

Public Records Request #2126

The following materials have been gathered in response to public records request #2126. These materials include:

- Release of All Claims – Estate of James Michael Short – December 28, 2018

This information was provided as a response to a public records request on 3/11/19 and is current to that date. There is a possibility of more current information and/or documents related to the stated subject matter.

Further Information

For further information about this request or the Citywide Records Program, please contact:

Cheyenne Flotree
Citywide Records Program Manager
City of Charlotte/City Clerk's Office
600 East 4th Street, 7th Floor
Charlotte, NC 28202
Cheyenne.Flotree@charlottenc.gov

Amelia Knight
Public Records Specialist
City of Charlotte/City Clerk's Office
600 East 4th Street, 7th Floor
Charlotte, NC 28202
Amelia.Knight@charlottenc.gov

RELEASE OF ALL CLAIMS

The Estate of James Michael Short, for the sole consideration of Nine Hundred and Fifty Thousand Dollars only (\$950,000.00), in hand paid, receipt whereof is hereby acknowledged, does hereby and for each of its beneficiaries, heirs, executors, administrators, successors and assigns release, acquit and forever discharge CMPD Officer Philip A. Barker, individually and as agent or employee of the City of Charlotte, the City of Charlotte, and their agents, servants, successors, heirs, executors, administrators, including but not limited to all other persons, firms, corporations, associations or partnerships ("Released Parties") of and from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses, attorney fees, and compensation whatsoever, which the undersigned now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen bodily and personal injuries and property damage and the consequences thereof resulting or to result from the incident, casualty, accident or event which occurred on or about July 8, 2017, at or near the intersection of Morehead Street and Euclid Avenue, in or near the City of Charlotte, State of North Carolina.

THE UNDERSIGNED specifically warrants that it alone is responsible for the payment and/or satisfaction of any and all liens, claims of lien or subrogation interests with respect to the claim, or the settlement proceeds referred to herein, including but not limited to any and all workers' compensation, Medicare or health care liens or any other claims for repayment on account of medical services rendered to the James Michael Short for medical treatment. In addition, the undersigned further agrees to satisfy and discharge any lien, claim of lien or subrogation interest that may now or hereafter exist with respect to the above claim, prior to the distribution of the settlement proceeds referred to herein. The undersigned further agrees to indemnify and hold harmless the parties herein released for and from any other claims or amounts, including reasonable attorney fees and expenses, that the Released Parties, or any of them, might be compelled to pay as a result of any such lien, claim of lien or subrogation interest. The Estate of James Michael Short and its attorney agree that they are responsible for satisfying any and all Medicare, Medicaid and SCHIP Extension Act of 2007 ("MMSEA") reporting requirements that may apply to the Estate of James Michael Short now or in the future.

THE UNDERSIGNED further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this Release contains the entire agreement between the parties hereto, and that the terms of this Release are contractual and not a mere recital.

THE UNDERSIGNED HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT.

Deborah Short [Signature] LS 12.28.18 (date)
Estate of James Michael Short
By: John S. Short and Deborah Short,
Co-Administrators of the Estate of James Michael Short

State of North Carolina SS. County of Mecklenburg.

On the 28th day of December, 2018, before me personally appeared John S. Short and Deborah Short, Co-Administrators of the Estate of James Michael Short, known to me personally or sufficiently proven to be the persons named herein and who knowingly and voluntarily executed the foregoing Release of All Claims.

[Signature] Notary Public; My term expires 02/11/2019

