

RSS WFRBS2011C4-WI WCPC, LLC

Plaintiff,

vs.

Case No. 16-CV-591
Hon. Gregory B. Huber
Br. 2

WAUSAU CENTER CMBS, LLC and WAUSAU
PENNEY CMBS, LLC

Defendants.

NOTICE OF FORECLOSURE SALE

PLEASE TAKE NOTICE, that by virtue of a Judgment of Foreclosure entered in the above-captioned action on June 5, 2017, the Sheriff or his Designee will sell the described premises at public auction as follows:

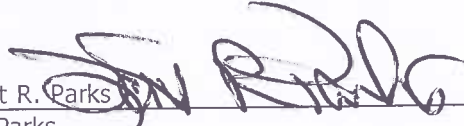
TIME: July 11, 2017 at 9:00 a.m.

PLACE: in Room A136 at the Marathon County Courthouse, 500 Forest Street, Wausau, WI 54403

DESCRIPTION: See attached legal description
Tax Key: 291-2907-362-0260, 291-2907-362-0250, 291-2907-362-0270, 291-2907-362-0280

TERMS: Cash; down payment required **at the time of Sheriff's Sale** in the amount of 10% by cash, money order, cashier's check or certified check made payable to the Marathon County Clerk of Courts; balance of sale price due upon confirmation of sale by Court. Property to be sold as a whole 'as is' and subject to all real estate taxes, accrued and accruing, special assessments, if any, penalties and interest. Purchaser to pay the cost of title evidence. Bids accepted in \$100.00 increments.

Plaintiff's Attorney:
Mallery & Zimmerman, S.C.
500 Third Street, Suite 800
P.O. Box 479
Wausau, WI 54402-0479
(715) 845-8234


/s/ Sheriff Scott R. Parks
Sheriff Scott R. Parks
or Designee _____
(please print or type name)
Marathon County, Wisconsin

Legal Description

PARCEL A: Leasehold estate created by that certain Ground and Air Rights Lease (as amended and restated as of November 1, 1980) entered into by and between The Redevelopment Authority of the City of Wausau, as Lessor, and Wausau Joint Venture, as Lessee, dated as of November 1, 1980, and recorded in the Office of the Register of Deeds for Marathon County, Wisconsin (the "Register's Office") on December 31, 1980 in Volume 324 of Micro Records at Pages 989-1159, Document No. 773864; as amended by that certain First Amendment to Ground and Air Rights Lease, dated as of February 1, 1981, and recorded in the Register's Office on April 6, 1981 in Volume 329 of Micro Records at Pages 120-129, Document No. 776944; as further amended by that certain Second Amendment to Ground and Air Rights Lease dated as of March 1, 1982, and recorded in the Register's Office on September 14, 1982 in Volume 351 of Micro Records at Pages 191-235, Document No. 793634; as further amended by that certain Third Amendment to Ground and Air Rights Lease, dated as of October 1, 1982, and recorded in the Register's Office on December 9, 1982 in Volume 355 of Micro Records at Pages 838-852, Document No. 797036; all of which were re-recorded December 22, 2011 as Document No. 1586651, as assigned and assumed by that certain Assignment and Assumption of Ground and Air Rights Lease by and between Wausau Joint Venture and Wausau Center CMBS, LLC, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document Number 1593562; and as further amended by that certain Ground Lease Estoppel and Lease Amendment Agreement by and between The City of Wausau and Wausau Joint Venture, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document Number 1593564, demising premises described as follows:

PARCEL 1 - GROUND LEASE PARCEL

Part of the Northwest one-quarter (NW 1/4) of Section thirty-six (36), Town twenty-nine (29) North, Range seven (7) East, City of Wausau, Marathon County, Wisconsin, more particularly bounded and described as follows:

