

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

FROM: James L. Bennett, County Attorney 

SUBJECT: Recommendation to Initiate Foreclosure Litigation on Code Enforcement and  
Lot Clearing Liens in Pinellas County v. Anthony J. Torres Revocable Trust,  
with Anthony J. Torres as Trustee

DATE: May 22, 2012

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY TO INITIATE FORECLOSURE LITIGATION BASED ON OUTSTANDING CODE ENFORCEMENT AND LOT CLEARING LIENS THAT HAVE BEEN LEVIED AGAINST PROPERTY OWNED BY THE ANTHONY J. TORRES REVOCABLE TRUST, WITH ANTHONY J. TORRES AS TRUSTEE.

DISCUSSION: In April 2010, Pinellas County Code Enforcement first inspected the property located at 1216 Norwood Avenue, Clearwater, FL 33756. Code Enforcement found the property to be in significant disrepair due to sinkhole damage. Code Enforcement requested a hearing in front of the Special Magistrate after little or no action had been taken to repair the damaged property. On January 10, 2011, the Special Magistrate heard the case and instituted daily fines on the property of \$1000.00 per day until compliance is reached due to health and safety concerns.

To date, compliance has not been reached. County Code Enforcement has repeatedly contacted Mr. Torres to attempt to work with him to bring the property into compliance. However, Mr. Torres has continually asserted that he does not have the money to make any repairs. Mr. Torres has also failed to maintain the vegetation on property. On two occasions in 2011, the County has mowed and cleared all debris on the property and subsequently filed the appropriate lot clearing liens in the public records.

As well, Mr. Torres has not paid the property taxes on the property for the past three years.

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

JLB:DWM

Attachment

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

PINELLAS COUNTY, a political  
subdivision of the State of Florida,  
Plaintiff,

Case No. \_\_\_\_\_

vs.

ANTHONY J. TORRES REVOCABLE  
TRUST CREATED U/A DATED 5/23/2000  
WITH ANTHONY J. TORRES  
AS TRUSTEE,

Defendant.

\_\_\_\_\_/

**COMPLAINT TO FORECLOSE CODE ENFORCEMENT LIEN**  
**AND LOT MOWING LIENS**

Plaintiff, PINELLAS COUNTY, a political subdivision of the State of Florida, by and through its undersigned attorney, sues Defendant Anthony J. Torres as Trustee, and alleges:

1. This is an action to foreclose liens on real property in Pinellas County, Florida.
2. The liens do exceed the amount of fifteen thousand dollars (\$15,000.00).
3. Plaintiff is exercising its authority to levy and foreclose upon liens pursuant to Article 8, Section 1(f) of the Florida Constitution and Chapters 125 and 162 of the Florida Statutes.
4. Defendant owns and has possession of the following described real property, a certified deed of which is attached heretofore as **Exhibit A**, hereinafter the "Property", to wit:

Lot 2, Block "F", OAK ACRES ADDITION UNIT 1, according to the map or plat thereof, as recorded in Plat Book 34, page 31 of the Public Records of Pinellas County.

**Property Known As:** 1216 Norwood Avenue, Clearwater, Florida 33756

5. Plaintiff is the owner and holder of the liens interest that was imposed upon the above described property pursuant to Pinellas County Code Chapter 2, Article VIII and Chapter 58, Article IX.
6. The code enforcement and lot clearing liens upon which the Plaintiff forecloses total \$462,693.17 and are recorded in Official Records Book 17209 Page 398-404; Book 17327 Page 145; Book 17422 Page 1066. A copy of the liens are attached hereto and incorporated herein by reference as **Composite Exhibit B**.
7. The Property is not homestead property which is protected under Article X, Section 4 of the Constitution of the State of Florida and Defendant does not reside therein.
8. No payments have been made on the liens and the liens have been recorded in the Official Records of Pinellas County for a period in excess of three (3) months.
9. Plaintiff has attempted to make demand for payment in full and the notice required by the Fair Debt Collection Practices Act (the "Act") 15 U.S.C. § 1601, et seq., as amended, was attached. Such demand was sent via certified U.S. mail, return receipt requested, to Defendant at the following address:

Anthony J. Torres Revocable Trust Created U/A dated 5/23/2000  
with Anthony J. Torres as Trustee,  
5614 Pine Bay Drive  
Tampa, Florida 33625
10. Plaintiff is obligated to pay a reasonable attorney's fee for the services rendered herein and is entitled to recover all costs, including a reasonable attorney's fee that it incurs in this foreclosure action pursuant to Section 162.10, Florida Statutes.
11. Plaintiff has performed all requisite conditions precedent to the filing of this suit to foreclose upon the lien described herein upon the Property.

**WHEREFORE**, Plaintiff, PINELLAS COUNTY, respectfully requests this Honorable

Court:

- A. Adjudge that Plaintiff has liens on the real property described herein, and that all encumbrances filed against the Property since the filing of the Notice of Lis Pendens be foreclosed;
- B. Order an accounting to be taken under its direction determining what sums are due and owing to the Plaintiff for the principle and interest on the liens herein described and securing and protecting Plaintiff's lien on the aforementioned real property;
- C. Enter Judgment in favor of the Plaintiff in the amount determined by the accounting;
- D. Order that, in default of payment of the liens, the Property be sold according to the law and that the proceeds therefrom be paid to Plaintiff to satisfy the judgment;
- E. Order costs and reasonable attorney fees and any additional relief the court deems appropriate be awarded to Plaintiff.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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