


COMMISSION AGENDA:

11.20.12 #9a.

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney 

SUBJECT: Notice of New Lawsuit and Defense of the Same by the County Attorney
in the Case of Stephen Cantor, et al. v. Estate of Nettie M. Keese, et al.
Circuit Civil Case No. 12-012842-CI-021

DATE: November 20, 2012

NOTICE: THIS IS TO ADVISE THE BOARD OF COUNTY COMMISSIONERS THAT THE ABOVE-REFERENCED LAWSUIT WAS FILED AGAINST THE COUNTY AND THE COUNTY ATTORNEY'S OFFICE WILL DEFEND THE SAME.

DISCUSSION: Plaintiff filed a Complaint to Quiet Tax Title, seeking to quiet title acquired by tax deed. Plaintiff asserts the County may have an interest in the property as a result of a lien upon the property. The County Attorney's Office will research the viability of the lien and respond to the Complaint as appropriate.

A copy of the Complaint (without attachments) is attached hereto.

JLB:CDP:gm

Attachment

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**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR
PINELLAS COUNTY, FLORIDA
CIVIL ACTION**

**STEPHEN CANTOR AS TRUSTEE OF THE
SCICNC REVOCABLE TRUST DATED
6-13-2012**

Plaintiff

vs.

**ESTATE OF NETTIE M. KEESE;
RUFUS L. KEESE; DEPARTMENT OF
THE TREASURY; ELIZABETH PARKER
REVOCABLE TRUST; McCLUSTER
HOLDINGS, LLP; PINELLAS
BOARD OF COUNTY COMMISSIONERS;**

Defendant(s)

COMPLAINT TO QUIET TAX TITLE

Plaintiff Stephen Cantor, files this Complaint to quiet title against defendant(s), Nettie M. Keese; Estate of Nettie M. Keese; Rufus L. Keese; Department of the Treasury; Elizabeth Parker Revocable Trust; McCluster Holdings LLP; Pinellas Board of County Commissioners; and Pinellas County, and alleges as follows:

1. This is an action to quiet title to certain real property situated in Pinellas County, Florida, filed pursuant to F.S. 65.081. Alternatively, in the event that plaintiff's tax deed title is determined invalid as to defendant (or any of them), this is also an action to foreclose a statutory lien for such invalidated tax deed pursuant to the provisions of F.S. 197.602.

2. Plaintiff is the owner in fee simple of the following described land in Pinellas County, Florida:

Lot 12, Baskin Heights Subdivision, according to the plat thereof as recorded in plat book 28, page 34, Public Records of Pinellas County, Florida.

Plaintiff deraigns title to the land as follows:

3. On June 13, 2012, the county of Pinellas conveyed the subject land by tax deed to plaintiff, said deed being recorded on June 18, 2012 in Official Record Book

17617, Page 1232, of the Public Records of Pinellas County, Florida. A copy of the tax deed is attached and marked plaintiff's Exhibit A.

4. At the time plaintiff acquired title by tax deed, record title was in defendant, Nettie Mae Keese, by virtue of a certain warranty deed dated December 9, 1951 and recorded on December 10, 1951 in Official Record Book 1351, Page 594, of the Public Records of Pinellas County, Florida. A copy of the tax deed is attached and marked plaintiff's Exhibit B.

5. Any and all claims, right, title, or interest of defendant to the real property described herein had been extinguished by the tax deed described herein; and plaintiff is the true record title owner to the real property and the legal and equitable owner thereof in fee simple, and as such, is entitled to have its title to the real property quieted and confirmed by the court under the provisions of F.S. 65.081.

6. Pleading in the alternative, plaintiff requests that if this court determines that the tax deed title of plaintiff is void as to any or all defendants, the court determine in its final judgment that plaintiff holds a good and valid lien on the subject real property for the amount of money paid by plaintiff for tax deed (\$25,600.00), together with interest thereon at 12% per annum from June 13th 2012, and the costs of this action, including attorneys' fees.

WHEREFORE, plaintiff, being without remedy save in a court of equity, demands as follows:

A. That upon final hearing, the fee simple title to the above described property be adjudged to be in plaintiff.

B. The defendant (each of them) be required to set forth the nature of its claim in and to the above described real property and that all adverse claims by defendant or those claiming by, through, under, or against defendant, be determined by judgment of this court to be null and void as against plaintiff.

C. That all right, title, and interest of defendant and those parties claiming by, through, under, or against defendant to forever quieted and confirmed in plaintiff.

D. The defendant and those parties claiming by, through, under, or against defendant be perpetually enjoined from asserting any right, title, claim, or interest in and to the above described real property.

E. That in the event the tax deed title of plaintiff be invalidated, plaintiff's statutory lien for the amount paid for the tax deed together with interest thereon, costs, and attorneys' fees be foreclosed and that the subject real property be sold by the clerk of the court to satisfy said lien.

F. That the court grant such other and further relief as it may deem property in the premises.

Dated: October 23, 2012

Respectfully submitted:



Jeffrey A. Aman, Esquire

Florida Bar Number 437417

Jonathan A.M. Flugstad, Esquire

Florida Bar Number 98400

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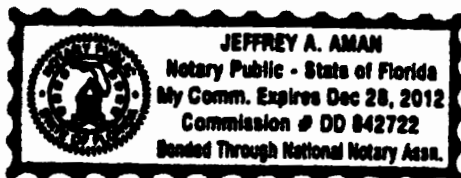
VERIFICATION

Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.


STEPHEN CANTOR, As Trustee of the
SCICNC Revocable Trust Dated 6-13-12

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

SWORN TO AND SUBSCRIBED before me this 15th day of October, 2012, by
STEPHEN CANTOR, As Trustee of the SCICNC Revocable Trust Dated 6-13-12, who
is personally known to me or who has produced _____ as identification
and who did take an oath.




Notary Public, State of Florida

My Commission Expires: