


COMMISSION AGENDA:

12.11.12 # 11b.

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 Plymouth Park Tax Services, LLC. v. Pinellas County and Clerk, et. al.

DATE: December 11, 2012

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

DISCUSSION: This is a lawsuit to quiet title to real property following issuance of a tax deed, No. 02281, to Plaintiff, the holder of a tax certificate on the property. The County has been named as a Defendant, and the complaint alleges that the County may claim an interest in the property pursuant to a certain Final Judgment that appears of record in the Official Records of Pinellas County. A copy of the Complaint is attached.

JLB:JAP:sme

Attachment

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PLYMOUTH PARK TAX SERVICES,
LLC,

IN THE CIRCUIT COURT OF THE 6TH
JUDICIAL CIRCUIT IN AND FOR PINELLAS
COUNTY, FLORIDA

CASE NO.

Plaintiff,

vs.

TRSTE, LLC, TRUSTEE OF THE 902 ENGMAN
STREET LAND TRUST DATED MARCH 23,
2007; TIMES PUBLISHING COMPANY D/B/A
ST. PETERSBURG TIMES; CAPITAL ONE
BANK; STATE OF FLORIDA; GENERAL
MOTORS ACCEPTANCE CORPORATION;
MELVIN T. MILLER; CLERK OF COURT, SIXTH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA; FIFTH THIRD BANK; FLORIDA
WATER PRODUCTS, INC.; COUNTY OF
PINELLAS; CAPITAL ONE BANK (USA), N.A.,
F/K/A CAPITAL ONE BANK; HARVEST CREDIT
MANAGEMENT VII, AS ASSIGNEE OF
BARCLAYS-CARNIVAL; MIDLAND FUNDING
LLC; UNKNOWN TENANT IN POSSESSION OF
REAL PROPERTY OR CLAIMING AN
OWNERSHIP INTEREST OR UNRECORDED
INTEREST IN THE REAL PROPERTY,

Defendants.

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COMPLAINT TO QUIET TITLE

Plaintiff, PLYMOUTH PARK TAX SERVICES, LLC, by and through undersigned counsel,
sues Defendants, TRSTE, LLC, TRUSTEE OF THE 902 ENGMAN STREET LAND TRUST
DATED MARCH 23, 2007; TIMES PUBLISHING COMPANY D/B/A ST. PETERSBURG
TIMES; CAPITAL ONE BANK; STATE OF FLORIDA; GENERAL MOTORS ACCEPTANCE
CORPORATION; MELVIN T. MILLER; CLERK OF COURT, SIXTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA; FIFTH THIRD BANK; FLORIDA WATER PRODUCTS, INC.;
COUNTY OF PINELLAS; CAPITAL ONE BANK (USA), N.A., F/K/A CAPITAL ONE BANK,
HARVEST CREDIT MANAGEMENT VII, AS ASSIGNEE OF BARCLAYS-CARNIVAL;

MIDLAND FUNDING LLC; UNKNOWN TENANT IN POSSESSION OF REAL PROPERTY OR CLAIMING AN OWNERSHIP INTEREST OR UNRECORDED INTEREST IN THE REAL PROPERTY, and alleges:

COUNT I – QUIET TITLE

1. This is an action pursuant to Florida Statute §65.081 to quiet title to real property in Pinellas County, Florida.

2. Plaintiff owns the following described real property in Pinellas County, Florida:

The South 100 feet of Lot 2, Block 2, of C.E. Jackson's Subdivision, according to the map or Plat thereof, as recorded in Plat Book 2, Page 96, of the Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part of.

Property Address: 902 Engman Street, Clearwater, Florida 33755 ("Property").

3. Plaintiff deraigns title as follows:

(a) TRSTE, LLC, TRUSTEE OF THE 902 ENGMAN STREET LAND TRUST DATED MARCH 23, 2007 was the prior owner of the Property pursuant to a Trustee's Deed recorded in Official Records Book 15749, Page 2462; Book 15749, Page 2464; Book 15749, Page 2466; Book 15749, Page 2468; Book 15749, Page 2470; Book 15749, Page 2472; Book 15749, Page 2474; Book 15749, Page 2476; Book 15749, Page 2478; Book 15749, Page 2480; Book 15749, Page 2482 all recorded in the Official Records of Pinellas County, Florida.

(b) State and county taxes were not paid. Thereafter, tax certificates were sold, and the holder of the tax certificates applied for a Tax Deed to be issued by the Clerk of the Circuit Court of Pinellas County, Florida. The Clerk of the Circuit Court duly issued the Tax Deed to Plaintiff, dated April 5, 2011 and recorded on April 5, 2011 in Official Records

Book 17213, Pages 2171-2174 of the Official Records of Pinellas County, Florida. A copy of the Tax Deed is attached hereto as Exhibit "A."

4. Immediately on the recording of the Tax Deed, Plaintiff is entitled to immediate possession of the property acquired pursuant to the provision of Florida Statute §197.562.

5. The issuance of a tax deed does not create marketable title in Plaintiff, so Plaintiff is unable to convey, mortgage, or otherwise deal with the property based on marketable title, unless Defendant's claim as the owner prior to issuance of the Tax Deed is extinguished by this action.

