

Bob Hurt

2460 Persian Drive #70
Clearwater, FL 33763
727-669-5511
bob at bob hurt dot com

12 March 2011

Sarasota County Florida Sheriff Tom Knight
12th Circuit Assistant State Attorney David Bouviane

Sarasota, Florida

Re: Joel McNair Public Documents 10-80501, 10-81051, 10-85060, and 10-85788;
Press Release http://www.sarasotasheriff.org/press_detail.asp?r=10-182
Press Release http://www.sarasotasheriff.org/press_detail.asp?r=10-198

Dear Sheriff and Prosecutor:

In reading through the arrest documents for Joel McNair that charged him with Grand Theft (FS 817.034(3)D) and Scheme to Defraud (812.014(2)A(1)), some questions arose that I hope you will answer for me. I need the information to finish a story on McNair and his troubles with respect to the people of Florida. I refer centrally to Probable Cause Affidavit 2010 CF015634NC., SSO Case # 10-85060 investigated by Detective C. Dusseau, and to other documents identified in the Re: area at the heading of this letter..

Main Incidents

This letter deals mainly with with five incidents:

1. 2010-11-17 – SSO deputies interview McNair in their office
2. 2010-11-26 – James K Nalefski (941 922 1610) signs Trespass Warning for realty owned by Nicholas J Nalefski ; SSO Deputy Jason Mruzek interviews occupants Michael J Karel (941 822 3571) and Alohnia M. Magnuson (941 623 7472) at their home 4409 Eleuthera Ct, Sarasota, advising them McNair's Save Our Homes had no right to let them live there. David Kilpatrick (941 822 3474) witnessed.
3. 2010-12-01 – Sgt Pingel assigns Detective Dusseau who starts investigation
4. 2010-12-02 – Detective Dusseau writes Probable Cause Affidavit; unknown judge or magistrate issues warrant (signature illegible), no name printed on form.
5. 2010-12-17 – Pasco County Sheriff arrests McNair; Galley & Sears transport McNair to SSO.

Facts Known Before the Arrest

Before addressing the content of the affidavit, I shall recite facts which the detective knew before making the arrest:

1. Florida's adverse possession law 95.12-95.18 provides government acknowledgment of the right of the people to possess abandoned realty adversely (without the rightful owner's permission), and notoriously (in open view of everyone) so long as taxes, homeowner dues, and special liens get paid,

and that the adverse possessor has a full year to file notice of adverse possession. Thus, even without notice, adverse possession becomes a civil matter for the courts, not a criminal matter for the Sheriff or other law enforcers, to decide.

2. People who abandon realty commonly leave “property” better known as “junk” lying around inside and outside the dwelling. An adverse possessor must remove and dispose of any such junk in order to make the realty inhabitable. Thus it does not constitute a crime to remove such junk.

3. Joel McNair admitted in his interview with Sheriff’s deputies that he operated a membership enterprise for which members paid a membership fee, monthly dues, maintenance, and taxes, and received a previously abandoned house in some phase of foreclosure. He had numerous members, and so he kept records of significant interactions with them. All members knew McNair had taken the realty under adverse possession and they did not pay rent for inhabiting it.

4. McNair had such adverse possession interests in the community that he posed no flight risk

5. The identity of the rightful owner in a foreclosure becomes uncertain because of through clouds on the title by the forecloser.

6. The rightful owner had abandoned the property.

Regarding the Affidavit

Page 2, Narrative Paragraph 2

This and other references in the document mention receiving information from the occupants of the dwelling 4406 Eleuthera Ct. However, the detective fails to identify them by name. Why? I consider this data crucial to an affidavit of probable cause because without it an independent investigator cannot corroborate the allegations of the affidavit. This paragraph leads one to the conclusion that the rightful owner Nicholas Nalefski had abandoned the realty, and that someone had taken adverse possession of it and moved the occupants into it, but the investigator failed to say this. The failure could lead an unwary judge to the wrong conclusion that the occupants trespassed and that the adverse possessor committed a crime of fraud or grand theft. Had the investigator properly indicated the ABANDONED and rightfully ADVERSELY POSSESSED nature of the realty, the judge probably would not have signed the arrest warrant.

Page 2. Narrative Paragraph 3

This reference shows WHY the rightful owner abandoned the realty, that the mortgagor had initiated foreclosure proceedings against which the rightful owner did had intended no defense. The investigator knew that the foreclosure brings rightful ownership into serious legal dispute. The investigator learned that the county property appraiser showed Nicholas Nalefski as the realty's owner. If the house had belonged to the son, what right did the father have to complain of trespass? And how could occupancy by Karel and Magnuson pose a threat or right deprivation to Nicholas who had abandoned the realty to foreclosure?

Page 2. Narrative Paragraph 4

This reference states at its end:

of his home at any time. The victim signed a trespass warning against the current occupants on 11/28/10 and they are to vacate.

The SSO apparently ignored Florida's adverse possession law 95.12-95.18, particularly the reality that adverse possession (AP) without color of title happens adversely, that is *without* the permission of the rightful owner and with the tacit approval of the Legislature. In other words, the AP law shows the Legislature's intent to allow people to take AP of abandoned realty, which the Legislature obviously therefore cannot consider trespass. How does this square with the trespass warning? Furthermore, in this instance the father who reported the trespass does not operate as agent of the son and if he had no titular interest or rights in the realty, then he had no authority to execute a trespass warning. By engineering or accepting such a warning, the SSO could wrongfully uproot the occupants and thereby disrupt their lives traumatically. America and the UK have the common law heritage of AP for the purpose of putting property to its highest and best use. An abandoned house HURTS the community, while an occupied house betters the community. Furthermore, uprooting a peaceful family from a previously abandoned home will appear to them and the community as an act of unwarranted, jealousy-based terrorism.

I would like to have an explanation of the legal and moral justification for the trespass warning in view of the above reality. What must an AP or occupant do to stave off such a disruption as a trespass ejection? The law must give them fair notice of the law. By following AP statutes to the letter, they should, it seems, have the protection of Article I Section 23 of the Florida Constitution:

SECTION 23. **Right of privacy.**—Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

By what provision in the Florida Constitution does the SSO have the authority to issue a trespass warning or to eject the AP or AP's occupant of the previously abandoned realty?

Page 2. Narrative Paragraph 5

All of the occupant's sworn allegations raise serious questions about the integrity of the investigation. The SSO had defendant McNair on its radar because of this and other reports. The SSO could have asked McNair to provide records of interaction with the occupant to ascertain the accuracy of the occupant's sworn statement. The affidavit shows no such effort, but only a blind acceptance of potentially untruthful comments (such as that they had signed a rental agreement which McNair had already explained in the interview that he did not do because of his membership technique) by frightened, startled occupants who felt themselves suddenly in danger of ejection. It appears that Deputy Mruczek practiced law by telling the occupants in effect that they had no right to live there. Does the deputy have a license to do that? The end of the paragraph reveals both membership and rental fees which have mutual exclusivity. Either the occupant functioned as a member or a renter, but

free. The occupants had paid to Homes For Americans LLC. \$500.00 membership fee and the first month rent of approximately \$500.00. The occupants stated that they had signed paperwork indicating that the property was a rental but was never provided a copy.

not both, and the investigator knew this.

Page 3. Narrative Paragraph 1

– the statement that defendant McNair's or his representative had removed “property.” Did the property

consist of junk left behind by the previous occupant or by a vandal? Who removed it, McNair or his representative? If the representative removed it of his own accord, how did that make McNair subject to arrest?

This reference claims someone had paid the taxes, but made no assertion as to the relevance of this to the SSO. The reference claims defendant McNair had not filed a DR-452. Some question exists as to the lawful authority of the Property Appraiser to supply such a form. In any case, the reference fails to inform the reader that the law provides a year after adverse possession in which to submit the completed form to the Property Appraiser. The text reads:

had been paid and were current. The defendant had not filed a return (DR-452) with the property appraiser's office. The house had not been abandoned. The victim had not authorized anyone to be in the residence and that he did not authorize the removal of his personal property. These are all provisions of the FSS 95.18 which were not being adhered to by the defendant.

The prior documents show clearly that Nicholas Nalefski had abandoned the property. The alleged property removed probably consisted of junk, not anything of value, and in any case, the affidavit does not address the nature of the alleged property or identify it with specificity so that someone of common sense can determine its nature.

