

eFiled

IN THE CIRCUIT COURT OF THE 20TH
JUDICIAL CIRCUIT COURT IN AND FOR
LEE COUNTY, FLORIDA

KEVIN THORESEN

CASE NO.

Plaintiff,

14 - CA - 002253

Judge: Winesett, Sherra

vs.

NATIONAL NOTE OF UTAH, LC; CITY OF
FORT MYERS; BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY,
FLORIDA; INTERNAL REVENUE SERVICE;
LARRY FRYE; DONALD PITTS and ANNA
PITTS; JNP A-YACHT, LP; TORUN
INVESTMENTS, LLC; LINDA DOGGETT,
CLERK OF THE COURT, LEE COUNTY,
FLORIDA; UNKNOWN OCCUPANTS and ANY
AND ALL UNKNOWN PARTIES CLAIMING
BY, THROUGH, UNDER OR AGAINST THE
ABOVE-NAMED DEFENDANTS WHO ARE
NOT KNOWN TO BE DEAD OR ALIVE,
WHETHER SAID UNKNOWN PARTIES CLAIM
AN INTEREST AS SPOUSE, HEIRS, DEVISEES,
GRANTEES, LIENORS, CREDITORS, OR
OTHER CLAIMANTS,

Defendants.

SERVED

Date:

by:

Time:

#:

5278 Pinemont Dr. #A250, Murray UT 84123

(801) 590-8364 - Service information only

SUMMONS

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of said State:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the Complaint,
in this action upon Defendant NATIONAL NOTE OF UTAH, LC. It may be served with process
through its receiver:

Blackhawk Legal Service

Wayne Klein
10 Exchange Place, #502
Salt Lake City, UT 84111

Each Defendant is required to serve written defenses to the Complaint within twenty (20) days after service of this Summons upon Plaintiffs' attorney, whose name and address is:

Scott A. Weires, Esq.
MURDOCH, WEIRES & NEUMAN, PLLC
14 Southeast 4th Street
Boca Raton, FL 33432
Tel.: (561) 347-8700
Fax: (561) 409-2341

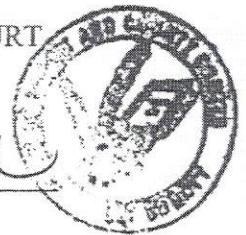
exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiffs' attorney or immediately thereafter. If the Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint.

WITNESS my hand and the Seal of this Court this ____ day of JUL 21 2014, 2014.

(SEAL)

LINDA DOGGETT
CLERK OF THE CIRCUIT COURT

By: M. Neuman
Deputy Clerk



IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

Americans with Disabilities Act ("ADA")

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Ken Kellum, Court Operations Manager, whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1700, within two working days of your receipt of this [describe notice]; if you are hearing or voice impaired, call 711.

IN THE CIRCUIT COURT OF THE 20TH
JUDICIAL CIRCUIT COURT IN AND FOR
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KEVIN THORESEN

CASE NO.

Plaintiff,

vs.

NATIONAL NOTE OF UTAH, LC; CITY OF
FORT MYERS; BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY,
FLORIDA; INTERNAL REVENUE SERVICE;
LARRY FRYE; DONALD PITTS and ANNA
PITTS; JNP A-YACHT, LP; TORUN
INVESTMENTS, LLC; LINDA DOGGETT
, CLERK OF THE COURT, LEE COUNTY,
FLORIDA; UNKNOWN OCCUPANTS and ANY
AND ALL UNKNOWN PARTIES CLAIMING
BY, THROUGH, UNDER OR AGAINST THE
ABOVE-NAMED DEFENDANTS WHO ARE
NOT KNOWN TO BE DEAD OR ALIVE,
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AN INTEREST AS SPOUSE, HEIRS, DEVISEES,
GRANTEES, LIENORS, CREDITORS, OR
OTHER CLAIMANTS,

Defendants.

