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DISTRICT I

November 10, 2026

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Beverly D. Williams
Electronic Notice

Johnny B. Williams
7851 W. Hustis Street
Milwaukee, WI 53223

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

2025AP728 U.S. Bank Trust Company, National Association v. Johnny B. Williams (L.C. # 2023CV5738)

Before Colón, P.J., Geenen, and Petrashek, 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).

Beverly D. Williams, pro se, appeals from an order denying her motion to reopen this foreclosure matter and vacate the judgment and order of foreclosure.[1] 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 (2023-24).[2] We summarily affirm.

In August 2023, U.S. Bank Trust Company filed a summons and complaint seeking foreclosure of its mortgage on the residence owned by Williams and her husband. They had entered into the note and mortgage in October 2004, for a term of thirty years, and had failed to make payments since June 2018. A judgment and order of foreclosure was entered in October 2024.

The Williamses filed a motion to reopen the foreclosure case and vacate the judgment and order in February 2025. In the motion, the Williamses expressed concern over the other lienholders listed on the order, particularly, a judgment filed by Floyd L. Semons in the amount of $58.75. The Williamses asserted that they do not know Semons. Furthermore, Semons, who is currently confined at the Green Bay Correctional Facility, stated that he did not know the Williamses nor was he aware of any money judgment involving them. The Williamses argued

[1] Although Williams's husband, Johnny B. Williams, is a defendant in the underlying foreclosure matter, he is not an appellant in this appeal. A notice of appeal in this matter was timely filed, but with only Beverly's signature. We provided an opportunity for Johnny to file an amended notice of appeal with his signature, but he did not do so until well after the deadline. Therefore, by order dated January 15, 2026, we determined that we lacked jurisdiction over Johnny's appeal because his signed notice of appeal was not timely filed. As a result, Beverly is the sole appellant in this appeal.

[2] All references to the Wisconsin Statutes are to the 2023-24 version.

that listing Semons on the foreclosure order was "deceptive" and rendered the order "fraudulent." They also noted that they had completed bankruptcy proceedings in June 2024, and had no creditors.

Additionally, the Williamses contended that their lender had "chang[ed] their home loan from an FHA loan to a conventional loan without their knowledge." They asserted this was an "illegal practice."

A hearing was held on the motion to reopen. The circuit court addressed the issue of other lienholders listed on the foreclosure order. The court explained that when commencing a foreclosure action, lenders obtain a lien report from a title company. That report, based on a search of public records, contains a list of possible judgments against the homeowners. It is used by the lender for purposes of providing notice to any other potential lienholders who may have an interest in the property, referred to as "junior lienholders," that their liens are subject and subordinate to the lender's mortgage being foreclosed. Junior lienholders are notified if there is a surplus after the foreclosure sale and, upon proving their interest, may collect their judgment from that surplus. U.S. Bank added that bankruptcy documents are not conclusive for purposes of identifying potential junior lienholders.

U.S. Bank further explained that it is not uncommon for a lien report to contain judgments that involve someone with the same or similar name as the homeowner. It argued that this is not a misrepresentation because naming a potential junior lienholder in the documents does not create an interest in the homeowner's property. Rather, it simply reflects that the junior lienholder could have an interest in the property, and "if they do, that interest is going to be extinguished in the foreclosure." This practice ultimately protects the purchaser of the property

after foreclosure by ensuring any outstanding liens against the property from the former homeowners are resolved. U.S. Bank asserted it has no prejudicial effect on the homeowners because it "in no way changes the claim for foreclosure."

The circuit court agreed with U.S. Bank that the lien report had no prejudicial effect on the Williamses. It observed that obtaining a lien report for a foreclosure matter is "pretty standard in the industry … and sometimes the liens, it appears on the lien report, and it's wrong," but that does not reflect any "ill-intent" by the lender. It further stated that "under the law that the creditor has the obligation to give notice to any possible junior lienholders. That's part of what the foreclosure statute encompasses." The court acknowledged that it may be "upsetting" to have inaccurate junior lienholders listed, but that "there was nothing that violated the law" in U.S. Bank's use of this practice.

The circuit court then turned to the Williamses' claim that the mortgage was converted from an FHA loan to a conventional loan without their knowledge. The Williamses asserted that as an FHA loan, additional loan modifications would have been permitted.