Most importantly, Detective Dusseau declares confidently that the defendant did not adhere to FSS 95.18, but does not detail in what respect, or whether failure to adhere to it constitutes a crime. Apparently, since the statute gives a year to file the DR-452 form and the occupants had only recently occupied the realty, defendant McNair had not at all failed to adhere to the requirements of the law. Thus it appears that Detective Dusseau filed a false statement in this affidavit UNDER OATH with the intention of justifying an arrest of defendant McNair. That and presenting it to a judge or magistrate in support of an arrest warrant constitutes perjury under chapter 837 of Florida Statutes.

837.02 Perjury in official proceedings. —

(1) Except as provided in subsection (2), whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding that relates to the prosecution of a capital felony, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Knowledge of the materiality of the statement is not an element of the crime of perjury under subsection (1) or subsection (2), and the defendant's mistaken belief that the statement was not material is not a defense.

837.05 False reports to law enforcement authorities. —

(1) Except as provided in subsection (2), whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Whoever knowingly gives false information to a law enforcement officer concerning the alleged commission of a capital felony, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

837.055 False information to law enforcement during investigation. —

Whoever knowingly and willfully gives false information to a law enforcement officer who is conducting a missing person investigation or a felony criminal investigation with the intent to mislead the officer or impede the investigation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

837.06 False official statements. —

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

In any case, the use of the Adverse Possession statutes to exercise possessory dominion over realty does not constitute fraud or grand theft, and the existence of the statutes clearly ameliorates trespass laws. This affidavit indicates that the father of the rightful owner, not the rightful owner, filed the trespass complaint, and I have not found a law showing that as a valid justification for arrest.

Page 3. Narrative Paragraph 2

Therefore this affiant believes that the adverse possession statute does not apply and that the defendant be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

On what legal basis does Detective Dusseau conclude that the AP statute does not apply? And how does the failure to adhere to those statutes lead one to conclude that Grand Theft and Scheme to Defraud statutes apply?

Page 3. Narrative Paragraph 3

Chg 1: The defendant did in a systematic ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

The facts Dusseau cited do not lead any rational person to conclude that McNair engaged in fraud. He told SSO in their interview with him that he operated an adverse possession enterprise as a membership. Dusseau presented not a single fact that indicated anything to the contrary. The Occupants Dusseau interviewed divulged no fact even remotely suggesting fraud. Dusseau saw no evidence of fraud, no lies on any documents that seemed intended to mislead the occupants or the rightful owner. Thus, this constitutes a false charge against McNair for a crime he did not commit.

Page 3. Narrative Paragraph 4

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5016 Sandy Shore Ave in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$179,000.

Obviously McNair did take adverse possession of the subject realty which the rightful owner had clearly abandoned, in spite of his false assertion to the contrary. The rightful owner left junk in the house, and otherwise had removed all furniture and moved to another location as a consequence of foreclosure in which he knew he would lose the realty to the Plaintiff. Thus McNair did not violate AP

laws, and he took possession with the clear, confessed intent of adverse possession consistent with the intent of the Florida Legislature in F.S. 95.12-18. Therefore, it could not possibly constitute theft of any kind, much less grand theft. Thus, this constitutes a false charge against McNair for a crime he did not commit.

The Arrest Warrant

As to the 2 December 2010 warrant, just LOOK at the alleged signature.



It resembles an art scribble, logo, or chicken-scratching. It reveals no name at all. A criminal defendant has the right to resist any unlawful arrest, including one based on falsehoods in a sworn affidavit or a warrant with an illegible signature and no typed or printed name of the issuing judicial officer.

SSO operatives, particularly deputies with weapons, know or should know that they put themselves in harm's way by presenting a warrant to a criminal defendant who could or should resist it cause with lethal force because of awareness that anybody could fabricate an arrest warrant with an illegible chicken-scratching for a signature identifying a issuing judicial officer. Anyone familiar with the Serpico story knows that law enforcers throughout America have reputations for malfeasance, including making politically motivated arrests.

In other words, absence of a legible judicial officer's name or signature makes the warrant look like a trumped-up forgery.

The Trespass Warning

The affidavit and other documents show the trespass warning as bogus. Deputy Murczek wrote in the report that James Nalefski, not Nicholas Nalefski, prepared the warning. Deputy Colwell signed the warning at the bottom, presumably as a witness. However the warning bears the name of Nicholas, and an illegible scrawl for a signature, indicating Nicholas signed it. This makes the warning a fraud in which Deputy Colwell participated.

The Boiler Plate Charges

I noticed that the subject probable cause affidavits all contain the same boiler plate language, and that none of the hard facts alleged could possibly lead a reasonable person to conclude the McNair had either filed to adhere to the Adverse Possession law, or committed any crime, including Breaking and Entering, Grand Theft, or Scheme to Defraud. Moreover, the boiler plate nature of the charging language seems obviously concocted by an unnamed party, possibly Captain Bell, and spoonfed to the affiants in order to trump up the charges, deceive the magistrate or judge who signed the warrants, and commit a false arrest out of a political motivation. It further indicates that the complaining abandoner homeowners AND the affiants lack a clear understanding of the ancient tradition and law regarding

Adverse Possession. I want to give county officials the benefit of the doubt, but I simply cannot. I know that they have legal counsel in the State Attorney Office to apprise them of the history, tradition, meaning, value, and purpose of AP laws and simply chose to ignore it while concocting bogus criminal charges against McNair, to the detriment of EVERYONE concerned. The effort wastes taxpayer money on a sheriff office and state attorney office scam

Summary and Conclusion

The affidavit presents no fact or evidence that justifies a charge of fraud or grand theft, and no penalty other than ejection through court action attains to errors in adverse possession. By approaching occupants and telling them they have no right to live in the house, the SSO violated the occupants' FCON Article I section 23 privacy right; by arresting defendant McNair they likewise violated HIS same privacy right.

This appears to me as a civil matter, not a criminal matter. SSO operatives should have referred the rightful owner to an attorney who might file a quiet tile action against defendant McNair. The SSO and 20th Judicial Circuit State Attorney Moreland should become more familiar with Adverse Possession laws and their ramifications in questions of trespass.

What legal advice in this matter did the SSO seek and rely upon to make the determination that defendant McNair had violated the Grand Theft and fraud statutes through adverse possession of and removal of discarded junk from Nalefski's abandoned home?

Who pressured Detective Dusseau to make the foregoing false statement that McNair had not adhered to the Adverse Possession statutes, and that he had committed grand theft and scheme to defraud crimes? The occupants did not complain of such crimes, and neither did the rightful owner(s).

This whole thing looks like a politically motivated attack on people who engage in the completely lawful, legislatively contemplated and authorized practice of Adverse Possession. Thus, it shows the intention of the State Attorney and SSO to deprive feckless families of the opportunity to live in an abandoned home in a decent community. In a time of foreclosure crisis caused by government (including Florida's rocket docket courts) and the financial industry, the SSO should back off and let adverse possession put people into abandoned homes. It time civil law will work it all out. The SSO has no business jailing innocent adventurers into this unusual but ancient area of law.



THOMAS M. KNIGHT, SHERIFF
SARASOTA COUNTY SHERIFF'S MEDIA OFFICE

For more information contact:
Wendy Rose, Community Affairs Manager
Office 941.861.4927 • Cell 941.915.7644
Sarah Kenniff, Multimedia Coordinator
Office 941.861.4005 • Cell 941.650.1315
www.SarasotaSheriff.org



12/15/2010

Released by : Wendy Rose

Press Release#: 10-198

McNair Arrested on Outstanding Warrants

The Sarasota County Sheriff's Office Fugitive Apprehension Unit, working with the US Marshal's Regional Fugitive Task Force, has arrested Joel McNair, DOB 12/25/50, on two outstanding warrants for Scheme to Defraud and Grand Theft.

McNair, who has been out on bond since his original arrest in two similar cases in November, was apprehended today in the 2000 block of Brinson Road in Lutz and has been booked into the Pasco County Jail.

Citing a centuries-old Florida Statute called adverse possession McNair finds vacant homes, some of which are in foreclosure, and leases them to unsuspecting victims despite having no legal right to these properties.

Additional charges are expected to be filed by other law enforcement agencies that have similar cases against McNair within their jurisdictions.



(Click to expand)

http://www.sarasotasheriff.org/press_detail.asp?r=10-182



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Date: 11/19/2010

Released by : Wendy Rose

Press Release#: 10-182

Man Tied to Housing Scheme Arrested for Grand Theft

The Sarasota County Sheriff's Office has arrested Joel McNair, DOB 10/25/50, 7350 South Tamiami Trail #98, Sarasota, and charged him with Scheme to Defraud and Grand Theft.

