

LITCHFIELD

Attorneys at Law **CAVO** CITY OF MILWAUKEE
RECEIVED

WRITER'S ADDRESS:
Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, Wisconsin 53005-6237
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Email: mueller@litchfieldcavo.com

2010 APR -1 PM 3: 03

OFFICE OF
CITY ATTORNEY

March 30, 2010

MILWAUKEE CITY CLERK
200 East Wells Street, Room 205
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE
2010 APR -1 PM 12: 03
RONALD D. LEONARD
CITY CLERK

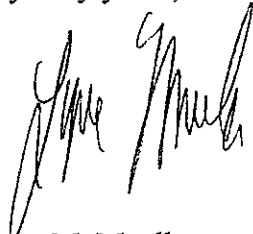
Re: Walter Lowe
C.I. File No. 10-S-16

Dear Clerk:

Please accept this letter as our appeal of the decision of the City of Milwaukee dated March 22, 2010 with respect to the above referenced claim. The claimant, Walter Lowe, disagrees with the determination by the City and requests a hearing with respect to this matter.

Thank you for your attention to this matter. We would appreciate it if you would date stamp the extra copy of this letter and return it to us in the enclosed envelope.

Very truly yours,



Lynne M. Mueller

LMM/jak
Enclosure
cc: Walter Lowe

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



Milwaukee's Future: IT'S IN OUR HANDS

www.milwaukee.gov/2010census

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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SUSAN E. LAPPEN
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KURT A. BEHLING
GREGG C. HAGOPIAN
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BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIOI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

March 22, 2010

received
3-29-10

Litchfield Cavo LLP
Attn: Attorney Lynne M. Mueller
13400 Bishops Lane, Suite 290
Brookfield, WI 53005-6237

RE: Your Client: Walter Lowe
C.I. File No.: 10-S-16

Dear Attorney Mueller:

We have received your client's claim in the amount of \$2,777.50, relating to funds that he allegedly remitted to the City of Milwaukee, which were not due, in payment of a special improvement bill for the property located at 4426 North 88th Street purchased by him in May, 2005.

Our investigation reveals that the Treasurer's Office records indicate that on May 25, 2005 a check for \$2,780.00 was received from Metropolitan Title Company. The check did not indicate it was intended to be applied to the outstanding contemplated special improvement. The Treasurer's Office applied it to outstanding real estate taxes. They received a second check from Metropolitan Title Company, that same day, for \$2,923.45. This was also applied to the outstanding taxes. The checks came in separate envelopes and were processed by two different employees on a batch update system. The second employee could not have known about the first payment received and applied that same day. Consequently, the second payment generated an over payment of \$2,780.00. This was refunded to the sellers, the homeowner of record at the time. A judgment has been entered against them but, at present, the City has not been able to collect the erroneous refund.

On May 4, 2007, \$2,777.50 was taken from the contemplated specials escrow account to pay off the special improvement bond. Your client never paid any funds towards this bond. The receipt submitted by your client only confirms this transfer. As such, the contemplated specials escrow account has not been reimbursed for the \$2,777.50 that was used to pay this bond.

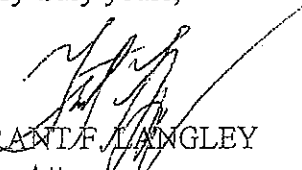
OFFICE OF THE CITY ATTORNEY

Litchfield Cavo
March 22, 2010
Page 2

The City followed proper procedure in this matter. As such, the City would not be liable. Therefore, we are denying your client's claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1060-2010-201:156333

January 19, 2010

CITY CLERK
ATTN: CLAIMS
200 East Wells Street, Room 205
Milwaukee, WI 53202-3567

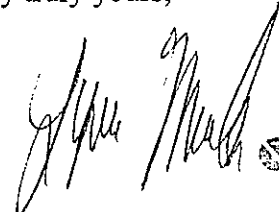
2010 JAN 21 AM 7:44
CITY OF MILWAUKEE
RONALD D. LINDQUIST
CITY CLERK

Re: Walter Lowe
Claim for return of funds paid for Property Located at 4426 N. 88th Street, Milwaukee

Dear Clerk:

I am enclosing a Notice of Claim against the City of Milwaukee that has been signed by our client, Walter Lowe. Please contact me with any questions you may have regarding this matter at the number listed above.

