

RESOLUTION NO. 907

A Resolution authorizing the City Attorney to agree to Entry of Judgment without admitting liability in the matter of *Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee for the Primestar-H Fund I Trust, Plaintiff v. Brian Edmonds, et al., Defendants*, Tulsa County District Court, Case No. CJ-2015-01386; and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including an execution of Journal Entry incorporating the resolution of the court's approval, pursuant to 51 O.S. § 158

WHEREAS, on April 13, 2015, the Plaintiff, Wilmington Savings Fund Society, FSB, not in is individual capacity but solely as Trustee for the Primestar-H Fund I Trust filed its Petition to foreclose a Mortgage on property owned by Brian Edmonds legally described as Lot Six (6), Block (6), Country Lane Estates II, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 4675; and

WHEREAS, the City of Broken Arrow is claiming some right and interest in and to the real property by virtue of two (2) cleaning and/or mowing liens filed with the Tulsa County Clerk on August 5, 2015, Document No. 2013079302-1 and January 25, 2011, Document No. 2011009479-1, totaling \$419.12; and

WHEREAS, the City of Broken Arrow filed its Answer and Counterclaim to Plaintiff, Wilmington Savings Fund Society, FSB, not in is individual capacity but solely as Trustee for the Primestar-H Fund I Trust asserting its cleaning and/or mowing liens upon the subject real property;

WHEREAS, the City of Broken Arrow's lien is a valid lien and has been satisfied in full by Plaintiff Wilmington Savings Fund Society, FSB, not in is individual capacity but solely as Trustee for the Primestar-H Fund I Trust on December 15, 2015; and

WHEREAS, it is the desire of the Council to approve said Journal Entry of Judgment, which does not admit liability, but does represent a compromise settlement of the disputed claims; and

NOW, THEREFORE, BE IT RESOLVED that the City Attorney be, and is hereby directed to execute the Journal Entry of Judgment without admitting liability in the case of *Wilmington Savings Fund Society, FSB, not in is individual capacity but solely as Trustee for the Primestar-H Fund I Trust v. Brian Edmonds, et al.*, Tulsa County District Court Case Number CJ-2015-01386.

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to prepare and file the necessary documents, including a Journal Entry of Judgment, plus release of the City of Broken Arrow's Cleaning and/or Mowing Liens, and to execute any and all necessary documents to effectuate this settlement for the Court's approval pursuant to 51 O.S. § 158.

ADOPTED and APPROVED by the Mayor of the Council of the City of Broken Arrow, Oklahoma this 16th day of February, 2016.

ATTEST:

Mayor

City Clerk

REVIEWED as to for form and legality this 16th day of February, 2016.

Deputy City Attorney