COMPLAINT TO QUIET TITLE

COMES NOW, the Plaintiff, KEVIN THORESEN, by and through his undersigned counsel,
and brings this action to quiet title to real property against the Defendants, NATIONAL NOTE
OF UTAH, LC; CITY OF FORT MYERS; BOARD OF COUNTY COMMISSIONERS OF LEE
COUNTY, FLORIDA; INTERNAL REVENUE SERVICE; LARRY FRYE; DONALD PITTS
and ANNA PITTS; JNP A-YACHT, TORUN INVESTMENTS, LLC; LP LINDA DOGGETT,

CLERK OF THE COURT, LEE COUNTY, FLORIDA; UNKNOWN OCCUPANTS; and ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER OR AGAINST THE ABOVE-NAMED DEFENDANTS WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES CLAIM AN INTEREST AS SPOUSE, HEIRS, DEVISEES, GRANTEEES, LIENORS, CREDITORS, OR OTHER CLAIMANTS (collectively the "Defendants"), and in further support states as follows:

The Parties, Jurisdiction and Venue

1. Plaintiff, KEVIN THORESEN, is a natural person of the full age of majority, a resident of Lee County, Florida and is otherwise *sui juris*. KEVIN THORESEN is the former titleholder of the subject property.

2. Defendant NATIONAL NOTE OF UTAH, LC is a foreign corporation which previously conducted business within the State of Florida and is otherwise *sui juris*. NATIONAL NOTE OF UTAH, LC may be served with process through its receiver, Wayne Klein, 10 Exchange Place, 502, Salt Lake City, UT 84111. NATIONAL NOTE OF UTAH, LC may assert an interest in the subject property by virtue of a Mortgage recorded June 29, 2005, under O.R. Book 4775, Page 831, Public Records of Lee County, Florida.

3. Defendant CITY OF FORT MYERS is a municipal entity pursuant to the laws of the State of Florida. It may be served with process through its City Manager, 2200 Second Street, Fort Myers, FL 33901. CITY OF FORT MYERS may assert an interest in the subject property by virtue of a Lien recorded as INSTR# 2014000106238, Public Records of Lee County, Florida.

4. Defendant BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY,

FLORIDA is a municipal entity pursuant to the laws of the State of Florida. It may be served with process through the County Manager, 2115 Second Street, Fort Myers, FL 33901. BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA may assert an interest in the subject property by virtue of Special Assessment Liens recorded as INSTR# 20070000257642, and 2009000031176, Public Records of Lee County, Florida.

5. Defendant INTERNAL REVENUE SERVICE ("IRS"), is a governmental unit of the United States of America and is otherwise *sui juris*. It may be served with process through the United States Attorney for the Southern District of Florida, 500 E. Broward Blvd., Fort Lauderdale, FL 33394, and by sending a copy of the summons and Complaint via certified mail to the Attorney General of the United States, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001. IRS may assert an interest in the subject property by virtue of a Federal Tax Lien recorded October 8, 2007, under INSTR# 20070000305550, Public Records of Lee County, Florida.

6. Defendant, LARRY FRYE, is a natural person of the full age of majority, a resident of Minnesota and is otherwise *sui juris*. LARRY FRYE may be served at 10280 Summer Place, Eden Prairie, MN 55347. LARRY FRYE may assert an interest in the subject property by virtue of a Judgment recorded as INSTR# 2006000461297 and 20070000021256, Public Records of Lee County, Florida.

7. Defendants, DONALD PITTS and ANNA PITTS, are natural persons of the full age of majority, residents of Ontario, Canada, and are otherwise *sui juris*. DONALD PITTS and ANNA PITTS may be served at 4291 Taywood Drive, Burlington, Ontario L7M4V1. DONALD PITTS and ANNA PITTS may assert an interest in the subject property by virtue of a Judgment recorded as INSTR# 2009000323884 and 2009000331518, Public Records of Lee County, Florida.

8. Defendant, JNP A-YACHT, LP, is a foreign limited partnership and is otherwise

sui juris. JNP A-YACHT, LP may be served through its President, John P. Ayotte, 11620 Court of Palms, #702, Fort Myers, FL 33908. JNP A-YACHT, LP may assert an interest in the subject property by virtue of a Judgment recorded as INSTR# 2009000323884 and 2009000331518, Public Records of Lee County, Florida.

9. Defendant TORUN INVESTMENTS, LLC is a foreign limited liability company that is otherwise *sui juris*. It may be served with process through its registered agent, Sebastian Mlak, 14455 Lakeshore Drive, Sterling Heights, MI 48313. TORUN may assert an interest in the subject property by virtue of a Quitclaim Deed recorded as INSTR# 2014000101827, Public Records of Lee County, Florida.

