



# Charlotte County Government

*"To exceed expectations in the delivery of public services."*

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## MEMORANDUM

Date: August 7, 2025

To: Board of County Commissioners

From: Brandon Hackbarth, Assistant County Attorney *BH*

Through: Janette S. Knowlton, County Attorney *JSK*

Re: PEACE RIVER DRIVE SEAWALL FORECLOSURE

1. The County Attorney's Office formally requests permission to foreclose on the property, 3301 Peace River Drive, Punta Gorda, FL 33983 (See **Exhibit A**). In support of our request, we submit the following:
2. The aforesaid property has been in violation since February of 2023 for various code infractions, chief amongst them being §§ 301.2 and 302.7 of the International Property Maintenance Code. The cited violations pertain to the seawall falling into a state of disrepair. These violations have led to partial obstruction of the San Salvador Canal in the past (presently rectified, albeit temporarily) and constitutes a general nuisance unto the public.
3. The County has attempted to proceed against the property owner via an injunction in the Circuit Court, but service cannot be perfected due to the

### COUNTY ATTORNEY'S OFFICE

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owner/defendant being an evasive foreign LLC. Investigative efforts to locate a valid address or registered agent have not been fruitful.

4. On July 23<sup>rd</sup>, it came to the County's attention that the collapsed seawall on the subject property is starting to impact the neighboring property, allegedly causing property damage to the abutting seawall (owner now contends that it is placement of County's drainage pipe doing damage to his seawall, not abutting seawall of subject property). At this juncture, the issue is entirely civil with respect to liability.
5. On July 2, 2025, an Order of Abatement was entered against the property owner for the collapsing seawall. The County was authorized to initiate the abatement process on August 2, 2025.
6. Kim Corbett from Purchasing did confirm that abatement of the seawall is a project that will need to go out to bid. Furthermore, unless we have an assessment from an engineer on the seawall in its current state, it is difficult to speculate on probable costs of abatement (confirmed by Joanne Vernon).
7. The subject property is not Homestead Exempt. The County has placed liens on the subject property (currently in the amount of \$9,260.00). To most effectively remedy the existing violations, it is our recommendation that the County should exercise its option to foreclose.
8. The County has two options in how it proceeds with foreclosure. The county can fix the seawall ourselves and then subsequently foreclose to recover the hard costs (plus our liens) or, foreclose immediately for our liens in lieu of abatement in the hopes that a private purchaser remedies the seawall.
9. Foreclosure permits the County to perfect service via publication; thus, the evasiveness of the Defendant-LLC will be a non-issue.

10. A 60-year title search on the subject property did not yield any results for a mortgage lien. Our lien would have priority. (A copy of which is attached hereto as **Exhibit B**).

LR22-0857

LR25-0170







## EXHIBIT B

### PROPERTY INFORMATION REPORT

Certified to: REAL ESTATE SERVICES

ORDER DATE: August 5, 2025

SEARCH DATE: 60 years up to July 21, 2025

LEGAL DESCRIPTION

PARCEL I.D. NO.: 402322185007

Lots 112 and 113, Block 131, Harbour Heights Section Four (Revised) Part Three, a subdivision according to the map or plat thereof, as recorded in Plat Book 3, Pages 80A and 80B, of the Public Records of Charlotte County, Florida.

#### APPARENT TITLE HOLDER & ADDRESS OF RECORD:

Melisani Land Trust, a Florida Real Estate Land Trust

ADDRESS: 3301 PEACE RIVER DR, Punta Gorda, FL .33983

DEED ADDRESS, IF DIFFERENT: 2130 W TETON BLVD, GREEN RIVER, WY 82935

PROPERTY ADDRESS: 3301 PEACE RIVER DR, Punta Gorda, FL .33983

2024 TAXES in the amount of \$0.00

CURRENT ASSESSED VALUE: \$159,508.00 HOMESTEAD EXEMPTION: NO

UNPAID OR OMITTED YEARS: NONE

OUTSTANDING CERTIFICATES: NONE

#### AND SAID PROPERTY IS SUBJECT TO THE FOLLOWING ENCUMBRANCES, IF ANY:

Order Imposing Penalty / Lien issued by the Code Enforcement Special Magistrate in case styled Charlotte County v. Peace Fox LLC, a Wyoming limited liability company, recorded August 8, 2023, in Official Records Instrument Number 3300944, of the Public Records of Charlotte County, Florida.

