

Resolution No. RS2018-1086

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Paul Gontarek as Successor Administrator C.T.A. of the Estate of William C. Link against the Metropolitan Government of Nashville and Davidson County in the amount of \$300,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS On March 19, 2003, the Probate Court appointed John Clemmons as the Administrator of the Estate of William C. Link; and,

WHEREAS the Probate Court Clerk's Office has a statutory duty pursuant to Tenn. Code Ann. § 30-2-602 to cite a personal representative for failing to file annual accountings; and,

WHEREAS John Clemmons as the Administrator of the Estate of William C. Link only filed one accounting during the nine years that he was Administrator; and,

WHEREAS the Probate Court Clerk's Office removed the Estate of William C. Link from its tracking system and did not send out the required citations; and,

WHEREAS John Clemmons, as the Administrator of the Estate of William C. Link, stole \$771,009 from the Estate; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interests of the Metropolitan Government, and recommends that any and all claims or causes of action brought or that could have been brought by Paul Gontarek as Successor Administrator C.T.A. of the Estate of William C. Link related to the events detailed above, be compromised and settled for \$300,000.00, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the property damage claim of Paul Gontarek as Successor Administrator C.T.A. of the Estate of William C. Link for the sum of \$300,000.00 with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

Talia Lomax-O'dneal,
Director of Finance

APPROVED AS TO FORM
AND LEGALITY:

Jon Cooper,
Director of Law

INTRODUCED BY:

Member(s) of Council