10. Defendant, LINDA DOGGETT CLERK OF THE COURT, LEE COUNTY, FLORIDA may be served with process at Justice Center, 2nd Floor, 1700 Monroe Street, Ft. Myers, FL 33901.

1. Defendant UNKNOWN OCCUPANTS may assert an interest in the subject property by virtue of possession of the premises.

2. This Court has jurisdiction over this matter pursuant to F.S. §65.021, which relates to claims to legal or equitable title to land, pursuant to F.S. §65.081, which relates to tax titles, and pursuant to F.S. §68.04, which relates to claims involving liens of any kind.

3. Venue is proper in this Court as the property at issue is located and situated in St. Lucie County.

4. All conditions precedent to the filing of this action have occurred, been waived, or otherwise performed.

Count I - Quiet Title

5. By deed recorded June 29, 2005, in the Official Records of Lee County, in Book 4775, Page 829, Plaintiff came into ownership and possession of the following described real property (hereinafter referred to as the "Property"), to wit:

Lot 138, of YACHT CLUB COLONY, according to the plat thereof, as recorded in Plat Book 10, pages 95 and 96, Public Records of Lee County, Florida.

Parcel ID Number: 29-43-25-03-00000.1380

A copy of the deed is attached hereto as **Exhibit A**, and is incorporated herein by reference.

6. Real property taxes for the Property became delinquent and were duly levied and assessed against the Property by the political subdivisions of the State of Florida legally authorized to assess such taxes.

7. As a result, the Lee County Tax Collector (hereinafter referred to as the "Tax Collector") issued and sold tax certificate number 001941 against the Property, which certificate was not redeemed within the period prescribed by §197.502, Fla. Stat.

8. Thereafter, application was duly made for a tax deed.

9. On May 27, 2014, and during the usual hours of sale, the Tax Collector, after due advertisement and proper notice to all parties including the Defendants, did sell the Property to the highest bidder at such sale (the "Tax Sale").

10. Upon information and belief, the aforementioned Tax Sale of the Property was proper in that it complied with Chapter 197 of the Florida Statutes, as amended, in all material respects.

11. By deed recorded on May 27, 2014, in the Official Records of Lee County, Florida, INSTR #2014000110285, the Tax Collector conveyed title to the Property to the highest bidder.

Bridego Invest Corporation (the "Tax Deed"). A copy of which deed is attached hereto as **Exhibit B**, and incorporated herein by reference.

12. Bridego Invest Corporation now holds title and possession to the Property.

13. Record title was with the Plaintiff at the time when notice was provided of the Tax Deed sale and, as a result, the Plaintiff has a claim to certain personal property associated with the Property and the Tax Sale thereof and seeks to quiet title against any and all liens of the Defendants.

14. By reason of the Tax Sale, any and all liens of the Defendants in, to, and upon the Property have been extinguished by the Tax Deed described in this Complaint and the rights of Plaintiff are superior in dignity to the rights, title, claims of lien or any other interests of Defendants and any entities or persons claiming by, through, or under Defendants to the extent provided by Florida law.

15. Despite this, various liens of the Defendants remain filed of record and create a cloud upon the title to the Property and all personal property related thereto.

16. Plaintiff is entitled to judgment terminating any and all interests that Defendants, their spouses, heirs, devisees, successors, assigns or anyone or anything in the whole world claiming by, through, or under them, irrespective of the nature of that interest, have in and to the Property and barring any future claims they may assert.

WHEREFORE, the Plaintiff, KEVIN THORESEN, being without remedy save in a court of equity, respectfully requests that this Honorable Court enter an Order determining that the rights of Plaintiff to personal property associated with the Property and the Tax Sale thereof, and specifically any surplus funds, are superior in dignity to the rights, title, claims of lien or any other interests of Defendants and those parties claiming by, through, under or against Defendants;

that fee simple title to the above described property be adjudged to be in Bridego Invest Corporation; that all rights, title, and interest of Defendants and those parties claiming by, through, under, or against Defendants be forever quieted and confirmed in Bridego Invest Corporation; that Defendants and those parties claiming by, through, under, or against Defendants be perpetually enjoined from asserting any right, title, claim or interest in and to the above described real property; and any other and further relief as is just and proper.

