

To: The Honorable Mayor and City Councilors
From: Roger Kolman, M. Adm., City Manager
Date: September 14, 2020

Re: Patricia Lutz, Lots 3 & 4 in Section P, Block 27 of Vernon Cemetery, City of Coweta, Wagoner County, State of Oklahoma.

The City Attorney has requested that the City Council authorize him to proceed on behalf of the City with the institution and prosecution of a civil action in Wagoner County District Court against Patricia Lutz, the present owner of record of Lots 3 & 4 in Section P, Block 27 of Vernon Cemetery, City of Coweta, Wagoner County, State of Oklahoma. Based upon information obtained through public records, it is the position of the City Administration that Ms. Lutz obtained title to the referred to lots by misrepresentation. Specifically, it is believed that Ms. Lutz, at the time of her purchase of the Lots 3 & 4 in Section P, Block 27, on or about May 22, 2017, represented herself as being a resident of the City of Coweta, Oklahoma. She was not. As a consequence of such misrepresentation, under existing regulations, Ms. Lutz obtained title to the lots for a combined price of \$1,600.00. The price that she should have paid was \$5,000.00.

Efforts have been made to discuss this matter with Ms. Lutz. I have sent correspondence to her. The certified letter was returned unclaimed. The City Attorney has sent correspondence to her. Residential service of the letter was accomplished by Private Investigator / Process Server. Still there was no response from Ms. Lutz.

In the opinion of the City Attorney, a civil action in the District Court of Wagoner County, State of Oklahoma is the most realistic option remaining that the City of Coweta has to rectify a wrong perpetrated upon the public. The action will be one of an equitable nature, seeking a rescission of the sale of Lots 3 & 4 in Section P, Block 27 of Vernon Cemetery, City of Coweta, Wagoner County, State of Oklahoma, a cancellation of the Deeds to the referred to Lots and a refund of the monies paid by her. Recovery of the City's attorney fees and costs associated with the litigation will also be sought.

I recommend that the City Council give the City Attorney authorization to proceed.