Investigators say McNair is running a business called Homes for Americans that finds houses in foreclosure and leases them to unsuspecting victims. These victims pay a membership fee to his company and pay monies to McNair to lease property that he does not own.

McNair claims he is following a centuries-old Florida Statute called adverse possession, a concept that allowed people to lay claim to abandoned land if they cared for the property and paid the taxes.

"There are a number of ways people try to manipulate the system and this legal doctrine has clearly been misused in this case," said Captain Jeff Bell. "The suspect has no right to these homes, no right to change the locks, and no right to lease them to anyone."

The investigation into McNair's activities is continuing in Sarasota County and the Tampa Bay area. Anyone with information should contact Criminal Investigations, 941.861.4900.



(Click to expand)

Sarasota County Sheriff's Office
 Sarasota County, Florida
 INCIDENT 20100080501

ORIGINAL



REPORT INFORMATION

Case Number **20100080501** Date/Time Reported **11/07/2010 15:20**
 Offense Type **NON-CRIME** Swab DNA ? **NO**

OFFENSE

Offense 1/Statute **13P SUSPICIOUS PERSON** Attempt:
 Offense 2/Statute Attempt:
 Offense 3/Statute Attempt:

EVENT DATA

Date/Time Occurred From: **11/07/2010 15:00** Date/Time To: **11/07/2010 15:20**
 Incident/Offense Location

5209 SUMMERWOOD CT. SARASOTA
 (Street# Dir Street Name St.Type Apt# City)
 Related Case Number **10-78093** Grid **167** Zone **010** Forced Entry **A NOT APPLICABLE**
 Location Type **01 RESIDENCE/SINGLE**
 Weapons Type **00 N/A** Nbr Premises **00** Nbr Offenses **00**
 Nbr Offenders **00** Nbr Arr Total **00** Nbr Arrest Adult **00** Nbr Arrest Juvenile **00**

PERSON

Type **C3 COMPLAINANT ADULT** Number **1**
 Victim card given Type Number
 Confidential Type Number

Name **SCHILLER,UVONNE F**
 (Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **F FEMALE** DOB **12/04/1969** Estimated Age Age **40** A **ADULT**
 Height **506** Weight **145** Hair **BRO BROWN** Eyes **XXX UNKNOWN EYE COLOR**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
5440 NEW COVINGTON DR SARASOTA FL 34231
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone **2287617** Business Phone
 Employer/School **UNK**
 Employer's Address

SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** DVR **N NO**
 Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

PERSON Type **O3 OTHER ADULT** Number **1**

Victim card given Type Number

Confidential Type Number

Name **MCLEOD,DARRIN R**
(Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **05/21/1973** Estimated Age Age **37** A **ADULT**

Height **504** Weight **190** Hair **BRO BROWN** Eyes **BLU BLUE**

Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**

Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address

5209		SUMMERWOOD CT.			SARASOTA	FL	34231
(Street#	Dir	Street Name	St.Type	Apt#	City	State	Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**

Home/Cell Phone Business Phone

Employer/School **UNK**

Employer's Address

					SARASOTA	FL	
(Street#	Dir	Street Name	St.Type	Unit#	City	State	Zip)

Occupation Scars/Marks/Tattoos/Clothing

Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**

Victim/Offender Relationship **00 N/A** DVR **N NO**

Alias **DUSTY** Place of Birth **UNK**

ADMINISTRATIVE/ Crime Scene Approved By: **GIASONE JOSEPH A #0879**

Photos Taken By Whom? Dusted For Latent Prints

Prints Submitted By Whom? BOLO Requested By

BOLO Given to Cancelled Cancelled By?

Enclosures:

Copies To:

Clearance Code Exception Code



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida
Supplemental Person Report

PERSON Type **O3 OTHER ADULT** Number **2**
 Victim card given Type Number
 Confidential Type Number

Name **BASTIAN,CHANTELLE M**
 (Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **F FEMALE** DOB **09/06/1977** Estimated Age Age **33** A **ADULT**
 Height **505** Weight **115** Hair **BLN BLONDE** Eyes **XXX UNKNOWN EYE COLOR**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
5209 SUMMERWOOD CT. SARASOTA FL 34231
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone Business Phone
 Employer/School **UNK**
 Employer's Address
SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** DVR **N NO**
 Alias Place of Birth

PERSON Type **O3 OTHER ADULT** Number **3**
 Victim card given Type Number
 Confidential Type Number

Name **MCLEOD,CAMERON L**
 (Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **04/14/1970** Estimated Age Age **40** A **ADULT**
 Height **601** Weight Hair **XXX UNKNOWN/BALD** Eyes **XXX UNKNOWN EYE COLOR**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
4858 BENEVA RD SARASOTA FL 34233
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone Business Phone
 Employer/School
 Employer's Address
SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** DVR **N NO**
 Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida
Supplemental Person Report

PERSON Type **O3 OTHER ADULT** Number **4**
 Victim card given Type Number
 Confidential Type Number

Name **STONEBURNER, MICHAEL D**
 (Last Name, First Name, Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **05/14/1974** Estimated Age Age **36** A **ADULT**
 Height **602** Weight Hair **XXX UNKNOWN/BALD** Eyes **XXX UNKNOWN EYE COLOR**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
4723 THOMAS HOBY PL SARASOTA FL 34241
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone Business Phone
 Employer/School
 Employer's Address
SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **DVR**
 Alias Place of Birth

PERSON Type **O3 OTHER ADULT** Number **5**
 Victim card given Type Number
 Confidential Type Number

Name **DAY, MICHAEL T**
 (Last Name, First Name, Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **08/23/1974** Estimated Age Age **36** A **ADULT**
 Height **509** Weight Hair **XXX UNKNOWN/BALD** Eyes **XXX UNKNOWN EYE COLOR**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
125 AVENIDA VENECCIA UNI SARASOTA FL 34242
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone Business Phone
 Employer/School
 Employer's Address
SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** **DVR N NO**
 Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

THE COMPL. LIVED AT 5209 SUMMERWOOD CT. SHE MOVED OUT IN JUNE DUE TO FORECLOSURE. TODAY SHE WENT THERE TO RETRIEVE ITEMS LEFT BEHIND. THERE WAS A CAR IN THE DRIVEWAY AND IT APPEARED PEOPLE WERE INSIDE.

I MADE CONTACT WITH THE FIVE PEOPLE WHO WERE INSIDE THE HOUSE. DARRIN STATED HE IS RESPONSIBLE FOR THE HOUSE. HE STATED THAT HE RECENTLY MOVED IN AND HAS A CONTRACT THROUGH HOMES FOR AMERICA. HE STATED HE HAS TO PAY THE TAXES OWED AND MAINTAIN THE LAWN. HE STATED FSS 95.18 DEALS WITH FORECLOSED PROPERTIES. HE DID NOT HAVE THE CONTRACT HANDY. HOWEVER, REF. CASE 10-78093, DEPUTIES WERE RECENTLY THERE AND VIEWED THE CONTRACT.

I TOLD THE COMPL. TO CONTACT SUNTRUST BANK TO ASCERTAIN THE STATUS ON THE HOUSE. IF THE BANK ADVISES THEY ARE NOT DOING BUSINESS WITH HOMES FOR AMERICA, THEN TO CALL THE SSO AGAIN.

Bastian, Chantelle M.
W/F 09/06/77 05/05/115
5726 Bronx Ave.
Sarasota, FL

McLeod, Cameron L.
W/M 04/14/70
4858 Beneva Rd.
Sarasota, FL

Erick Herbert Knight
W/M 08/12/1965
511 190 lbs. Bro/Bro
1365 Harbor Dr.
Sarasota, FL 34239
(941) 586-9927

Hirz, Sara
W/F 07/06/82

Shumway, Erick
W/M

Oliver, Syreeta Latoya
B/F 07/19/80
51'/110 lbs. Blk/Bro
5150 Bliss Rd.
Sarasota, FL

Mannuson, Alohnia M.
W/F 01/29/92
5'6/155 lbs. Bln/Blu
(941) 623-7470

Karel, Michael
W/M 11/17/83
5'11/170 lbs. Bro/Grn
(941) 822-3571

ARRESTEE:

McNair, Joel D.
B/M 12/25/1950
600 180 lbs. Bro/Blk
9240 Midnight Pass Rd. D
Sarasota, FL 34231
7350 S. Tamiami Tr.
Sarasota, FL 34231
(941)737-7919

VEHICLE USED IN CRIME:

N/A

EVIDENCE STATUS:

N/A

STOLEN/DAMAGED PROPERTY:

Chain saw
Machinist tools
House tools
Paint supplies
Dance supplies
Guardian angel picture
Computer desk
Microwave
Area rugs
Cannon digital camera
Iron plant shelf
Tractor
Power washer
Tennis racquets (4)
Mini fridge
Freezer
Mustang grill
Hoses and holders (4)
Basketball hoop
Tax papers
Kurig coffee maker
Balance beam
Printer Fax...estimated total \$5000.00

RECOVERED PROPERTY:

None

ATTACHMENTS TO REPORT:

Arrest Warrant and PCA
Search Warrant
Forensic Report
Property Receipt
Business Registered Agent Report (save our
Homes USA LLC)
Homes for Americans LLC
Copy of blank adverse possession for without
color of title
Property appraiser document
Clerk's office document
Ad Valorem tax document
Legal Research Document

DRUG RELATED:

No

SYNOPSIS:

The victim reported to the Sarasota County Sheriff's Office that there were unauthorized occupants in the house that she owns located at 5209 Summerwood Ct. The victim had vacated the house a few months ago while undergoing foreclosure proceedings, yet maintains ownership of the property.

