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City Attorney

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LINDA ULISS BURKE  
VINCENT D. MOSCHELLA  
Deputy City Attorneys



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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 88<sup>th</sup> 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.

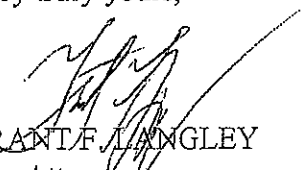
On May 4, 2007, \$2,777.50 was taken from the contemplated specials escrow account to pay off the special improvement bond. Your client never paid any funds towards this bond. The receipt submitted by your client only confirms this transfer. As such, the contemplated specials escrow account has not been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

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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