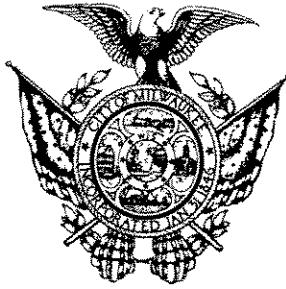


# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Deputy City Attorneys



OFFICE OF CITY ATTORNEY  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

April 1, 2005

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Communication from William F. Mitchell  
C.I. File No. 05-L-73

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, William F. Mitchell, 2640-A North 36<sup>th</sup> Street, Milwaukee, WI 53210 alleges that on July 14, 2004 the City of Milwaukee acquired ownership of his property located at 2640 North 36<sup>th</sup> Street for non-payment of delinquent taxes. After considering the taxes and expenses owed, he claims damages in the amount of \$11,000.00.

Our investigation reveals that the Treasurer's Office followed the proper procedures and sent the proceeds letter and affidavit to the claimant at 2640-A North 36<sup>th</sup> Street by certified mail on July 29, 2004. A return postcard signed by the claimant is postmarked August 2, 2004, as the date he received the certified mail notice. A taxpayer is given 60 days from the date of the proceeds letter to respond with a signed affidavit. The notice received by the claimant states in bold capital letters "If you do not submit this affidavit within 60 days from the date of this letter, you forfeit all claims to any proceeds from the sale of your former property."

To the Hon. Common Council  
April 1, 2005  
Page 2

The deadline for the claimant to return the signed affidavit was September 28, 2004. The claimant did not return the signed affidavit until November 3, 2004. The City and its employees acted properly in this matter and would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1050-2005-495:91628