This case will serve as the master case.

11/15/10 - 0900 hours:

I received this case for further investigation and reviewed the initial report.

11/16/10:

The victim, Yvonne Schiller, was interviewed at the Sarasota County Sheriff's Office, Criminal Investigations Section. During a sworn recorded statement, Schiller stated that she purchased the home in 2006 and that financial problems caused Schiller to file for bankruptcy. On January 11th, 2010 the foreclosure was initiated by SunTrust Bank.

Schiller moved out of the residence in June 2010 because she was concerned about a potential eviction. Schiller and her family moved to another location around the corner. Schiller stated that she was maintaining the property, receiving mail and had approximately \$5,000 worth of personal property in the residence and a shed located on the property.

Schiller went to her property, where she found it occupied by unknown persons. Schiller advised the occupants that it was her house. The occupants told Schiller they were renting the house. Schiller asked to go inside because she had a file cabinet with personal records. The occupants told Schiller that when they moved in, there was nothing in the residence.

Prior to the interview, I had been briefed by Sgt Pingel that other complaints similar to this had been filed about a company owned and operated by the defendant in this case, Joel McNair. I asked Schiller if she knew the defendant or his company, Homes for Americans. Schiller stated that she had no knowledge of this individual or this company. Schiller stated that she never authorized anyone to take occupancy of her

home. Schiller never turned off the water or utilities and that Schiller's taxes were paid and up to date. Schiller indicated that when she left the residence it was secured and when she returned, the locks had been changed. Schiller contacted the bank and was advised that she was still the legal owner of the residence, 5209 Summerwood Ct. This information was confirmed by a check with the records at the Sarasota County Property Appraiser's Office.

11/16/10 - 1130 hours:

I attended a meeting with Det. Cramer, Sgt. Felix, Lt. Mayer, Sgt. Pingel, Det. Carter (SPD), and Officer Kohler from the Department of Agriculture. It was determined that McNair would be asked to come in for an interview and arrested at a later time. X

11/17/10 - 1300 hours:

McNair was contacted by Detective Cramer of the Sarasota County Sheriff's Office by telephone. McNair agreed to come in for an interview with his attorney, Andrew Mikos, and his administrative assistant, Ada West. Also present during the interview was Sgt. Felix, Sgt. Pingel, Lt. Mayer, Det. Cramer and Det. J. Carter from SPD.

Everyone introduced themselves and agreed to identify themselves as they speak. McNair stated that he had paid to have legal research done by a company from Virginia that would allow him to use the adverse possession statute, FSS 95.18, to place people in vacant houses.

During the course of the interview it was determined that the defendant had located this residence, identified it as in foreclosure and subsequently used Florida Statute 95.18 (Adverse Possession) to possess the property and place individuals in the home that he claimed were in arrears for taxes and not being maintained by the legitimate owner. The defendant informed us that he was not required to notify the owner(s). The defendant informed us that he had researched the statute and that his business was legitimate and in compliance with the statute.

The defendant informed us that he or his representatives located the properties, made entry, changed the locks, removed property and accepted monies from what he referred to as members. These "members" were to pay the taxes and maintain the property. The defendant further advised that he believed that the landlord tenant laws did not apply in this situation. This affiant found that the taxes on the victim's home had been paid and were current. The McNair had not filed a return (DR-452 (a public record document used when filing for an adverse possession of real property without the color of title) with the Property Appraiser's Office. The house had not been abandoned, as

the victim was continuing to pay the utilities and maintaining the property. The victim had not authorized anyone to be in the residence and she did not authorize the removal of her personal property. These are all provisions of the FSS 95.18 which were not being adhered to by the defendant.

McNair went on to speak for almost two hours and fifteen minutes, explaining why he believes what he is doing is legal under the adverse possession statute.

This interview was audio recorded. A copy of the interview was placed into Property as evidence under Detective Cramer's Case #10-81051. For more detail regarding the interview refer to the audio recording.

11/18/10 - 1030-1200 hours:

Detective Carter and I made contact with Eric Shumway at 5233 Summerwood Ct., which was another house that McNair was using under the Adverse Possession statute. Shumway and his girlfriend, Sara Hirz, were living in this house with their small child.

The interview was recorded by Detective Carter under Sarasota Police Case #10-040449.

Shumway stated that he had heard of McNair through word of mouth. Shumway could not explain how he came to know McNair. Shumway stated that the houses are abandoned and no one is paying the taxes, so even though it sounded too good to be true, he decided to move in to a McNair house.

Hirz stated that McNair would give them addresses to look at, and they could pick one of the houses. These houses were in McNair's program.

Shumway and Hirz stated that the way McNair explained the offer to them is that McNair is paying the taxes and that as long as the tenants did the upkeep on the house they could live there. Shumway stated that there was a contract which was up at McNair's office on US 301. Shumway stated that he was an agent for McNair to find houses for the program. McNair told Shumway to drive around neighborhoods and look for properties that are overgrown and appear to be abandoned. Shumway emails McNair with the addresses.

Shumway stated that he changed the lock on only one of the homes. Hirz stated that McNair has a crew that comes in and mows the lawn and cleans up the property prior to the move in. Hirz stated that Erick Knight is the maintenance man for McNair. Knight wanted Shumway to come work for them. McNair was offering \$50.00 off of the rent per home that they found. Knight had the locks changed prior to Hirz and Shumway moving in. Knight gave them the keys. Knight is the person changing the locks for McNair.

13 minutes in to the interview, the statements being made by Hirz and Shumway were not consistent with each other. Hirz stated to Shumway a few times, "Just be honest". I advised the couple that we are conducting an investigation into McNair's practices and should the two wish to not cooperate and be up front about what was happening, there was a possibility that they could be charged for criminal activity along with McNair.

Hirz stated that McNair told them that the banks were telling McNair to go ahead and take the house, pay the taxes because the owners were not doing it, and that it was legal. They were led to believe that McNair was going through a process that was making it legal. Put in for a home to pay the taxes and maintain the property.

Shumway agreed to come down to the Sheriff's Office at 1400 hours for an interview.

I attempted to contact the occupants at 5209 Summerwood Ct., the victim's residence, to interview them regarding McNair. No one was at the residence. There was a blue truck in the driveway. The house was still occupied. I left a business card in the door.

At approximately 1420 hours, Detective Carter phoned me to advise me that Shumway was not going to be coming in for an interview. Shumway requested an attorney.

11/18/10 - 1600 hours:

Based on information obtained to date during the course of the investigation, Probable Cause Affidavits and Arrest Warrants charging Joel McNair with Grand Theft and Scheme to Defraud were prepared, approved by the State Attorney's Office, and taken to Judge Berlin for approval and signature.

A Search Warrant for the business owned and operated by McNair located at 5745 N. Washington Blvd. was written with Detective Cramer's assistance in anticipation of locating documentation surrounding McNair's two owned and operated businesses, Save our Home and Make Homes Affordable.

11/19/10 - 1815 hours:

McNair was located by Lt. Mayer and Sgt. Felix at 5745 N. Washington Blvd, his business location, and was arrested without incident. He was transported to the North County Jail for processing. McNair did not wish to speak with detectives and invoked his right to counsel.

11/22/10 - 0900 hours:

The Search Warrant was signed by Judge Berlin.

11/22/10 - 1300 hours:

The Search Warrant was read and executed at McNair's business located at 5745 North Washington Blvd. in Sarasota. McNair was incarcerated at the time. There was a woman in the office who advised me that she was asked by an employee of the business to come to the office and answer phones.

The office had been cleaned out. All filing cabinets, drawers and desks had been emptied. The desktop computer towers had been taken. There were only a minimal amount of documents left.

