

January 8, 2009

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

Re: Resolution approving and authorizing a stipulation with Theresa Slyman regarding property taxes, tax-key number 24199820 for omitted tax levy years 1997 through 2004, for the property located at 4132 North Holton Street, Milwaukee, Wisconsin; Circuit Court Case No. 04-CV-002225

Dear Council Members:

Enclosed for your consideration is a resolution approving and authorizing the settlement to permit the City to take judgment against the defendant for the amount of \$207,595.68 which includes all property taxes, special taxes, special charges and /or special charges for the levy years 1997 though 2004, for payments of \$135,829.41 in equal monthly payments over 5 years.

The City of Milwaukee (“the City”) filed suit against Theresa Slyman (“Slyman”) on February 26, 2004, for in personam liability in the amount of \$469,683.58 for tax years 1992 through 2002, for property taxes, special taxes, special charges and special assessment for the property located at 4132 North Holton Street, Milwaukee, Wisconsin (“the Property”). The property is a Do-Not-Acquire property due to environmental contaminants. The potential cost of remediation of this property ranges between \$3,882,000.00 and \$11,247,000.00.

Slyman filed a no asset Chapter 7 bankruptcy in the United States Bankruptcy court for the Middle District of Florida on March 18, 1998. The in personam liability for taxes and associated charges claimed by the city against Slyman for the years 1992 through 1996 have been discharged through the bankruptcy, but Slyman remains responsible for the taxes, penalties, interest and related charges from 1997 through 2004 in the amount of \$207,595.68. In view of

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the Chapter 7 bankruptcy and reviewing Slyman's assets, the Kohn Law Firm ("Kohn") has determined that Slyman is not collectible for the entire amount of the judgment.

Attorney James Carrig, Niebler, Pyzyk, Klaver & Wagner, LLP attorneys for the defendant, have made an offer of settlement to permit the City to take judgment against the defendant for the amount of \$207,595.68 which includes all property taxes, special taxes, special charges and /or special charges for the levy years 1997 though 2004, but make payments of \$135,829.41 in equal monthly payments over 5 years. Kohn recommends this settlement.

We request the matter be heard by the Judiciary and Legislation Committee in closed session under Wis. Stat. § 19.85(1)(g) (to confer with legal counsel on advice regarding strategy to be adopted by governing body with respect to litigation in which the City is involved.)

Also enclosed is a copy of the Stipulation and Order for Judgment and Payment Agreement for the file.

Respectfully,

GRANT F. LANGLEY
City Attorney

GENEVIEVE O'SULLIVAN-CROWLEY
Assistant City Attorney

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Attachment