Dated: July 17th, 2014

MURDOCH, WEIRES & NEUMAN, PLLC

Attorneys for Plaintiff

14 Southeast 4th Street

Boca Raton, Florida 33432

Tel.: (561) 347-8700

Fax: (561) 409-2341



By: _____

Scott A. Weires, Esq.

Florida Bar No. 0113761

sweires@mwnlegal.com

servicefl@mwnlegal.com

Exhibit A



Prepared by
 Tami Gill, an employee of
 Metropolitan Title & Guaranty Company dba Commerce Title Company
 1520 Royal Palm Square Blvd, #130
 Fort Myers, FL 33919
 (239) 415-2090

INSTR # LB68434
 RECEIVED FEB 03 2005 11:58
 COUNTY CLERK'S OFFICE
 LEES COUNTY, FLORIDA
 FILED FOR PUBLIC RECORD
 2005 FEB 03 11:58 AM
 4000 E. US HWY 1
 FORT MYERS, FL 33901

Return to: Grantee

File No.: 419162

WARRANTY DEED

This indenture made on **June 01, 2005 A.D.**, by

Dave Saunders, a married man

whose address is: **6290 River Club Court, North Fort Myers, FL 33917**
 hereinafter called the "grantor", to

Kevin Thoresen a single man

whose address is: **2933 Springland Road, Prior Lake, MN 55372**
 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, allens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, to-wit:

Lot 138, of YACHT CLUB COLONY, according to the plat thereof, as recorded in Plat Book 10, pages 95 and 96, Public Records of Lee County, Florida.

***THE SUBJECT PROPERTY IS VACANT LAND AND THEREFORE IS NOT NOW NOR HAS IT EVER BEEN THE HOMESTEAD PROPERTY OF THE GRANTOR.**

Parcel Identification Number: **29-43-25-03-00000.1380**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except covenants, restrictions and easements of record, and taxes accruing subsequent to December 31, 2004.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Dave Saunders
Dave Saunders

Signed, sealed and delivered in our presence:

Kerrey Hoolihan
Witness Signature

Print Name: Kerrey Hoolihan

State of Florida

County of Lee

Tamara L. Gill
Witness Signature

Print Name: Tamara L. Gill

The foregoing instrument was acknowledged before me on 1st day of June, 2005, by Dave Saunders who is/are personally known to me or who has/have produced a valid driver's license as identification.

Tamara L. Gill
NOTARY PUBLIC

Notary Print Name
My Commission Expires: _____



Exhibit B

TAX DEED
SEC. 197 FS

This instrument was prepared by:
Tax Deed Sales Department
Linda Doggett, Clerk of Circuit Court
P.O. Box 9367, Ft Myers, FL 33902

Tax Deed File #: 2013002763

Property Identification #: 29432503000001380

STATE OF FLORIDA
COUNTY OF LEE

The following Tax Sale Certificate Numbered 001941 issued in 2010 was filed in the office of the Tax Collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land, such land was on the 27th day of May, 2014 offered for sale as required by law for cash to the highest bidder and was sold to:

BRIDEGO INVEST CORPORATION
1201 N ORANGE STREET
SUITE 7190
WILMINGTON, DE 19801

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida,

NOW, this 27th day of May, 2014, the County of Lee, State of Florida, in consideration of the sum of \$61,518.50 being the amount paid pursuant to the laws of Florida does hereby sell the following lands situated in the County and State and described as follows:

YACHT CLUB COLONY PB 10 PG 95 LOT 138

DeVeta Leslie
Clerk of Circuit Court
DeVeta Leslie, Deputy Clerk
Lee County, Florida



Witness:

Jean M. Kersanty Jean M. Kersanty

Lisa Maxim Lisa Maxim

STATE OF FLORIDA
COUNTY OF LEE

On this 05/27/2014, before me a notary personally appeared DeVeta Leslie, Deputy Clerk in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be their own free act and deed for the use and purpose therein mentioned.

Witness my hand and official seal date aforesaid.

Shelton Pinnace

NOTARY PUBLIC-STATE OF FLORIDA
Shelton J. Pinnace
Commission # EE040688
Expires: NOV. 08, 2014
ATLANTIC BONDING CO., INC.