

# JIM MCCLURE LAW OFFICE

222 N. 4<sup>th</sup> STREET  
P.O. BOX 1389  
MUSKOGEE, OKLAHOMA 74402  
Phone: (918) 681-0529 Fax: (918) 681-0533

STATE OF OKLAHOMA  
MUSKOGEE COUNTY  
FILED OR RECORDED

2023 MAR 29 AM 10:56

POLLY IRVING  
COUNTY CLERK

**March 24, 2023**

Polly Irving, Muskogee County Clerk  
Muskogee Board of County Commissioners  
PO Box 1008  
Muskogee, Oklahoma 74402-1008

Via Certified Mail

Re: Tort claim of Bailey Eller

Dear Ms. Shamblin,

As the Clerk for the Muskogee County Board of County Commissioners, please be advised, that pursuant to the Oklahoma Governmental Tort Claims Act, Title 51 O.S. §§151 et seq., I am submitting the following claim:

Name of Claimant: **Bailey Eller**

Name of Agency(ies) Involved: **Muskogee Board of County Commissioners, Muskogee Sheriff's Dept.**

Amount of Compensation Claimed: **\$1,000.00, which represents Mr. Eller's insurance deductible.**

Attorney/Agent Authorized to Settle Claim: **Jim McClure, 222 North 4<sup>th</sup> Street, PO Box 1389, Muskogee, Oklahoma 74402-1389, office phone: (918) 681-0529; office fax: (918) 681-0533; [mcclurelawoffice@gmail.com](mailto:mcclurelawoffice@gmail.com) office e-mail**

Date: **On or about February 16, 2023**

Time: **Approximately 6:35 a.m.**

Place: **On Business 69, directly across the street from the Oktaha Water Department**

Information required to meet reporting requirements of the MMSEA: **Not applicable as only property damages are alleged.**

Circumstances: **Mr. Eller was driving to work on the early morning of February 16, 2023. He was traveling South along Business 69 and was nearly directly across from the Oktaha**

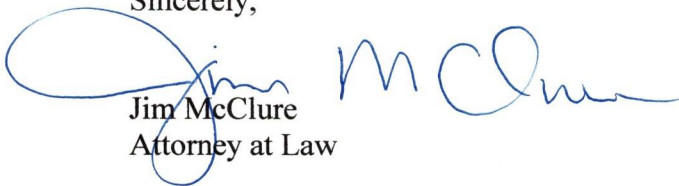
**E-MAILED**  
mcclure  
9:33a 3/30

**Water Department. This portion of the road is under the care and control of Muskogee County. The night before, February 15, 2023, the Muskogee Sheriff's Department became aware that a tree had fallen onto the lane that Mr. Eller was traveling upon, but no action was taken to warn anyone of this hazard, nor was any action taken to clear the roadway. At least two reports were received that the tree was blocking the lane. Many hours later, as Mr. Eller was driving, an oncoming car's headlights prevented him from seeing the fallen tree. He struck the tree, and this caused significant damage to Mr. Eller's vehicle. Fortunately, Mr. Eller was not injured in the accident. Mr. Eller has insurance, but the deductible on his policy is \$1,000.00. Mr. Eller is demanding payment of \$1,000.00 to pay for his out-of-pocket expenses due to the negligence of the county.**

Please submit this claim for your consideration. If you have any additional questions regarding this claim, I will be more than happy to provide you with additional information. I look forward to your response.

Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim McClure". The signature is stylized and written over the printed name and title.

Jim McClure  
Attorney at Law

Enclosure: none

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**iller**

message

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**olly Irving** <polly.clerk@gmail.com>  
o: "mcclurelawoffice@gmail.com" <mcclurelawoffice@gmail.com>

Thu, Mar 30, 2023 at 9:26 AM

This has been sent to our Insurance adjuster, Dusty @ ACCO.

***Polly Irving***  
**Muskogee County Clerk**  
**Ofc: (918) 682-2169**  
**Cell: (918) 781-9092**

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**iller**

message

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**olly Irving** <polly.clerk@gmail.com>  
o: "dustyb@okacco.com" <dustyb@okacco.com>

Thu, Mar 30, 2023 at 9:30 AM


***Polly Irving***

**Muskogee County Clerk**

**Ofc: (918) 682-2169**

**Cell: (918) 781-9092**

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McClellan Law Office  
PO Box 1389  
Muskogee, OK 74452

**CERTIFIED MAIL**



7022 3330 0000 8519 7565  
3-29-23

Podley DeWine Muskogee  
County Clerk  
Muskogee Board of County Comm.  
PO Box 1608  
Muskogee, OK 74402