Very truly yours,



Lynne M. Mueller

2010 JAN 21 PM 2:51
CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY

LMM
Enclosures

**NOTICE OF CLAIM OF WALTER LOWE
AGAINST THE CITY OF MILWAUKEE**

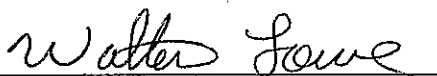
The Claimant, Walter Lowe files this claim against the City of Milwaukee requesting the City return the payment of funds that he remitted to the City in payment of a special improvement bill for the property located at 4426 N. 88th Street in the City of Milwaukee in the amount of \$2,777.50, which amount was not in fact due to the City.

The claimant, Walter Lowe, purchased the property at 4426 N. 88th Street on May 23, 2005. The City of Milwaukee sent the claimant a bill for alley project No. 0885-0837-2 for this property on or around March 31, 2007, in the amount of \$2,777.50, which the claimant paid on May 4, 2007. A copy of the special improvement bill and the proof of payment the claimant received from the City evidencing his payment of this bill and the amount he paid is attached hereto as Exhibit "A".

The claimant has recently been working to refinance his property and learned that the special assessment that he paid in 2007 had actually been paid to the City at the time he purchased the property back in 2005. There was in fact no amount due to the City for this special assessment when the claimant remitted payment to the City in 2007. The claimant learned of these facts on December 1, 2009 when he was provided with a copy of the check that was sent to the City of Milwaukee by the Metropolitan Title Company in the amount of \$2,780.00, a copy of which check is attached hereto as Exhibit "B". The claimant also obtained a copy of the closing statement with respect to this property from the same title company, which confirms that the payment to the city of Milwaukee was for the same alley assessment. A copy of this statement is attached hereto as Exhibit "C".

Wherefore, the claimant requests payment from the City of Milwaukee in the amount of \$2,777.50, which is the amount that he paid on May 4, 2007 for the alley assessment. The City of Milwaukee had already received payment for this same assessment two years before that billing was issued to the claimant so the claimant is entitled to the return of these funds, which the claimant paid to the City and which the City accepted in error.

Dated this 19th day of January, 2010.


Walter Lowe



OFFICE OF THE CITY TREASURER

CITY HALL - ROOM 103 • 200 EAST WELLS STREET • MILWAUKEE, WISCONSIN 53202
TELEPHONE: (414) 286-2240 • FAX: (414) 286-3186 • TTY: (414) 286-2025

MAKE CHECK PAYABLE TO:

Wayne F. Whittow

CITY TREASURER

9999157856

FOR: ALLEY
PROJECT NO. 0885-0837-2

WALTER LOWE
4426 N 88TH ST
MILWAUKEE, WI 53225

SPECIAL IMPROVEMENT BILL
05/04/07

LOCATION OF PROPERTY: 4426 N 88TH ST

TAXKEY: 223-0637-X
SERIAL NUMBER: KL001977000
BILLING DATE: 03/31/07*
DUE DATE: 05/15/07
INTEREST RATE: 5.17 %

PRINCIPAL PAID:	2,777.50
INTEREST PAID:	0.00
TOTAL PAID:	2,777.50
PRINCIPAL BALANCE DUE:	0.00

*INTEREST IS CALCULATED FROM THIS DATE IF NOT PAID BY THE DUE DATE.

If payment is made by check, it must be payable in U.S. dollars and be drawn on a U.S. bank. Receipt is valid when check clears all banks.

City of Milwaukee PAYMENT RECEIPT

Office of the City Treasurer
City Hall, Room 103

Payment Date: 05/04/07 Receipt # 00211483
Printer ID: mgutie2210003

Payment Tendered: 5/4/2007 8:18 AM
Special Improvement Bill
Key: 223-0637-000-0 (0)
Printer No.: 9999157856
Transaction Total: \$2,777.50

\$2,777.50

WAYNE F. WHITTOW
City Treasurer



Posting Date: 2005-05-27
 Sequence #: 4010117772
 Account #: 633421342
 Routing Transit: 04411544
 Amount #: \$2780.00
 Check/Serial #: 000000062132
 Bank #: 1
 Tran Code: 000000
 IRD: 0
 ItemType: P
 BOFD: 000000000
 Cost Center: N/A
 Teller Number: N/A
 Teller Seq Number: N/A
 Processing Date: N/A

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON BACK. HOLD AT AN ANGLE TO VIEW. SEE REVERSE SIDE FOR MORE SAFETY FEATURES.