6. Defendant, TRSTE, LLC, TRUSTEE OF THE 902 ENGMAN STREET LAND TRUST dated March 23, 2007 may claim an interest in the real property as the prior owner of record; however any interest is inferior to Plaintiff's interest as the issuance of the Tax Deed extinguished said Defendant's interest.

7. Defendant, TIMES PUBLISHING COMPANY D/B/A ST. PETERSBURG TIMES, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 13010, Page 795 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

8. Defendant, CAPITAL ONE BANK, may claim an interest in the Property pursuant to a Final Judgment recorded in the Official Records Book 13672, Page 929 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

9. Defendant, GENERAL MOTORS ACCEPTANCE CORPORATION, may claim an interest in the Property pursuant to a Final Judgment recorded in the Official Records Book 14808, Page 2380 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

10. Defendant, STATE OF FLORIDA, may claim an interest in the Property pursuant to a Final Judgment recorded in the Official Records Book 13922, Page 2352, a Final Judgment recorded in the Official Records Book 14937, Page 2532, a Final Judgment recorded in the Official Records Book 15903, Page 2570, a Final Judgment recorded in the Official Records Book 16933, Page 495, a Final Judgment recorded in the Official Records Book 17332, page 1085, a Final Judgment recorded in the Official Records Book 17010, Page 2689 and a Final Judgment recorded in the Official Records Book 17540, Page 1887 all in the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

11. Defendant, MELVIN T. MILLER, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 15299, Page 2429 and a Final Judgment recorded in the Official Records Book 15953, Page 1599 in the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

12. Defendant, CLERK OF COURT, SIXTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, may claim an interest in the Property pursuant to a Final Judgment recorded in the Official Records Book 15524, Page 1572; Official Records Book 13922, Page 2352, a Final Judgment recorded in the Official Records Book 14937, Page 2532, a Final Judgment recorded in the Official Records Book 15903, Page 2570, a Final Judgment recorded in the Official Records Book 16933, Page 495, a Final Judgment recorded in the Official Records Book 17332, page 1085, a Final Judgment recorded in the Official Records Book 17010, Page 2689 and a Final Judgment recorded in the Official Records Book 17540, Page 1887; Official Records Book 16575, Page 694; Official Records Book 15953, page 1599 all of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

13. Defendant, FIFTH THIRD BANK, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 16545, Page 136 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

14. Defendant, FLORIDA WATER PRODUCTS, INC. may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 16537, Page 2082 and Book 16551, Page 1740 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

15. Defendant, COUNTY OF PINELLAS, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 16575, Page 694 of the Official records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

16. Defendant, CAPITAL ONE BANK (USA), N.A., F/K/A CAPITAL ONE BANK, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 16710, Page 1421 and Book 16692, Page 602, and a Final Judgment recorded in the Official Records Book 16774, Page 1489 and Book 16727, Page 884 all in the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

17. Defendant, HARVEST CREDIT MANAGEMENT VII, AS ASSIGNEE OF BARCLAYS-CARNIVAL may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 17217, Page 554 and Book 17153, Page 2450 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.

18. Defendant, MIDLAND FUNDING LLC, may claim an interest in the Property pursuant a Final Judgment recorded in the Official Records Book 17275, Page 2038 and Book 17260, Page 284 of the Official Records of Pinellas County; however, any interest of said Defendant is subject and inferior to Plaintiff's interest by virtue of the Tax Deed.


19. Defendant, UNKNOWN TENANTS IN POSSESSION AND ALL OTHERS CLAIMING AN OWNERSHIP OR OTHER UNRECORRD INTEREST IN THE REAL PROPERTY, may claim an interest in the property by being in possession of the real property or claiming a possible ownership or other unrecorded interests; however, any interest of said Defendant is subject and inferior to the interest of Plaintiff, by virtue of the Tax Deed.

WHEREFORE, Plaintiff, PLYMOUTH PARK TAX SERVICES, LLC, demands Judgment against Defendants, TRSTE, LLC, TRUSTEE OF THE 902 ENGMAN STREET LAND TRUST DATED MARCH 23, 2007; TIMES PUBLISHING COMPANY D/B/A ST. PETERSBURG TIMES; CAPITAL ONE BANK; STATE OF FLORIDA; GENERAL MOTORS ACCEPTANCE CORPORATION; MELVIN T. MILLER; CLERK OF COURT, SIXTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA; FIFTH THIRD BANK; FLORIDA WATER PRODUCTS, INC.; COUNTY OF PINELLAS; CAPITAL ONE BANK (USA), N.A., F/K/A CAPITAL ONE BANK, HARVEST CREDIT MANAGEMENT VII, AS ASSIGNEE OF BARCLAYS-CARNIVAL; MIDLAND FUNDING LLC; UNKNOWN TENANTS IN POSSESSION AND ALL OTHERS CLAIMING AN OWNERSHIP OR OTHER UNRECORRD INTEREST IN THE REAL PROPERTY, quieting title to the Property in Plaintiff and removing the clouds of title from the land.

DATED: October 17, 2012.

GREENSPOON MARDER, P.A.
Attorneys for Plaintiff
Trade Centre South, Suite 700
100 West Cypress Creek Road
Fort Lauderdale, Florida 33309
(954) 491-1120
(954) 343-6972 (Direct Fax)
Email: servicedarielabrahamy@gmlaw.com
Email: marie.kusek@gmlaw.com

By: _____


DARIEL J. ABRAHAMY
Florida Bar No. 0014901