Commencing at the Southeast corner of Lot 1, Block 3, Original Plat of the City of Wausau, thence S 85° 05' 40" E, 66.00 feet; thence S 05° 03' 54" W, 33.00 feet to a point on the centerline of Washington Street; thence S 85° 05' 40" E along the centerline of Washington Street, 295.86 feet to the point of beginning of this description; thence S 85° 05' 40" E, along the centerline of Washington Street, 525.89 feet; thence S 24° 15' 43" E, 24.05 feet; thence S 85° 05' 40" E, 317.35 feet; thence S 04° 55' 49" W, along the Westerly right-of-way line of Fifth Street, 348.00 feet; thence N 85° 05' 40" W, 412.20 feet; thence S 04° 54' 20" W, 216.39 feet to a point on the Northerly right-of-way line of Forest Street; thence N 84° 57' 11" W, along the Northerly right-of-way line of Forest Street, 402.00 feet; thence N 04° 54' 20" E, 32.40 feet; thence N 85° 05' 40" W, 10.00 feet; thence N 04° 54' 20" E, 10.00 feet; thence S 85° 05' 40" E, 10.00 feet; thence N 04° 54' 20" E, 105.00 feet; thence N 85° 05' 40" W, 28.00 feet; thence S 04° 54' 20" W, 26.00 feet; thence N 85° 05' 40" W, 12.00 feet, thence N 04° 54' 20" E, 40.00 feet; thence N 85° 05' 40" W, 42.00 feet; thence S 04° 54' 20" W, 13.00 feet; thence N 85° 05' 40" W, 10.00 feet; thence N 04° 54' 20" E, 10.08 feet; thence N 85° 05' 40" W, 20.00 feet; thence N 04° 54' 20" E, 2.00 feet; thence N 85° 05' 40" W, 9.00 feet, thence N 04° 54' 20" E, 166.42 feet; thence S 85° 05' 40" E, 19.92 feet; thence N 04° 54' 20" E, 42.50 feet; thence N 85° 05' 40" W, 19.92 feet; thence N 04° 54' 20" E, 176.00 feet; thence N 85° 05' 40" W, 1.00 foot; thence N 04° 54' 20" E, 7.00 feet; thence S 85° 05' 40" E, 42.00 feet; thence N 55° 48' 42" E, 50.75 feet to the point of beginning of this description. Containing within said bounds 9.872 acres, to be the same more or less.

PARCEL 2- AIR RIGHTS PARCEL

All air space and air rights in and to the following described property lying above base plan elevation of 1219.5 feet (USGS datum). Part of the Northwest one-quarter (NW 1/4) of Section thirty-six (36), and part of Government Lot five (5) in Section thirty-five (35), Town twenty-nine (29) North, Range seven (7) East, City of Wausau, Marathon County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Lot 1, Block 3, Original Plat of the City of Wausau, thence S 85° 05' 40" E, 66.00 feet; thence S 05° 03' 54" W, 91.50 feet to a point lying on the Easterly right-of-way line of First Street and the point of beginning of this description; thence S 85° 05' 40" E, 214.65 feet; thence N 04° 54' 20" E, 19.50 feet; thence S 85° 05' 40" E, 1.00 foot; thence S 04° 54' 20" W, 176.00 feet; thence S 85° 05' 40" E, 19.92 feet; thence S 04° 54' 20" W, 42.50 feet; thence N 85° 05' 40" W, 19.92 feet; thence S 04° 54' 20" W, 199.50 feet; thence S 25° 05' 40" E, 6.75 feet; thence S 64° 54' 20" W, 0.50 feet; thence S 25° 05' 40" E, 3.17 feet; thence S 64° 54' 20" W, 28.50 feet; thence S 25° 05' 40" E, 16.33 feet; thence S 64° 54' 20" W, 12.00 feet; thence N 25° 05' 40" W, 19.50 feet; thence S 64° 54' 20" W, 1.00 foot; thence N 25° 05' 40" W, 6.75 feet; thence N 85° 05' 40" W, 37.13 feet; thence N 04° 54' 20" E, 20.50 feet; thence N 85° 05' 40" W, 143.26 feet; to a point on the Easterly right-of-way line of First Street; thence N 05° 03' 54" E, along the Easterly right-of-way line of First Street, 399.00 feet to the point of beginning of this description. Containing within said bounds 2.040 acres to be the same more or less.

PARCEL 3 - EASEMENTS AND PARTY WALL RIGHTS

As contained in that certain Ground and Air Rights Lease (as amended and restated as of November 1, 1980) entered into by and between The Redevelopment Authority of the City of Wausau, as Lessor, and Wausau Joint Venture, as Lessee, dated as of November 1, 1980, and recorded in the Register's Office on December 31, 1980 in Volume 324 of Micro Records at Pages 989-1159, Document No. 773864; as amended by that certain First Amendment to Ground and Air Rights Lease, dated as of February 1, 1981, and recorded in the Register's Office on April 6, 1981 in Volume 329 of Micro Records at Pages 120-129, Document No. 776944; as further amended by that certain Second Amendment to Ground and Air Rights Lease dated as of March 1, 1982, and recorded in the Register's Office on September 14, 1982 in Volume 351 of Micro Records at Pages 191-235, Document No. 793634; and as further amended by that certain Third Amendment to Ground and Air Rights Lease, dated as of October 1, 1982, and recorded in the Register's Office on December 9, 1982 in Volume 355 of Micro Records at Pages 838-852, Document No. 797036; all of which were re-recorded December 22, 2011 as Document No. 1586651, as assigned and assumed by that certain Assignment and Assumption of Ground and Air Rights Lease by and between Wausau Joint Venture and Wausau Center CMBS, LLC, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document Number 1593562; and as further amended by that certain Ground Lease Estoppel and Lease Amendment Agreement by and between The City of Wausau and Wausau Center CMBS, LLC, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document No. 1593564.