Metropolitan Title Company

ESCROW ACCOUNT
 500 Elm Grove Road, Suite 102
 Elm Grove, WI 53122-5170
 784-4500

Bank One, NA
 Circleville, Ohio Office
 .00000
 (800)310-1111

Check Number
062132

56/1544
 442

Void After 6 Months

Order Number: 04120824 Check Date: 05/23/2005

PAY Two Thousand Seven Hundred Eighty Dollars And Zero Cents.

\$*****2,780.00

To The Order Of
 CITY OF MILWAUKEE TREASURER

PAY TO THE ORDER OF
2780.00

[Handwritten Signature]
 Authorized Signature

THE MULTI-TONE BACKGROUND OF THIS DOCUMENT GRADUALLY AND EVENLY CHANGES FROM BLUE TO GREY TO BLUE WITH BLUE AREAS BOTH TOP AND BOTTOM

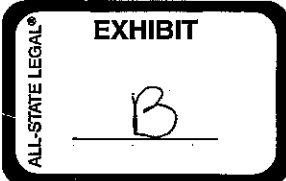
062132 044115443 633421342* #0000278000*

PREVIOUS CHECKS
 0749 9962
 05/23/05

WFB, NA NPLS
 TRAKER# 3941
 0910 0001-9

WFB, NA, MILW 05252005
 9696 03750453635
 177: 00910-0001-9
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WARNING: THE BACK OF THIS DOCUMENT CONTAINS A SIMULATED WATER
 MARK. HOLD AT AN ANGLE TO VIEW. HOLD ON RUB BLUE REFRANKLE
 DIRECTLY BELOW TO ACTIVATE HEAT REACTIVE INK SPOT.



Statement of Closing for Real Estate Transaction

04120824

Broker.....: HOMESTEAD REALTY

Property Location: 4426 N 88TH STREET
MILWAUKEE, WI 53225

Seller(s).....: KENNEH S. KOKER
 GEORGIANA M. KOKER

Buyer(s): WALTER LOWE

Date of Closing...: 5/23/2005

DUE SELLER

CREDIT BUYER

Sales Price	127,200.00	
Down Payment		500.00
City/Town Taxes		1,226.28
Prorated on \$3,152.06 From 01/01/2005 To 05/22/2005.		
WATER/SEWER PRO-RATION		94.39
Prorated on \$83.06 From 02/12/2005 To 05/22/2005.		
SNOW/ICE REMOVAL		5.32
Prorated on \$13.68 From 01/01/2005 To 05/22/2005.		
CLOSING COST CREDIT		5,278.99
	<u>TOTALS:</u>	<u>7,104.98</u>
		<u>127,200.00</u>
	LESS CREDIT TO BUYERS	<u>7,104.98-</u>
	BALANCE DUE SELLERS	<u>120,095.02</u>

REAL ESTATE TAX PRO-RATION BASED ON 100% AFTER
LOTTERY TAX CREDIT.

Check or Cash to Balance 120,095.02

TOTAL SETTLEMENT DUE SELLERS 120,095.02

BUYER: Walter Lowe SELLER: [Signature]

BUYER: _____ SELLER: [Signature]

Buyer & Sellers Accept This Statement As Correct.

Down Payment Received From Buyer	500.00
Cash Balance Received From Buyer	<u>120,095.02</u>
TOTAL PAYMENTS DUE SELLER -->	<u>120,595.02</u>

Charges Against Seller:

Title Policy Metropolitan Title Closing	751.00
Transfer Fees	381.60
COUNTRYWIDE HOME LOANS: PAYOFF	105,216.42
HOMESTEAD REALTY: ADMINISTRATIVE FEE	50.00
MILWAUKEE WATER WORKS	90.62
CITY OF MILWAUKEE TREASURER: 2004 TAXES	2,923.45
Commission HOMESTEAD REALTY	4,800.00
CITY OF MILWAUKEE TREASURER: ALLEY ASSESSMENT	2,780.00
FIRST AMERICAN HOME BUYERS PROTECTION	370.00

TOTAL CHARGES AGAINST SELLER --> 117,363.09 117,363.09-

NET BALANCE TO BE PAID SELLER --> 3,231.93

SETTLEMENTS
\$1,900.00 CHECK TO HOMESTEAD REALTY

