



Legislation Details (With Text)

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File created: 9/7/2005 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 9/27/2005

Effective date:

Title: Resolution approving and authorizing the settlement of in personam judgment against Stout Bros. Public House LLC for in personam liability for personal property taxes, in the amount of \$25,109.64 for tax year 2001 and \$33,555.72 for tax year 2002 in exchange for the lesser amount of \$13,935.10

Sponsors: THE CHAIR

Indexes: LITIGATION, TAXATION

Attachments: 1. City. Atty Cover Letter.pdf, 2. Fiscal Note.PDF

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|-----------------------------------|--------------------------|--------|-------|
| 9/7/2005 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 9/12/2005 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 9/19/2005 | 0 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 5:0 |
| 9/27/2005 | 0 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 10/6/2005 | 0 | MAYOR | SIGNED | | |

050647
ORIGINAL

CHAIR

Resolution approving and authorizing the settlement of in personam judgment against Stout Bros. Public House LLC for in personam liability for personal property taxes, in the amount of \$25,109.64 for tax year 2001 and \$33,555.72 for tax year 2002 in exchange for the lesser amount of \$13,935.10

Resolution approves and authorizes the settlement of an in personam judgment for personal property taxes in the amount of \$25,109.64 for tax year 2001 and \$33,555.72 for tax year 2002 totaling \$58,665.36 in exchange for the lesser amount of \$13,935.10

Whereas, The City of Milwaukee (“the City”) through The Kohn Law Firm (“Kohn”) filed suit against Stout Bros. Public House LLC., (“Stout Bros.”) for personal property taxes for the tax years 2001 and 2002; and

Whereas, Stout Bros., asserted certain defenses to the City’s claims, including that the assessment was much higher than the value of the personal property however, Stout Bros., did not timely file an objection to the assessment; and

Whereas, The Assessor’s Office has reduced the assessment of the personal property resulting in a tax levy of \$11,600.11 for tax year 2003 and \$3,745 for tax year 2004; and

Whereas, Kohn obtained judgment in the amount of \$25,109.64 for in personam liability for tax year 2001 and \$33,555.72 for tax year 2002 on February 4, 2003 and July 21, 2005, respectively; and

Whereas, Stout Bros., has been out of business for some time and the real property that housed the restaurant (which was owned by a separate entity) was recently sold, necessitating the removal of the personal property to a storage facility; and

Whereas, Stout Bros. recognizes that the City has a lien on that personal property, so it cannot sell it without the City removing the lien; and

Whereas, Kohn has negotiated a proposed settlement of the two judgments for a total of \$13,935.10 and that figure represents what the taxes would have been for 2001 and 2002, if Stout Bros. had properly filed and documented personal property tax returns for those years, including the full 18% annual interest and penalty from the dates of delinquency; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee, that the Judgment against Stout Bros be settled for \$13,935.10 and that \$44,730.26 of said Judgment, interest and penalties, be and is hereby cancelled.

City Attorney
City Attorney
August 31, 2005
GOSC:96354