Detective Cramer seized two computer towers and submitted Search Warrants for them. See Detective Cramer's master case, #10-81051, for details. The Search Warrant will be included in his report.

A subpoena was later written for bank records pertaining to this case and forwarded to the State Attorney's Office. The subpoena was signed off by Craig Schafer for approval. Detective Cramer will include those records in his report, 10-81051, as evidence.

11/23/10 - 1809 hours:

Sgt. Liebenberg and Deputy Mruzec responded to 5209 Summerwood Ct. The victim met them at the house. The occupants were not at home. A woman, Jaclyn Flanakin, was there. Flanakin stated that she was just staying at the house for a few days. The tenants, Chantelle Bastian, Keith Galante and Darrin McLeod were not at home.

Later in the evening Deputy Dilling contacted Keith Galante by telephone. Galante was with McLeod at the time. Deputy Dilling advised the men that they would have to vacate the residence. The victim, Schiller, wanted them out of her house.

Galante stated that they were very upset because they were under the impression that Bastian was buying the residence.

Deputy Dilling later spoke with Bastian and provided her with the same trespass warning.

The house was later vacated.

11/26/10 - 1600 hours:

The complainant, James Nalefski, reported to the Sarasota Sheriff's Office that unknown and unauthorized occupants were living in his son's house at the above listed address (10-85060). Nalefski's son, Nicholas Nalefski, currently resides in Cape Coral. The house on Eleuthera Ct. is in the foreclosure process and should be vacant.

Deputy Mruczek responded to the above address and made contact with Michael Karel and Alohhia Magnuson. The occupants stated that they became members in a business called Save Our Home and were placed in this house by Joel McNair. The occupants thought that they were there legally.

At this time the occupants were given 72 hours to vacate the house.

12/01/10 - 1101 hours (10-85060):

Detective Eve and I contacted the occupants of 4409 Eleuthera Ct. The occupants were Michael Karel and Magnuson. During a sworn recorded statement, Karel stated that he and his friend, David Kilpatrick, were looking for homes in the area to rent. The two were searching online and found Save Our Home. Kilpatrick was the one who went to the office and met with McNair and signed the Provisional Occupancy Membership Agreement. Karel stated that he signed a document that indicated that this house was a lease and that he was to pay rent. Karel paid \$500.00 for a membership fee and \$500.00 for first month rent.

Karel stated that the paperwork he signed and the keys to the home were given to him when he came to 4409 Eleuthera Ct. to do the walk through. This was September of 2010. Karel did the walk through with a black male named Denis. Kilpatrick was to go to McNair's office to sign the documents and pay the money.

When Karel first came in the house was empty. The appliances were missing, along with the fans. The power was already on and the water was on as well. Karel stated that upon moving in, they would get three months free for the utilities and then they would have to put them in their names.

Karel stated that one day deputies came with people who claimed to be the homeowners. Karel and Magnuson were told to vacate the property (the Friday prior). The two had not vacated the property yet and the homeowner wanted all unauthorized people to vacate the home.

The two did work to the home believing that this would have been their home, and were very upset.

The interview was concluded. A copy is placed in Property.

5065 Sandy Shores Dr.:

11/29/10 - 1846 hours:

Tony Maleki received a letter from the Property Appraiser's Office advising him that his residence on Sandy Shores Dr. was being occupied under a claim of Adverse Possession and the claim was accepted by the County. Maleki contacted the Sarasota Sheriff's Office and requested that deputies responded to the incident location.

A Suspicious Incident report was filed. A woman named Bonita Michel was occupying the residence. Michel was an employee of McNair's business, Homes for America, and living in this residence as a payment for a portion of her salary. Michel provided a copy of the DR-452 from the Department of Revenue for adverse possession.

12/02/10 - 1000 hour:

Sgt. Pingel and I contacted Tony Maleki on Sandy Shores Dr. and made contact with Bonita Michel. Maleki did not want Michel residing in his home. Maleki did not authorize this and would not consent to letting Michel stay. Maleki stated that he did not know Joel McNair, never did business with the man, never contacted McNair for assistance with foreclosures and did not authorize anyone to live in this residence.

Michel was at home and allowed us into the house. Michel explained that she was an employee of McNair's and that he had put her in to this home via the adverse possession. Michel stated that McNair was doing a good thing by helping those who needed homes and it assisted the bank in the upkeep of abandoned property. I advised Michel that McNair's practices were not legal. Michel was in continued defense of McNair and stated that she was now a victim because she was being asked to vacate a vacant property and she had nowhere to go.

5150 Bliss Road, Sarasota, FL (10-84245):

11/28/10 - 0850 hours:

A call was made to the Sarasota Sheriff's Office Communications Center advising that a black male was attempting to burglarize the house located at 5150 Bliss Rd.

The responding deputy added a footnote to the report indicating that the house that Syreeta Oliver was renting was the house through Homes For America with Joel McNair. Oliver stated to the deputy that she moved in on 11/01/10. Oliver stated that

after McNair's arrest, she spoke with McNair on the telephone and McNair advised Oliver that everything was alright and that he was still in business.

12/07/10 - 1330 hours:

On Detective Eve and I made contact with Oliver at 5150 Bliss Road. During a sworn recorded statement Oliver stated that she moved in to this house on November 1st. Oliver had been referred to McNair through word of mouth.

McNair explained to Oliver that she would pay a membership fee and then get to select a house to live in. Oliver stated that if something happens or the person is not happy in the home, McNair could move her to another property. If Oliver stays for a while and liked where she is at, McNair would work on getting Oliver to possibly own the house.

Oliver thought this was a good program. Oliver would pay the taxes on the house. Once the taxes were caught up, then they would discuss the ownership aspect. Oliver paid \$618.00 plus the membership fee of \$495.00. Oliver paid that to McNair with a check. McNair originally stated that he wanted cash or money order, but Oliver did not want to pay that way. Oliver wanted a receipt of payment. Eva Talbert was the check writer made payable to Homes for America.

Oliver moved in and was to take care of the home. Oliver got the keys from Eric Knight at the office on US 301. Knight also came to the house to do the walk through with Oliver. A checklist was done, which Oliver did not get a copy of. Oliver decided after the walk through that she would rent the house. When she moved in, the house was clean and the yard mowed. According to a neighbor, prior to Oliver moving in the yard was overgrown and the house appeared abandoned.

Oliver never met McNair. All business was done with Eric Knight. Oliver had spoken with McNair on the telephone when he discussed the Adverse Possession.

The interview was concluded at 1337 hours. A copy of the interview was placed into Property.

01/13/11 - 0900 hours:

I phoned David Kilpatrick in reference to the residence on Eleuthera Ct. I was unable to contact him and left a voicemail message for him asking that he phone me.

I phoned Keith Galante, Chantelle, Bastian's boyfriend, and left a message requesting that Bastian phone me about McNair.

01/14/11 - 0930 hours:

I attempted to make contact with Kilpatrick at his last known residence on Marbeth St. No one answered the door. A business card was left at the residence.

01/14/11 - 1030 hours:

I attempted to contact Bastian at her last known address on Busti St. in Sarasota. No one was home. A card was left in the door.

CONCLUSION:

This case is to be closed with an arrest. The adverse possession statute does not apply and the defendant is being charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

Chg 1: The defendant did in a systematic ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5209 Summerwood Ct. in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$147,000.

Rec

SARASOTA COUNTY SHERIFF'S OFFICE

PRE-RAP

Defendant Speaks (Circle One): ¹⁰⁻⁸⁰⁵⁰ English Other

SSO Case #: ~~10-8050~~ Pre-Rap Time: 1815

Defendant's Name (L/F/M): MCNADD, JOEL D.

