

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2259

## **Granted Appeal Summary**

### **Case**

KEN MCKEITHEN, SUCCESSOR TRUSTEE OF THE CRAIG E. CALDWELL TRUST U/A  
DATED DECEMBER 28, 2006 v. CITY OF RICHMOND  
(Record Number 210389)

### **From**

The Circuit Court of the City of Richmond; W.R. Marchant, Judge.

### **Counsel**

R. Kevin Kennedy (R. Kevin Kennedy, PLC) and Warner F. Young, III (Allred, Bacon, Halfhill & Young, P.C.) for appellant.

Gregory A. Lukanuski (Office of the City Attorney) for appellee.

### **Assignments of Error**

1. The Trial Court erroneously ruled that Appellant's lien claim established under Va. Code § 58.1-3967 to the net tax sale proceeds to be distributed after payment in full of the City of Richmond's statutory tax lien is not a constitutionally protected private property interest in the Disputed Tax Sale Proceeds.
2. The Trial Court erroneously failed to rule that the provisions of Va. Code § 58.1-3967 granting the City of Richmond the right to the Disputed Tax Sale Proceeds remaining after satisfaction of all obligations due the City of Richmond under its statutory tax lien was an unconstitutional taking of the Caldwell Trust's property right in the Disputed Tax Sale Proceeds without just compensation under the United States and Virginia Constitutions.