Second Order Imposing Penalty / Lien issued by the Code Enforcement Special Magistrate in case styled Charlotte County v. Peace Fox LLC, a Wyoming limited liability company, recorded November 8, 2023, in Official Records Instrument Number 3336112, of the Public Records of Charlotte County, Florida.

Third Order Imposing Penalty Code Enforcement Special Magistrate in case styled Charlotte County v. Peace Fox LLC, a Wyoming limited liability company, recorded March 12, 2024, in Official Records Instrument Number 3379696, of the Public Records of Charlotte County, Florida.

Declaration of Restrictions recorded in Official Records Book 7, Page 316, of the Public Records of Charlotte County, Florida.

Restrictions, covenants, conditions, easements and other matters contained on the Plat of Harbour Heights Section Four (Revised) Part Three, recorded in Plat Book 3, Pages 80A and 80B, of the Public Records of Charlotte County, Florida.

Harbour Heights Declaration of Restrictions recorded in Official Records Book 25, Page 587, as amended, affected and/or supplemented by Harbour Heights Amendment to Declaration of Restrictions recorded in Official Records Book 116, Page 512, by Resolution relating to Harbour Heights Declaration of Restrictions recorded in Official Records Book 356, Page 553, by Resolution relating to Harbour Heights Declaration of Restrictions recorded in Official Records Book 492, Page 89, by Resolution relating to Harbour Heights Declaration of Restrictions recorded in Official Records Book 602, Page 2192, of the Public Records of Charlotte County, Florida.

Grant of Easements in favor of Charlotte Harbor Water Association, Inc., recorded in Official Records Book 555, Page 490, of the Public Records of Charlotte County, Florida.

Resolution Number 91-196 adopted by the Board of County Commissioners of Charlotte County creating assessments for the Harbour Heights Street and Drainage Unit recorded in Official Records Book 1175, Page 613, of the Public Records of Charlotte County, Florida.

Resolution Number 91-197 adopted by the Board of County Commissioners of Charlotte County creating assessments for the Harbour Heights Street and Drainage Unit recorded in Official Records Book 1175, Page 619, of the Public Records of Charlotte County, Florida.

Ordinance Number 2004-005 adopted by the Board of County Commissioners of Charlotte County amending the territory of the Harbour Heights Street and Drainage Unit to include more properties recorded in Official Records Book 2399, Page 1560, of the Public Records of Charlotte County, Florida.

Ordinance Number 2004-24 adopted by the Board of County Commissioners of Charlotte County amending the territory of the Harbour Heights Street and Drainage Unit to include more properties receiving a benefit but not previously included recorded in Official Records Book 2473, Page 608, of the Public Records of Charlotte County, Florida.

Ordinance Number 2013-062 adopted by the Board of County Commissioners of Charlotte County creating assessments for beach renourishment unit, storm water utility unit, street and drainage unit, beautification unit, waterway maintenance unit, utility unit, fire service unit, and sanitation unit, recorded in Official Records Book 3804, Page 785, of the Public Records of Charlotte County, Florida.

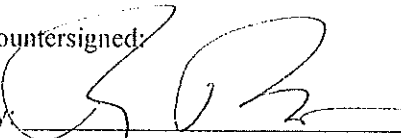
Minutes of the Board of County Commissioners of Charlotte County recorded in Official Records Book 4065, Page 345, of the Public Records of Charlotte County, Florida.

This is to certify that the legal description and the above information is correct as required under Chapter 197 Florida Statutes. This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

WIDEIKIS, BENEDICT & BERNTSSON LLC  
3195 S. ACCESS ROAD  
ENGLEWOOD, FLORIDA 34224  
Phone: 941-627-1000 Fax 941-255-0684  
THE BIG W LAW FIRM

Countersigned:

By

  
Robert H. Berntsson

Date: August 4, 2025