Aliases: SSN:

Race: B Sex: M DOB: 10/25/50 AGE: 60

Height: 600 Weight: 175 Hair: BU Eye: BU

Scars/Marks/Tattoos: Place of Birth: NEW YORK

Home Address:

City: State: Zip Code:

Charges	Statute	Bond
SEARCHED TO DEFRAND	817.034 (3)D	\$15,000
GRAND THEFT OVER \$100,000	812.014(2)a(1)	\$20,000

Warrant #:

Arresting Officer: DET. CRANKER ID#: 1045 Agency: 550

Arrest Date: 11-19-10 Time: 1805 Zone: 1 Grid: 007

Arrest Location: 5745 N. LASHLEIGH BLVD

Towing Service: NA

Victim Info: APRIL FERNANDEZ

OBTS# 5301159970

Booking#

Pin# 39584

Agency#

Booking Tech# 2615

FDLE # 01702824

FCIC

NCIC } 54

Local

INTAKE CHECKLIST	Name / ID#
Medical Clearance (Nurse)	M. [Signature]
Initial Search (Deputy)	
Property (Deputy)	
2nd Search (Deputy)	
Intake Screening (Booking)	2615
Medical Screening (Nurse)	
Phone Enroll / Call (Deputy)	
AFIS (Deputy)	
Mug Search (Deputy)	
Pre Trial Services (PTS)	
Supervisor (Sgt/Lt)	
Booking Verifies (Booking)	

IN THE CIRCUIT COURT IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA)
)
vs.)
)
McNair, Joel D.)
)

CASE NO. 10-80501

ARREST WARRANT

TO ALL AND SINGULAR SHERIFF'S, POLICE OFFICERS: GREETINGS

WHEREAS, complaint on oath and in writing, supported by sworn testimony has been made before me, the undersigned MAGISTRATE in and for Sarasota County Florida, by: Detective C. Dusseau #1370 of the Sarasota County Sheriff's Office.

THAT affiant states that the defendant did commit: 1) Scheme To Defraud as per FSS 817.034(3)D
2) Grand Theft as per FSS 812.014(2)A(1)

AND it appears to the Court that probable cause for the issuance of this warrant has been shown, thereby and the Court being satisfied of the existence of the grounds therefore.

NOW, THEREFORE, you are commanded with such proper and necessary assistance that may be necessary to arrest Joel D. McNair, DOB/10/25/50, 6'00/175lbs, Florida DL#M256424503850, 7350 S Tamiami Trail #98 Sarasota, Florida and bring him before me or other County or Circuit Judge having jurisdiction of this offense.

BAIL shall be set at \$ scholarship with a return date of the _____ day of _____, 2010.

WITNESS my hand and seal this 19 day of November 2010.



JUDGE IN AND FOR SARASOTA COUNTY, FL

State must review first
[Signature]
11-19-10
SAG

PROBABLE CAUSE AFFIDAVIT
Sarasota County

Affix label here

AGENCY SSO SPD FHP VPD NPPD LBPB OTHER ORIGINAL SUPPLEMENTAL

SSO CASE #	10-80501	SSO BK#	10-15698	OBTS #	580/159970	ARREST #	
AGENCY CASE #		SAO #		FDLE #		UTC #	

DEFENDANT	ADULT - ARREST		<input checked="" type="checkbox"/> WITH WARRANT <input type="checkbox"/> WITHOUT WARRANT <input type="checkbox"/> NON ARREST COMPLAINT		JUVENILE		<input type="checkbox"/> ARRESTED / DETAINED <input type="checkbox"/> ARRESTED / RELEASED WITH REFERRAL <input type="checkbox"/> NON-ARREST REFERRAL <input type="checkbox"/> TEEN COURT REFERRAL		
	(LAST, FIRST, MIDDLE INITIAL)				(LAST, FIRST, MIDDLE INITIAL)				
	DEFENDANT Mcnair, Joel D				ALIAS				
	DOB	AGE	SEX	RACE	HGT	WGT	COLOR HAIR	COLOR EYES	
	10/25/50	60	M	B	600	175	Bald	Brown	
	ADDRESS 7350 S Tamiami Trail #98 Sarasota Fl. 34231								
	PHONE #				SCARS/MARKS/TATTOOS				
	941-737-7919								
	DL#	ST	SOCIAL SEC#		CITY	STATE			
		FL				PLACE OF BIRTH New York			
OCCUPATION Business Owner				EMPLOYER Homes For America					
EMPLOYER ADDRESS 5745 N Washington Blvd. Sarasota Fl.						PHONE # 941-737-7919			
CITIZENSHIP	IMMIGRATION STATUS		1	RESIDENCE TYPE	2	RESIDENCE STATUS	1	INFLUENCE OF DRUGS/ALCOHOL	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK
	1. PERMANENT/LEGAL RESIDENT OF US 2. LEGAL VISITOR 3. UNDOCUMENTED ILLEGAL ALIEN 4. UNKNOWN			1. CITY 2. COUNTY 3. FLORIDA 4. OUT OF STATE		1. FULL YR 2. PART YR 3. NON-RES		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	

CRIME	DATE & TIME OF CRIME	CRIME LOCATION		LOC TYPE	ZONE	GRID	
	11072010 1500	5209 Summerwood Ct.		01	010	167	
	F.S./ORD #	CHARGE	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD	BOND			
817.034(3)D	Scheme To Defraud- Firoida Communication Act		15,000				
F.S./ORD #	CHARGE	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD	BOND				
812.014(2)A(1)	Grand Theft (Over \$100,000.00)		15,000				
F.S./ORD #	CHARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> MISD	BOND				
INVESTIGATING L.E.O.							
Detective C. Dusseau						ID# 1370	
DRUG UNIT	1 GRAM 2. MILLIGRAM	3. KILOGRAM 4. OUNCE	5 POUND 6. TON	7. LITER 8. MILLILITER	9 DOSE/UNIT/ITEM	N	
DRUG TYPE	E. HEROIN H. HALLUCINOGEN O. OPIUM/DERIV C. COCAINE	M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC	U. UNKNOWN Z. OTHER P. PARAPHERNALIA EQUIPMENT	N. N/A	DRUG ACTIVITY M. MANUF/CULT S. SELL E. USE D. DELIVER	P. POSSESS B. BUY U. UNK Z. OTHER	T. TRAFFIC K. DISTRB R. SMUGGLE N. N/A
TYPE WEAPON	00. N/A 01. HANDGUN 02. RIFLE 03. SHOTGUN	04. UNK FIREARM 05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FIST/FEET	08. POISON 09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREAT/INTIMID	12. SIM WEAPON 13. DRUGS 88. UNKNOWN 99. OTHER	00 CALIBER GAUGE	N FINISH WEAPON B. BLUE S. SILVER O. OTHER	

ARREST	DATE & TIME OF ARREST	ARREST L.E.O./ID#	ASST L.E.O./ID#
	ARREST LOCATION		ZONE
	CAPIAS/WARRANT #		COUNTY & STATE OF WARRANT
	DATE BOOKED	TIME BOOKED	RETURNABLE DATE
RELEASED BY		RELEASED TO	DATE/TIME RELEASED

VICTIM	(LAST, FIRST, MIDDLE INITIAL)				HOME PHONE #
	VICTIM NAME Schiller, Yvonne				941-228-7617
	ADDRESS 5440 New Couvington Way Sarasota Fl. 34231				BUS PHONE #
DOB	AGE	SEX	RACE	NOTIFIED	<input type="checkbox"/> YES <input type="checkbox"/> NO
120469	40	F	W		TIME

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 2 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-80501
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ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

I affiant am a Detective with the Sarasota Sheriff's Office assigned to the Criminal Investigations Section.

On 11/07/10 the complainant/victim, Yvonne Schiller filed a report with the Sarasota Sheriff's Office. Schiller advised the responding deputy that unauthorized individuals were residing in her home without authorization. Schiller stated that she made contact with these individuals who refused to let her into her own home. The responding deputy was shown a contract with Homes for America that allowed the unauthorized individuals to be in said residence pursuant to a rental agreement. The residents advised that the agreement required that they pay the taxes and maintain the residence.

On 11/15/10 I was assigned the case and reviewed the initial report. I interviewed the victim on 11/17/10 at the Sheriff Office. During a sworn recorded statement the victim told me that she purchased the home six years ago and that financial problems caused her to file for bankruptcy in spring on 2009. On January 11th, 2010 the foreclosure was initiated by SunTrust Bank. The victim moved out of the residence in June 2010 because she was concerned about being evicted. The victim and her family moved to another location around the corner. The victim stated that she was still maintaining the property, receiving mail and had approximately \$5,000 worth of personal property in the residence and a shed. The victim went to her property where she found it occupied by these unknown persons. The victim advised these subjects that this was her house and the subjects told her they were renting it. The victim asked to go inside because she had a file cabinet with personal records. The occupants told her that when they moved in there was nothing in the residence.

I had, prior to the interview, been briefed by Sgt Pingel that other complaints similar to this had been filed about a company owned and operated by the defendant in this case, Joel McNair. I asked the victim if she knew the defendant or his company, Homes for America. The victim informed me that she had no knowledge of this individual or this company. The victim stated that she never authorized anyone to take occupancy of her home. The victim never turned off the water or utilities and that her taxes were paid and up to date. The victim also indicated that when she left the residence it was secured and that when she returned the locks had been changed. The victim contacted the bank and was advised that the victim was still the legal owner of the residence, 5209 Summerwood Ct.

