

To Disallow Claim of Rice Partnership and Golden Health Care and Rehab Center, LLC.

WHEREAS, on January 14, 2009, Rice Partnership and Golden Health Care and Rehab Center, LLC., (hereinafter referred to as "Claimant"), delivered by certified mail a Notice of Circumstances Giving Rise to Claim and Claim to the Polk County Clerk; and

WHEREAS, said Notice of Circumstances Giving Rise to Claim and Claim demands against Polk County to pay Claimant the sum of \$232,673.70, allegedly for contractual damages that Claimant claims to have incurred as a result of Polk County breach certain contractual provisions in the Asset Purchase Agreement for the sale of the Golden Age Manor Nursing Home.

WHEREAS it has been determined by a court of law that the Asset Purchase Agreement for the sale of the Golden Age Manor Nursing Home is null and void.

WHEREAS, upon review of said claim, the Corporation Counsel has recommended denial of said claim.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors denies the claim of Rice Partnership and Golden Health Care and Rehab Center, LLC., as delivered to the Polk County Clerk on January 14, 2009.

BE IT FURTHER RESOLVED that pursuant to Wisconsin Statute Section 893.80(1g) no action or claim may be brought against Polk County, or any of its officers, boards, committees, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED that this resolution shall constitute a Notice of Disallowance and that a certified copy of same be served by certified mail, return receipt requested, Rice Partnership and Golden Health Care and Rehab Center, LLC., 1726 N. Ballard Road, Appleton, Wisconsin, and its attorneys.

Funding Source: N/A Funding Amount: N/A
Date Finance Committee Advised: February 25, 2009
Finance Committee Recommendation: Adoption
Effective Date: Upon Passage
Approved as to form: Jeffrey B. Fuge

Jeffrey B. Fuge, Corporation Counsel

Submitted at the Recommendation of the Finance Committee:

Bryan Beseler 2/25/09
Bryan Beseler

Brian Masters 2/25/09
Brian Masters

Gary Bergstrom 2/25/09
Gary Bergstrom

Kathryn Kienholz 2/25/09
Kathryn Kienholz

Mick Larsen

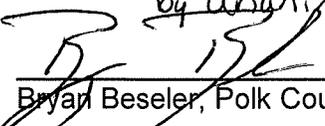
Dated Submitted to County Board: April 21 March 17, 2009

County Board Action: Adopted

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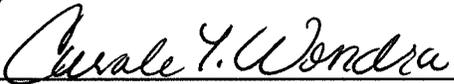
The above resolution, Resolution 30 -09: To Disallow Claim of Rice Partnership and Golden Health Care and Rehab Center, LLC., was adopted by the Polk County Board of Supervisors on a vote of _____ in favor and _____ against on the _____ day of March 2009.

by unanimous voice vote



Bryan Beseler, Polk County Board Chairperson

Dated: 5/8/09

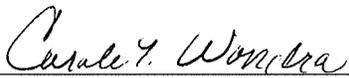
Attest:


Carole Wondra, Polk County Clerk

Dated: 5-8-09

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, County Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 30-09 that was adopted by the Polk County Board of Supervisors on April 21, 2009.



Carole T. Wondra
Polk County Clerk