U.S. Bank acknowledged that the conversion had occurred, but that it happened "a long time ago," well before the foreclosure was commenced. Furthermore, the record demonstrates that the Williamses were granted a loan modification in December 2016, and defaulted under those modified terms in June 2018. They were subsequently offered another loan modification in September 2022, requiring an initial payment of over $19,000, which they rejected.

In any event, U.S. Bank argued that the loan conversion did not change the terms of the loan, specifically the terms of payment and the terms of default, regardless of the investor on the

loan. The circuit court agreed, finding that whether U.S. Bank had notified the Williamses about the loan conversion "isn't really relevant" and is not fraud.

The circuit court then applied these findings to the provisions of WIS. STAT. § 806.07 for obtaining relief from a judgment. The court found that the Williamses had not established fraud, either in naming junior lienholders in the foreclosure order or relating to the conversion of the mortgage from an FHA loan to a conventional loan, under § 806.07(1)(c). Furthermore, the court did not find there were any extraordinary circumstances that warranted reopening the case pursuant to § 806.07(1)(h). Therefore, the circuit court denied the motion to vacate the foreclosure judgment and order. This appeal follows.

The circuit court has "wide discretion in ruling on a motion to vacate a judgment." ***Town of Seymour v. City of Eau Claire***, 112 Wis. 2d 313, 322, 332 N.W.2d 821 (Ct. App. 1983). "A circuit court does not erroneously exercise its discretion if its decision is based on the facts of record and on the application of a correct legal standard." ***Miller v. Hanover Ins. Co.***, 2010 WI 75, ¶29, 326 Wis. 2d 640, 785 N.W.2d 493 (citation omitted).

We conclude that the circuit court properly exercised its discretion when it denied the motion to reopen and vacate the foreclosure order. The court first discussed the Williamses' allegations of fraud on the part of U.S. Bank, pursuant to WIS. STAT. § 806.07(1)(c). "To justify relief under [§ 806.07](1)(c), a party must show a 'plain case' of misrepresentation." ***Johnson v. Johnson***, 157 Wis. 2d 490, 498, 460 N.W.2d 166 (Ct. App. 1990) (citation omitted). Here, the circuit court found that the Williamses had not established a factual basis, with regard to either the junior lienholders or the loan conversion, to support the fraud claims, but rather had made

only conclusory allegations. That determination is supported by the record, as described above. *See* ***Miller***, 326 Wis. 2d 640, ¶29.

The circuit court then considered the Williamses' arguments under the "catch-all" provision of WIS. STAT. § 806.07(1)(h). *See* ***Sukala v. Heritage Mut. Ins. Co.***, 2005 WI 83, ¶9, 282 Wis. 2d 46, 698 N.W.2d 610. In making a determination under this provision, the court must "'balance the competing values of finality and fairness.'" ***Miller***, 326 Wis. 2d 640, ¶33 (citation omitted). In other words, the court "should not interpret [§ 806.07](1)(h) so broadly as to erode the concept of finality, nor should it interpret it so narrowly that it no longer provides relief for truly deserving claimants." ***Miller***, 326 Wis. 2d 640, ¶33.

As such, relief under WIS. STAT. § 806.07(1)(h) is properly granted only when "extraordinary circumstances are present justifying relief in the interest of justice." ***Miller***, 326 Wis. 2d 640, ¶35. "Extraordinary circumstances are those where the sanctity of the final judgment is outweighed by the incessant command of the court's conscience that justice be done in light of *all* the facts." ***Id.*** (citation modified).

The circuit court thoroughly discussed the facts it considered in striking the proper balance in this case. It observed that it had previously granted summary judgment in favor of U.S. Bank based on the merits of the case, as opposed to by default judgment, upon finding that a note and mortgage was entered into by the parties, and that Williams and her husband admitted they had defaulted on the loan. The court acknowledged that granting the foreclosure judgment was a difficult decision because it "[does not] want to take people's homes away from them." However, the court found that neither of the Williamses' arguments—regarding the junior lienholders or the loan conversion—presented a defense to the foreclosure. As a result, the court

determined there were no extraordinary circumstances that justified granting the motion to reopen the case and vacate the foreclosure judgment and order, and that doing so would be inequitable to U.S. Bank. *See* ***id.***

In short, the circuit court reached a reasonable decision by applying the correct legal standard to the facts of the case. It therefore did not erroneously exercise its discretion in denying the Williamses' motion. *See* ***id.***, ¶29. Accordingly, we affirm.

Therefore,

IT IS ORDERED that the order is affirmed.

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

Samuel A. Christensen
Clerk of Court of Appeals