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**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT II**

May 29, 2024

To:

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Circuit Court Judge  
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Monica Paz  
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Waukesha County Courthouse  
Electronic Notice

James F. Cirincione  
Electronic Notice

Timothy M. Hansen  
Electronic Notice

Ted Larsen  
Church and Chapel Funeral Homes  
1875 N. Calhoun Rd.  
Brookfield, WI 53005

Karin Nielsen  
4300 N. 100th St.  
Wauwatosa, WI 53222

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

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2023AP34

Karin Nielsen v. Wisconsin Memorial Park (L.C. #2020CV1125)

Before Gundrum, P.J., Neubauer and Grogan, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Karin Nielsen appeals an order of the circuit court granting summary judgment in favor of Wisconsin Memorial Park (“Wisconsin Memorial”). Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

In 1938 and 1941, Nielsen’s grandfather purchased two deeds from Wisconsin Memorial that contained a combined total of eight grave plots. Nielsen’s grandfather had six children, one of which was Nielsen’s mother. Nielsen’s grandfather died in 1982. In 2008, Wisconsin Memorial advised Nielsen that it did not have records indicating how ownership of the deeds transferred upon Nielsen’s grandfather’s death and it therefore refused to permit Nielsen to use one of the graves for her mother. In 2019, Wisconsin Memorial refused to permit Nielsen to use one of the graves for her son. In 2020, Nielsen brought suit against Wisconsin Memorial seeking a declaratory judgment that Nielsen was the owner of the deeds. She claimed “The deeds were transferred first to Nielsen’s mother and then to Nielsen herself.”

Wisconsin Memorial denied Nielsen’s allegations and moved for summary judgment. Wisconsin Memorial argued it was entitled to summary judgment because Nielsen

produced no evidence in a form that could be admissible at trial that supports her claim to ownership of the deeds. There is no evidence in the record establishing that the deeds were lawfully transferred from Ms. Nielsen’s grandfather to her mother (and not one of her mother’s siblings), and then from Ms. Nielsen’s mother to Ms. Nielsen herself.

Wisconsin Memorial also argued it was entitled to judgment because Nielsen’s action was barred by a statute of limitations or the doctrine of laches. Specifically, Wisconsin Memorial argued the record established Nielsen knew since 2008 that Wisconsin Memorial did not recognize Nielsen (or her mother) as the owner of the deeds and the longest statute of limitations that would apply under either a contract or tort theory was six years. Wisconsin Memorial also argued it was prejudiced by Nielsen’s delay in bringing this action.

The circuit court granted judgment in favor of Wisconsin Memorial. The court concluded “there is no evidence presented to this court that Ms. Nielsen is currently the owner of

these plots or has a right to ownership in the plots.” The court also concluded “the facts that have been presented to the court indicate [Nielsen is] well outside the Statute of Limitations for bringing an action of this sort.” Nielsen appeals.

The argument section of Nielsen’s brief-in-chief consists of a single sentence: “The trial court erred as a matter of law in determ[in]ing that [W]isconsin [M]emorial [P]ark was entitled to summary judgment base[d] on no material fact in my dispute when in fact that my mother is a direct heir and me as her daughter is a[n] heir as well to his estate.” This argument is woefully undeveloped and we affirm the circuit court on this basis. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we do not address undeveloped arguments); *see also Industrial Risk Insurers v. Am. Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (“[W]e will not abandon our neutrality to develop arguments” for the parties.).

In any event, the fact that Nielsen is one of her grandfather’s heirs does not automatically mean she owns the deeds. The record establishes Nielsen’s mother is one of six children and Nielsen is one of a number of grandchildren. Through discovery, Nielsen was unable to present any admissible evidence establishing that out of all these potential heirs Nielsen was the one who ended up exclusively owning the deeds. This is why the circuit court determined there were no material facts in dispute and granted judgment in favor of Wisconsin Memorial. The court’s grant of summary judgment was proper. *See WIS. STAT. § 802.08.*

Additionally, Nielsen knew as early as 2008 that Wisconsin Memorial’s position was that she did not own these plots. Nielsen averred that in 2008, Wisconsin Memorial advised that it had no record of the lots being transferred to Nielsen “and refused to allow my mother to be buried in any of the Lots as she had desired. My mother had to be buried in a different

cemetery.” The circuit court also determined Wisconsin Memorial was entitled to judgment because Nielsen’s action was barred by the statute of limitations. We agree with Wisconsin Memorial that whether we construed this action as sounding in contract or tort, the six-year statute of limitations would apply. *See* WIS. STAT. §§ 893.43, 893.51. We conclude the circuit court properly granted the motion for summary judgment in favor of Wisconsin Memorial.

Upon the foregoing reasons,

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

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*