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT Det C. Dusseau ID# 1370

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 19 DAY OF November, 2010, BY Detective C. Dusseau #1370 WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE [Signature] ID# 775

SIGNATURE [Signature]
 L.E.O. ID # 2141 NOTARY
PRINT NAME Det. LeFebvre

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 3 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT Mcnaire, Joel D.	SSO BK #	AGENCY CASE # 10-80501
--------------------------------------	----------	----------------------------------

ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

The defendant was contacted by Detective Cramer of the Sarasota Sheriff's Office by telephone. The defendant agreed to come in for an interview with his attorney, Andrew Mikos, and his administrative assistant. On 11/17/10 at approximately 1300 hours the defendant provided a statement. This statement was recorded. During the course of the interview it was determined that the defendant had located this residence and subsequently used Florida Statute 95.18 (Adverse Possession) to possess the property and place individuals in the home that he claimed were in arrears for taxes and not being maintained by the legitimate owner. The defendant informed us that he was not required to notify the owner(s). The defendant informed us that he had researched the statute and that his business was legitimate and in compliance with the statute. The defendant informed us that he or his representatives located the properties, made entry, changed the locks, removed property and accepted monies from what he referred to as members. These "members" were to pay the taxes and maintain the property. The defendant further advised that he believed that the landlord tenant laws did not apply in this situation. This affiant found that the taxes on the victim's home had been paid and were current. The defendant had not filed a return (DR-452) with the property appraiser's office. The house had not been abandoned as the victim was continuing to pay the utilities and maintaining the property. The victim had not authorized anyone to be in the residence and that she did not authorized the removal of her personal property. These are all provisions of the FSS 95.18 which were not being adhered to by the defendant.

Therefore this affiant believes that the adverse possession statute does not apply and that the defendant be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

Chg 1: The defendant did in a systematic ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5209 Summerwood Ct in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$147,000.

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT Det C. Dusseau ID# 1370

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 19 DAY OF November, 2010, BY Detective C. Dusseau #1370 WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE [Signature] ID# 775

SIGNATURE [Signature]
 L.E.O. ID # 2141 NOTARY
PRINT NAME Det. LeFebvre

Sarasota County Sheriff's Office
 Sarasota County, Florida
INCIDENT 20100081051

ORIGINAL



REPORT INFORMATION

Case Number **20100081051** Date/Time Reported **11/09/2010 21:32**
 Offense Type **NON-CRIME** Swab DNA ? **NO**

OFFENSE

Offense 1/Statute **22C CIVIL DISTURBANCE** Attempt: **C COMMITTED**
 Offense 2/Statute Attempt:
 Offense 3/Statute Attempt:

EVENT DATA

Date/Time Occurred From: **11/09/2010 21:30** Date/Time To: **11/09/2010 22:50**
 Incident/Offense Location

3226 SAVOY WAY SARASOTA
 (Street# Dir Street Name St.Type Apt# City)
 Related Case Number Grid **127** Zone **005** Forced Entry **A NOT APPLICABLE**
 Location Type **01 RESIDENCE/SINGLE**
 Weapons Type **00 N/A** Nbr Premises **00** Nbr Offenses **01**
 Nbr Offenders **00** Nbr Arr Total **00** Nbr Arrest Adult **00** Nbr Arrest Juvenile **00**

PERSON

Type **C3 COMPLAINANT ADULT** Number
 Victim card given Type Number
 Confidential Type Number

Name **IRWIN, APRIL J**
 (Last Name, First Name, Middle Initial)

Race **W WHITE** Sex **F FEMALE** DOB **04/25/1972** Estimated Age Age **38** A **ADULT**
 Height **501** Weight **140** Hair **BRO BROWN** Eyes **BLU BLUE**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
7714 WESTMORELAND DRIVE SARASOTA FL 34243
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone Business Phone
 Employer/School **SCTI**
 Employer's Address

SARASOTA FL
 (Street# Dir Street Name St.Type Unit# City State Zip)

Occupation **INSTRUCTOR** Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** DVR **A NOT APPLICABLE**
 Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

PERSON Type **O3 OTHER ADULT** Number **1**

Victim card given Type Number

Confidential Type Number

Name **MCNAIR,JOEL D**
(Last Name,First Name,Middle Initial)

Race **B BLACK** Sex **M MALE** DOB **10/25/1950** Estimated Age Age **60** **A ADULT**

Height **600** Weight Hair **BRO BROWN** Eyes **GRN GREEN**

Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**

Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
7350 S TAMIAMI TRL APT 98 SARASOTA FL 34231
(Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**

Home/Cell Phone **(941)7377919** Business Phone

Employer/School **SAVE OUR HOMES**

Employer's Address
SARASOTA FL
(Street# Dir Street Name St.Type Unit# City State Zip)

Occupation **OWNER/PRES** Scars/Marks/Tattoos/Clothing

Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**

Victim/Offender Relationship **00 N/A** DVR **A NOT APPLICABLE**

Alias Place of Birth

ADMINISTRATIVE/ Crime Scene Approved By: **SCOTT DAVID #1403**

Photos Taken By Whom? Dusted For Latent Prints

Prints Submitted By Whom? BOLO Requested By

BOLO Given to Cancelled Cancelled By?

Enclosures:

Copies To: **CIS**

Clearance Code Exception Code



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida
Supplemental Person Report

PERSON	Type	O3 OTHER ADULT		Number	2
<input type="checkbox"/> Victim card given	Type			Number	
<input type="checkbox"/> Confidential	Type			Number	
Name HOFFMAN, JUDD D (Last Name, First Name, Middle Initial)					
Race W WHITE	Sex M MALE	DOB 08/25/1948	Estimated Age <input type="checkbox"/>	Age 62	A ADULT
Height 600	Weight 150	Hair GRY GRAY	Eyes BLU BLUE		
Offense/Incident Indicator	1 1ST OFFENSE		Extent Injury	0 NONE	
Injury Type #1	00 N/A		Injury Type #2	00 N/A	
Home Address					
718		S TAMiami TRL LOT 15		OSPREY	FL 34229
(Street#	Dir	Street Name	St.Type	Apt#	City State Zip)
Residence Type	2 COUNTY		Residence Status	1 FULL YEAR	
Home/Cell Phone	(941)2230716		Business Phone		
Employer/School					
Employer's Address					
				SARASOTA	FL
(Street#	Dir	Street Name	St.Type	Unit#	City State Zip)
Occupation	Scars/Marks/Tattoos/Clothing				
Foul Play A N/A	Missing Previously	A N/A		Recovery Info	0 N/A
Victim/Offender Relationship	00 N/A		DVR	A NOT APPLICABLE	
Alias	Place of Birth				



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

ON 11-9-10 I RESPONDED TO THE INCIDENT LOCATION FOR A SUSPICIOUS PERSON. UPON ARRIVAL I MET WITH THE COMPLAINANT WHO ADVISED THAT SOMEONE APPEARED TO BE LIVING IN HER HOUSE AT 3226 SAVOY WAY. THE COMPLAINANT STATED THAT SHE NOTICED THAT SOMEONE WAS THERE WHEN SHE STOPPED BY TO CHECK ON THE HOUSE AND THAT SHE HAD NOT RENTED THE HOUSE OR GIVEN ANYONE PERMISSION TO LIVE THERE. SHE ADVISED THAT THE HOUSE WAS IN FORECLOSURE, HOWEVER SHE HAD BEEN WORKING WITH THE BANK TO DO A SHORT SALE OR POSSIBLY GET THE HOUSE BACK. THE COMPLAINANT STATED THAT SHE CHECKED ON THE HOUSE APPROXIMATELY TWO WEEKS AGO AND NO ONE WAS LIVING THERE AND ALL OF HER FURNITURE AND BELONGINGS WERE STILL INSIDE OF THE HOUSE.

