

DATE: May 14, 2024

TO: Board of Trustees

FROM: Daniel Cunningham

SUBJECT: 97 Pike Street – Michael & Tawnee Benner Release Agreement

In March of 2019 District staff performed a dye test at 97 Pike Street in Rocheport, MO. The test showed that the home was not connected to the public collection system. Billing for sewer service was discontinued at that time.

The District began billing this address in April of 2009 when the transfer of the Rocheport wastewater treatment system to the District was complete. 97 Pike Street was included in the addresses Rocheport provided at the time of transfer. Since April 2009, the District has billed four different residents. The list of residents included Brett R and Tawnee Dufur, Llisa D Hamilton, Jessica D Waller, Tawnee Benner (formerly Dufur).

The billing account associated with Tawnee Benner was connected on May 30, 2014 and was disconnected on March 29, 2019. The total amount paid to the District by Tawnee Benner during that time period was \$3,544.74.

The Sewer District received engineered plans for a sewer main extension along Pike Street, in Rocheport, in July 2023. The sewer main was designed to be extended to 97 Pike Street. A connection fee of \$2300 is required to be paid in order for the property to connect to the public sewer system. The Sewer District came to an agreement with Tawnee Benner (formerly Dufur) and her husband Michael Benner. In the agreement with the Benner's the connection fee of \$2300 was withheld from the refund owed. The Sewer District paid the owner \$1,104.74. A copy of the Release Agreement and the amount paid is attached.

C: File

RELEASE AGREEMENT

In consideration of the payment by Boone County Regional Sewer District of Three Thousand Five Hundred Forty-four Twenty-four Dollars and Seventy-four Cents (\$3,544.74) (the "BCRSD Payment"), the receipt of which is acknowledged, the undersigned, Tawnee Benner (formerly known as Tawnee Dufur) and Michael Benner, agree as follows:

1. The undersigned release and discharge the Boone County Regional Sewer District and its officers, employees, agents, attorneys, successors and assigns thereof, and its insurers (hereafter collectively referred to in this agreement as "BCRSD") from any and all claims or causes of action they have or may have arising out of their payment of unwarranted charges for sewer service arising between May 30, 2014, and March 29, 2019, for real property owned or occupied by them located at 97 Pike Street, Rocheport, Missouri (the "Property").

2. The undersigned agree that they shall not file suit nor authorize or permit anyone else to file suit in their name or in any other name on their behalf against BCRSD with respect to the incident referred to in paragraph 1 above.

3. The undersigned understand and agree that the BCRSD Payment referred to above is made to fully settle and compromise all claims which they make and is not and shall not be considered an admission of liability on the part of BCRSD.

4. The undersigned understand that by signing this release, BCRSD may plead it as a complete bar and defense to any suit, action or proceeding which may be instituted by them, or any person or entity on their behalf, against or concerning BCRSD with respect to their payment of unwarranted charges for sewer service arising between May 30, 2014, and March 29, 2019, for real property owned or occupied by them located at 97 Pike Street, Rocheport, Missouri, and that any such suit, action or proceeding shall be dismissed with prejudice at their cost and expense.

5. The undersigned understand and agree that by accepting the BCRSD Payment referred to above, neither they nor any person or entity acting on their behalf, shall have any legal right of action to seek any further redress or compensation whatsoever with respect to the claim based on the incident referred to in paragraph 1 above.

6. The undersigned acknowledge that upon completion of a public sewer extension to the Property, the undersigned will be required to connect the Property to public sanitary sewer services. The cost for such connection is a connection fee in the amount of two thousand three hundred dollars (\$2,300) and an inspection fee in the amount of one hundred forty dollars (\$140) (collectively, the "Connection Cost") to be paid to BCRSD. The undersigned agree to accept a payment from BCRSD of the BCRSD Payment less the Connection Cost in the total amount of one thousand one hundred four dollars and seventy-four cents (\$1,104.74) which payment shall fully satisfy the BCRSD Payment and the Connection Cost to BCRSD.

7. The undersigned state and declare that they have read and understand the contents of this agreement, that they have had an opportunity to seek the advice and counsel of an attorney of their choosing and have either done so or have knowingly decided not to do so.

[Remainder of page intentionally blank; signature page(s) follow]

WE THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AGREEMENT, UNDERSTAND IT, AND HAVE SIGNED IT AS OUR FREE ACT AND DEED.

Executed this 25th day of MARCH, 2024.

Tawnee Benner

Tawnee Benner (formerly known as Tawnee Dufur)

Michael Benner

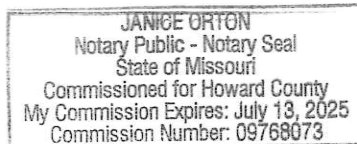
Michael Benner

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 25th day of MARCH 2024 in the year of 2024 before me a notary public in and for said state, personally appeared **Tawnee Benner (formerly known as Tawnee Dufur)** to me known to be the person who executed the within release and acknowledge to me that she executed the same as her free act and deed.

Janice Orton
Notary Public

My Commission Expires:

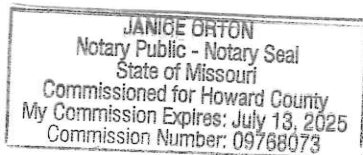


STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 25th day of MARCH 2024 in the year of 2024 before me a notary public in and for said state, personally appeared **Michael Benner** to me known to be the person who executed the within release and acknowledge to me that he executed the same as his free act and deed.

Janice ORTON
Notary Public

My Commission Expires:





1314 NORTH 7TH STREET
COLUMBIA, MO 65201
573-443-2774

CENTRAL BANK OF BOONE COUNTY
720 E. BROADWAY
COLUMBIA, MO 65201

35858

80-85/815

PAY
TO THE
ORDER OF

03/28/2024

Tawnee Benner and Michael Benner

\$
**1,104.74
DOLLARS

One thousand one hundred four and 74/100*****

Tawnee Benner and Michael Benner
97 Pike Street
Rocheport, MO 65279

Thomas F. Palmerman
Wendy Wiegans
AUTHORIZED SIGNATURE MP

MEMO



Security features included. Details on back.

BOONE COUNTY

35858

03/28/2024 Tawnee Benner and Michael Benner

Date	Type	Reference	Original Amount	Balance Due	Payment
03/27/2024	Bill	03272024	1,104.74	1,104.74	1,104.74
			Check Amount		1,104.74

Checking Account 1,104.74

BOONE COUNTY REGIONAL SEWER DISTRICT

35858

03/28/2024 Tawnee Benner and Michael Benner

Date	Type	Reference	Original Amount	Balance Due	Payment
03/27/2024	Bill	03272024	1,104.74	1,104.74	1,104.74
			Check Amount		1,104.74

Checking Account 1,104.74