9 in Fractional Section 34, Town 12 North, Range 21 East, in the Town of Fredonia, Ozaukee County, Wisconsin, more particularly bounded and described as follows: Commencing at a point located 800 feet north of the south line of Government Lot 9 and 35 feet East of the west line of said Government Lot 9; the boundary line of said 47 acres running thence North 0° 59' East 570 feet to a point; thence East parallel to the North line of said Government Lot 9, 1737 feet, more or less, to the West shore line of the Milwaukee River; thence Southerly along the West shore line of the Milwaukee River, 1600 feet, more or less, to a point in the South line of Government Lot 9; thence West to a point in said South line 700 feet East of the Southwest corner of Government Lot 9; thence North 0° 59' East 800 feet to a point; thence West parallel to said South line 665 feet to the point of beginning.

2. Thirteen (13) acres, more or less, situated in Government Lots 8 and 9 in Fractional Section 34, Town 12 North, Range 21 East, in the Town of Fredonia, Ozaukee County, Wisconsin, more particularly bounded and described as follows: Commencing at the southwest corner of said Lot 9, said point being 1320 feet East of the southwest corner of Fractional Section 34; thence North 0° 59' East on a line 1320 feet East of and parallel to the west line of Fractional Section 34 aforesaid 1370 feet to a point; thence East on a line parallel to the south line of Government Lot 9, 35.00 feet to a point; thence South in a line parallel to the west line of said Fractional Section 34, 570.00 feet to a point; thence East in a line parallel to the South line of said Government Lot 9, 665.00 feet to a point; thence South in a line parallel to the west line of said Fractional Section 34, 800.00 feet to a point in the south line of said Government Lot 9; thence west along the said south line of said Government Lot 9, 700.00 feet to the place of beginning; also the following described land, situated in the County of Ozaukee and state of Wisconsin, to-wit: The North One Thousand Three Hundred Twenty (1320) feet of the East Thirty-Three (33) feet of the West One-half of the Southwest Quarter of Section Thirty-four (34), Township Twelve (12), North of Range Twenty-one (21) East, in the Town of Fredonia, Ozaukee County, Wisconsin, all South of the Town Road.

3. The east 33.00 feet of the west 1287.00 feet of the north 1485.00 feet of the South West 1/4 of Section 34 and the east 33.00 feet of the west 1320.00 feet of the south 165.00 feet of the north 1485.00 feet of the South West 1/4 of Section 34, Township 12 North, Range 21 East, in the Town of Fredonia, Ozaukee County, Wisconsin, containing 1.25 acres of land, more or less. All south of the Town Road.

DEC 15 2011

Mary Lou Mueller  
Clerk of Circuit Court  
Register in Probate

State of Wisconsin vs. Steven A Magritz

Arrest-Bench Warrant /  
Capias

Case No. 2011CF000236

STEVEN A MAGRITZ

[Redacted]

Date of Birth: [Redacted]

Sex: M

Race: Caucasian

Hair Color:

Eye Color:

Height:

Weight:

DL No:

DL State: Exp:

Phone:

Other Identifying Characteristics:

TO ANY LAW ENFORCEMENT OFFICER:

Ct.	ATN	Offense Date	Citation No.	Statute	Severity	Description
1		11-16-2011		943.60(1)	Felony H	Criminal Slander of Title

Arrest and bring the above-named person before me, or if I am not available before some other judge or court commissioner of this county, because:

A complaint/citation has been filed charging the defendant with the commission of an offense(s). The defendant has not previously appeared in or submitted to the jurisdiction of the court. **[A copy of the complaint or citation must always be attached. For a citation, an affidavit of court officer is recommended.]** The name of the crime and statutory references in the complaint/citation are incorporated into this warrant. I have reviewed the complaint/citation and find probable cause to believe the defendant committed the offense(s).

(Check if either is appropriate):

Although the maximum imprisonment is 6 months or less, I believe that the defendant will not appear in response to a summons.

If the offense is one covered by the Uniform Bail/Deposit Schedule, the defendant may be released upon payment of \$ \_\_\_\_\_, plus statutory sheriff's fees. A new court date shall be provided to the defendant.

Other: \_\_\_\_\_

If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

Geographic restriction:

Statewide

Within county of ORI

Within adjacent counties of ORI

Other: \_\_\_\_\_

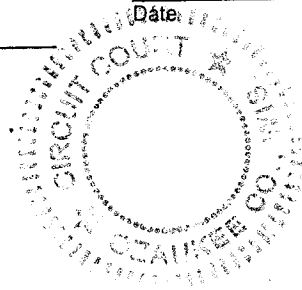
BY THE COURT:

*Judy Williams*

\_\_\_\_\_  
Circuit Court Judge / Circuit Court Commissioner

12-15-2011

Date: \_\_\_\_\_



STATE OF WISCONSIN } SS  
OZAUKEE COUNTY

I certify that this is a true and correct copy of a document on file and of record in my office and has been compared by me

*Judy Williams*  
Clerk of Courts (Deputy)

1-06-2012  
Date