PARCEL B: Leasehold estate created by that certain unrecorded lease entered into by and between Wausau Joint Venture, as Lessor, and Wausau Penney Investor Joint Venture, as Lessee, as evidenced by that certain Memorandum of Lease, dated as of November 1, 1980, and recorded in the Register's Office on December 31, 1980 in Volume 324 of Micro Records at Pages 1160-1165, Document No. 773865, as amended by that certain First Amendment to Penney Investor Air Rights Sublease, dated as of March 1, 1982 and recorded in the Register's Office on September 14, 1982, in Volume 351 of Micro Records at Page 287-302, Document No. 793639, as further amended by Second Amendment Penney Investor Air Rights Sublease, dated as of January 1, 1983 and recorded in the Register's Office on May 24, 1984 in Volume 383 of Micro Records at Pages 779-784, Document No. 818678; as assigned and assumed by that certain Assignment and Assumption of Air Rights Sublease by and between Wausau Penney Investor Joint Venture and Wausau Penney CMBS, LLC, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document Number 1593563; and as further amended by that certain Penney Investor Air Rights Sublease Estoppel and Amendment Agreement by and between Wausau Center CMBS, LLC and Wausau Penney CMBS, LLC, dated as of March 24, 2011 and recorded in the Register's Office on April 4, 2011 as Document Number 1593565 (collectively, the "Air Rights Sublease"), demising premises as follows:

All air space and air rights in and to the following described property lying above the base plan elevation of 1219.5 (USGS datum). Part of the Northwest one-quarter (NW 1/4) of Section thirty-six (36), and that part of Government Lot five (5) in Section thirty-five (35), Town twenty-nine (29) North, Range seven (7) East, City of Wausau, Marathon County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Lot 1, Block 3, Original Plat of the City of Wausau, thence S 85° 05' 40" E, 66.00 feet; thence S 05° 03' 54" W, 91.50 feet to a point lying on the Easterly right-of-way line of First Street and The Point of Beginning of this description; thence S 85° 05' 40" E, 215.65 feet; thence S 04° 54' 20" W, 398.50 feet; thence S 25° 05' 40" E, 6.75 feet; thence S 64° 54' 20" W, 0.50 feet; thence S 25° 05' 40" E, 3.17 feet; thence S 64° 54' 20" W, 28.50 feet; thence S 25° 05' 40" E, 16.33 feet; thence S 64° 54' 20" W, 12.00 feet; thence N 25° 05' 40" W, 19.50 feet; thence S 64° 54' 20" W, 1.00 foot; thence N 25° 05' 40" W, 6.75 feet; thence N 85° 05' 40" W, 37.13 feet; thence N 04° 54' 20" E, 20.50 feet; thence N 85° 05' 40" W, 143.26 feet to a point on the Easterly right-of-way line of First Street; thence N 05° 03' 54" E, along the Easterly right-of-way line of First Street, 399.00 feet to The Point of Beginning of this description. Containing within said bounds 2.020 acres to be the same more or less.

Together with all easements, rights and appurtenances relating thereto, as more particularly described in Air Rights Sublease, including but not limited to the easements, rights and appurtenances which are set forth in Section 2.4 of the Air Rights Sublease.

Together with all easements, rights and appurtenances relating thereto, as more particularly described in that certain Agreement Re Nondisturbance, Attornment, Parking and Bus Service by and between The Redevelopment Authority of the City of Wausau and Wausau Penney Investor Joint Venture, dated as of November 1, 1980 and recorded in the Register's Office on December 31, 1980 in Volume 325 of Micro Records at Pages 44-80, Document No. 773870; as amended by that certain First Amendment to Agreement Re Non-Disturbance, Attornment, Parking and Bus Service Between Redevelopment Authority and Wausau Penney Investor, dated as of March 1, 1982 and recorded in the Register's Office on September 14, 1982 in Volume 351 of Micro Records at Pages 303-313, Document No. 793640.