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September 13, 2018

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You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2018XX1489Deutsche Bank National Trust Co. v. Dye L.C.#2003CV661

On September 5, 2018, defendants-petitioners, Steven Dye and Patricia Dye, filed with the clerk of this court a document entitled "Petition for Supervisory Writ Bypass to the Supreme Court."¹ Given the circuit court's recent August 7, 2018 order confirming the sale of the real

¹ The petition was initially filed as a petition for supervisory writ and assigned Case No. 2018AP1683-W. Given that the petition has been construed as a petition for bypass, Case No. 2018AP1683-W was opened in error and was dismissed by order of this same date.

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property that is the subject of Deutsche Bank National Trust Co. v. Dye, Washington County Case No. 2003CV661, the court construes the Dyes' filing as a petition to bypass the court of appeals in reviewing the August 7, 2018 order confirming the sale of the real property.

In order for this court to consider a petition to bypass, however, an appeal must first be properly initiated by filing a notice of appeal, with the proper filing fee, in the circuit court and the first briefs must be filed in the court of appeals. See Wis. Stat. §§ 808.03, 809.10, 809.11, 809.19, and 809.60; see also Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the initial briefs on appeal had not been filed). A petition to bypass is therefore premature in this matter because no appeal has been filed and no briefs have been filed in the court of appeals.

Upon the foregoing,

IT IS ORDERED that the petition for bypass is dismissed as premature.

Sheila T. Reiff
Clerk of Supreme Court