



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	19-1106	<b>Name:</b>	
<b>Type:</b>	General Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	8/26/2019	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	9/3/2019	<b>Final action:</b>	
<b>Title:</b>	Consideration, discussion, and possible approval of Resolution No. 1261, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the foreclosure action filed by Energy One Federal Credit Union against the property located at 1934 West Toledo Court, Broken Arrow Oklahoma 74102, Tulsa County Case Number CJ-2019-1554, and directing the City Attorney to prepare and file the necessary documents to effectuate the Journal Entry of Judgment		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Resolution No 1261

Date	Ver.	Action By	Action	Result
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### Broken Arrow City Council Meeting of: 09-03-2019

### Title:

Consideration, discussion, and possible approval of Resolution No. 1261, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the foreclosure action filed by Energy One Federal Credit Union against the property located at 1934 West Toledo Court, Broken Arrow Oklahoma 74102, Tulsa County Case Number CJ-2019-1554, and directing the City Attorney to prepare and file the necessary documents to effectuate the Journal Entry of Judgment

### Background:

On April 16, 2019, Energy One Federal Credit Union filed a foreclosure action against Larry R. McCoy, the Unknown Spouse of Larry R. McCoy, the City of Broken Arrow, the State of Oklahoma, and the Unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of Connie Douglas, deceased, Unknown Occupants, as a result of Larry R. McCoy's failure to make timely payment on a mortgage note valued at \$25,000, secured by the property located at 1934 W. Toledo Ct., Broken Arrow, OK 74012. At the time Energy One Federal Credit Union filed its lawsuit, Larry McCoy still owed \$24,551.23 on the mortgage note. City of Broken Arrow was named as a defendant for the purpose of establishing priority of the liens filed against the property. City answered the Petition, admitting it has a filed cleaning and/or mowing lien pursuant to 11 O.S. §§ 22-111, 22-112 filed with the Tulsa County Clerk on November 20, 2018, Doc # 2018107137 in the amount of \$338.57 on the property located at 1934 W. Toledo Ct., Broken Arrow, Oklahoma. The Certified Statement of Costs Lien was filed with the Tulsa County Clerk on December 17, 2018, Doc. # 2018115346. The entirety of the amount outstanding and owed to City is \$818.57 for which City asserts a right to recovery upon foreclosure of the property. A lien for the total \$818.57 was not filed. The State of Oklahoma, by way of the Oklahoma Health Care Authority, answered the Petition, confirming it holds a medical payments lien in the amount of \$35,019.89 as of November 30, 2018. Neither Larry McCoy nor

anyone acting on his behalf has answered Energy One Federal Credit Union's Petition.

Based upon the liens filed, Energy One Federal Credit Union has proposed a Journal Entry of Judgment be entered for the purpose of authorizing the sale of the subject property and establishing the priority of the lien holders to be paid from the sale of the subject property in the following amounts:

**FIRST:** To the payment of the costs herein accrued and accruing;

**SECOND:** To the payment of the judgment and lien of the Plaintiff in the amounts set forth;

**THIRD:** To the payment of the lien of the Defendant, City of Broken Arrow, all as per its lien filed with the Tulsa County Clerk as Doc # 2018107137 on November 28, 2018;

**FOURTH:** To the payment of the lien of the Defendant, State of Oklahoma, ex rel. Oklahoma Health Care Authority, all as per its lien filed with the Tulsa County Clerk as Doc # 2018107953 on November 30, 2018;

**FIFTH:** To the payment of the lien of the Defendant, City of Broken Arrow, all as per its lien filed with the Tulsa County Clerk as Doc # 2018115346 on December 27, 2018;

**SIXTH:** The balance, if any, to be paid to the Clerk of the District Court to await the further order of the District Court

Resolution No. 1261 affirms the lien priority of the parties to the foreclosure action and authorizes the Journal Entry of Judgment as well as direction to prepare and file the documentation necessary to effectuate the terms of the Journal Entry of Judgment.

**Cost:** \$0

**Funding Source:** N/A

**Requested By:** Trevor Dennis, City Attorney

**Approved By:** City Manager's Office

**Attachments:** Resolution No. 1261

**Recommendation:**

Approve Resolution No. 1261 and authorize its execution.