

Resolution No. 41-13
Resolution to Authorize Settlement on Legal Action
(CES Irrevocable Trust v. Polk County; Polk County Case No. 2013 CV 425):

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, on September 8, 2010, the Polk County Circuit Court issued judgment in Polk
2 County Court Case No. 2010 CV 212 that granted to Polk County free and clear title to the
3 property formerly held in the name of C.E.S. Irrevocable Trust, located on Wildgoose Lake,
4 Parcel Identification Number 006-00339-0630, in accordance with s. 75.521(8); and

5 WHEREAS, pursuant to s. 75.521, Wis. Stats., Polk County brought said legal action to take
6 title to the property in satisfaction of delinquent taxes owed thereon; and

7 WHEREAS, in an independent legal action, Polk County Case No. 2013 CV 425, former
8 owner, C.E.S. Irrevocable Trust, by Richard Strommen, trustee, has filed a claim against Polk
9 County that seeks, amongst things, to vacate the judgment granted in the noted previous court
10 case; and

11 WHEREAS, Polk County has received the offer of C.E.S. Irrevocable Trust, by Richard
12 Strommen, trustee, to settle all legal issues wherein said trust will pay Polk County the sum
13 of \$15,036.12, said amount being the amount of all delinquent taxes, costs of collection and
14 accrued interest through October 2013 and Polk County will jointly move for a court order to
15 vacate the judgment in Polk County Case No 2010 CV 212, thereby restoring title of the
16 property to said trust; and

17 WHEREAS, pursuant to s. 59.52(12)(a), Wis. Stats., the Polk County Board of Supervisors is
18 authorized to examine and settle any and all claims and causes of action against Polk County
19 and issue orders thereon as it may find justified under the circumstances.

20 BE IT FURTHER RESOLVED that, pursuant to s. 59.52(12)(a), Wis. Stats., the Polk
21 County Board of Supervisors authorizes settlement of the claims of C.E.S. Irrevocable Trust
22 CES as alleged in the cause of action, Polk County Case No. 2013 CV 425, consistent with
23 the offer of settlement.

24 BE IT FURTHER RESOLVED that this authorization of settlement is conditioned upon
25 court approval of same and upon receipt of payment consistent in the amount noted in the
26 settlement offer by October 25, 2013.

27 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and
28 directs the Corporation Counsel to prepare and sign on behalf of Polk County any and all
29 documents necessary to effectuate resolution of the court cases identified herein and obtain a
30 release of all claims from of C.E.S. Irrevocable Trust.

Funding Amount: Not Applicable: Receipt of Delinquent taxes in the sum of \$ 15,036.12
Funding Source: Not Applicable
Finance Committee Recommendation: Not Applicable

Date Submitted to County Board: October 15, 2013

Effective Date: Upon Passage *COUNTY ADMINISTRATOR*

Submitted and Sponsored By the ~~Polk Property, Forestry and Recreation Committee~~

[Signature]

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

[Signature]

Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

[Signature]

Jeffrey B. Fuge, Corporation Counsel

COUNTY BOARD ACTION

After providing advance requisite notice, the Polk County Board of Supervisors did at its regular meeting of October 15, 2013 adopt the above-entitled resolution: Resolution No. 41-13: Resolution to Authorize Settlement on Legal Action (CES Irrevocable Trust v. Polk County; Polk County Case No. 2013 CV 425), by a simple majority vote of ___ in favor and ___ against. *voice vote*

[Signature]

William Johnson, IV, County Board Chairperson

Dated: 10-22-13

Attest: *[Signature]*

Carole Wondra, Polk County Clerk

Dated: 10-22-13

Legislative Note: The above resolution was distributed prior to receiving requisite signature when the County Board packet was distributed on October 4, 2013 for the October 15, 2013 Board meeting. Accordingly, it would be appropriate, pursuant to County Board Rules of Order, Article 3, Paragraph 4, for the County Board to suspend the rules by simple majority, before receiving a motion to adopt this resolution.

Respectfully,

Jeffrey B. Fuge, Corporation Counsel
October 3, 2014

[Handwritten note:] not necessary. Signed by County Administrator
[Signature]
10/03/2013