I WAS ABLE TO MAKE CONTACT WITH JUDD HOFFMAN INSIDE THE RESIDENCE WHO STATED THAT HE WAS GIVEN PERMISSION TO LIVE AT THAT RESIDENCE BY A COMPANY CALLED "SAVE OUR HOMES". HE PROVIDED A DOCUMENT AND A BUSINESS CARD OF THE OWNER OF THE COMPANY. I CONTACTED THE COMPANY OWNER JOEL D. MCNAIR TO INQUIRE ABOUT HIS COMPANY AND THE SUBJECT LIVING IN THE HOUSE. MR. MCNAIR STATED THAT HIS COMPANY GETS LISTS OF FORECLOSED HOMES AND PLACES INDIVIDUALS AND FAMILIES IN THOSE HOMES UNDER F.S.S.95.18. HE STATED THAT HE DOES NOT WORK WITH OR NEED PERMISSION FROM THE LISTED HOMEOWNER OR BANK TO PLACE PEOPLE IN THE HOMES. HE ALSO STATED THAT THE PURPOSE IS TO KEEP THE FORECLOSED HOMES FROM BEING BURGLARIZED OR VANDALIZED AND TO HELP MAINTAIN THE PROPERTY WHICH KEEPS PROPERTY VALUES HIGHER. SGT. LEONARD WAS NOTIFIED OF THE INCIDENT WHO ASSISTED IN RESEARCHING THE STATUTE THAT WAS PROVIDED AND CHECKING ON THE LISTED OWNER OF THE PROPERTY.

I PROVIDED THE COMPLAINANT WITH THE DOCUMENT, COMPANIES NAME AND OWNERS PHONE NUMBER AND ADVISED HER TO CONSULT WITH A LEGAL ADVISOR TO VERIFY IF THE STATUTE THAT WAS PROVIDED GIVES THE AUTHORITY TO OCCUPY THE RESIDENCE. NO FURTHER ACTION WAS TAKEN.

Ada D. West
W/F 03/18/1958
5'06" 150lbs. Bln/Blu
(407) 687-2023

James Joseph Atno
W/M 01/22/1966
5'09" 250lbs. Blk/Bro
3227 Savoy Way
Sarasota, FL 34232
(941) 377-6358

Ken Peters
Property Appraiser's Office
(941) 861-8274

Denise Sam
Tax Collector's Office
(941) 861-8385

Erick Herbert Knight
W/M 08/12/1965
5'11" 190lbs. Bro/Bro
1365 Harbor Dr.
Sarasota, FL 34239
(941) 586-9927

SUSPECT:

Joel D. McNair
B/M 12/25/1950
6'00" 180lbs. Bro/Blk
9240 Midnight Pass Rd. D
Sarasota, FL 34231

7350 S. Tamiami Trl
Sarasota, FL 34231
(941) 737-7919

VEHICLE USED IN CRIME:

N/A

EVIDENCE STATUS:

Taped statements in Property

STOLEN/DAMAGED PROPERTY: The use of Mrs. Irwin's residence for the time period Mr. Hoffman was placed there by the defendant.

RECOVERED PROPERTY: N/A

ATTACHMENTS TO REPORT: Miscellaneous Documents

DRUG RELATED: N/A

SYNOPSIS

The complainant called the Sheriff's Office to report that someone was living in her residence that was under foreclosure. Patrol responded and was given the information that a tenant was in the house under the guise of "Adverse Possession." It was not understood what the process was and a civil disturbance was documented by Patrol. I met with the owner of the house at the residence. She advised that her house was in the beginning stages of foreclosure, but she was still working with the bank to salvage her mortgage. The subject in the residence was told that he needed to leave as soon as physically possible because he had no right to the residence at all, and was a squatter. The owner of the house agreed to let the squatter have a couple of days to move his furniture and his family out. Grand Theft and Scheme to Defraud charges would be filed against the person that facilitated the "rental" of the property because he had no right to the property.

INVESTIGATION

I was contacted by Sgt. Felix to follow up on this case.

11/10/2010 1611 Hours

I took a sworn recorded statement from Judd Hoffman reference this case. He advised he that heard about the business through a friend. He could not remember which friend gave him the information. When he went to meet with McNair at the address on Washington Blvd., he advised that he gave them his social security number, his daughter's name and his wife's name. They had him pay a one-time fee of \$495.00 and a monthly payment of \$494.31 on a month to month basis. A one page contract (Provisional Occupancy Membership Agreement) was signed by Hoffman and he was unsure which one of the representatives signed the contract for the business. It was either one of two Eric's that work for McNair, or McNair himself. The agreement stated that the payment covered 1/12 of the property taxes owed, a maintenance service fee, association dues when applicable, and a management fee. Interview stopped at 1617 hours.

The interview started again at 1623 hours. Hoffman stated that he understood that he was not signing a lease agreement, he was not a tenant, and that Homes for American's was not a landlord. He also understood that if the house sold, he would have to move out of the house, but Homes for American's would find him another place to live. Hoffman was told that they did not put people in houses that have for sale signs in front of them, so he was confident he would not have to move.

The contract has a place for a notary to sign and stamp it, but it was not notarized. The contract stated that the payment was to be by money order or cashier's check, made out to Homes for American's, LLC.

Hoffman stated that he thought that there was a lender involved and that he believed the price was around \$100,000.00. He also stated that he would be interested in buying the house.

11/15/2010 1015 Hours

I met with Ken Peters, of the Property Appraiser's Office, to get a copy of the adverse possessions for Sarasota County. There are only nine for the entire county and three of them were filed by Joel McNair. It is not known at this time if the taxes were paid by McNair, but that will be researched.

11/15/2010

I made contact with Det. Carter (SPD) and asked if he had any similar cases. He advised he did, with the same suspect. He agreed to meet with me to discuss the cases and the course of action. Carter also gave me a phone number for Mark Kohler of the Department of Agriculture. I made contact with Kohler and he stated that he would like to attend the meeting for this suspect and may have input for additional charges.

11/16/2010

I received a fax from Pasco County Sheriff's Office that had an arrest affidavit of a similar case they worked and made an arrest on. Sgt. Peek (800-854-2862 ext 7797) forwarded the affidavit written by Det. Gary Souto and stated that Det. Souto would send the rest of the investigative information to me for reference in this case.

11/16/2010 1130 Hours

I attended a meeting with Det. Dusseau, Sgt. Felix, Lt. Mayer, Sgt. Pingel, Det. Carter (SPD), and Officer Kohler from the Department of Agriculture. It was determined that a meeting would be scheduled with McNair. McNair made several requests to meet with personnel from the Sheriff's Office. At his own request, McNair wanted to come in for an interview with his attorney. Pending the outcome of the meeting, McNair could possibly be arrested at a later time.

11/16/2010 1619 Hours

I took a sworn recorded statement from April Irwin, the owner of the house located at 3226 Savoy Way. She stated that she started the foreclosure on her house in July of 2009, but had not had the final order to move out, so she was still responsible for the house and rightfully the owner.

She stated that she went by her house on Savoy on 11/09/2010 to check on it. When she arrived she found that someone was in the house, the lights were on, and that there was a car in her driveway. She went to a neighbor's house and called the Sheriff's Office to have them respond to document the situation and attempt to get the people that are occupying her house removed. The deputies that responded documented a civil disturbance because of the complexity of the situation.

Irwin provided copies of her Warranty Deed and mortgage information, as well as copies of her foreclosure paperwork to prove ownership of the house. I also confirmed she was listed as the owner through the Tax Collector and Property Appraiser's Office.

11/17/2010 1300 Hours

Mr. McNair and his attorney, Andrew Mikos, agreed to meet at the Sheriff's Office. McNair also brought his office manager, Ada West. Also present during the interview were Sgt. Felix, Sgt. Pingel, Lt. Mayer, Det. Dusseau, and Det. J. Carter from SPD. Everyone introduced themselves and agreed to identify themselves as they spoke. McNair stated that he had paid to have legal research done by a company from Virginia that would allow him to use the adverse possession statute to place people in houses. McNair went on to speak for almost two hours and fifteen minutes to explain why he believed what he was doing was legal under the adverse possession statute. If further details reference the interview is needed, the interview was placed into Property for review.

This interview assisted in acquiring probable cause for his arrest through his own admissions of his involvement.

11/18/2010 1600 Hours

Probable Cause Affidavits and Arrest Warrants were prepared, approved by the State Attorney's Office, and taken to Judge Berlin for approval and signing. The warrants were signed and attempts were made to locate McNair.

11/19/2010 1815 Hours

McNair was located by Lt. Mayer and Sgt. Felix at 5745 N. Washington Blvd, his business location, and was arrested without incident. He was transported to the North County Jail for processing.

11/20/2010

Det. Dusseau prepared a search warrant in her name as well as mine for the business owned and operated by McNair, located at 5745 N. Washington Blvd.

11/22/2010

The search warrant was served at 5745 N. Washington Blvd. See the listed property receipt for the items that were seized and placed into Property.

11/23/2010 0230 Hours

A subpoena was written for bank records pertaining to this case and forwarded to the State Attorney's Office. The subpoena was signed off by Craig Schafer for approval.

11/23/2010 1554 Hours

The subpoena was sent to Darlene Hathaway with Wachovia Bank security for the records of the bank account affiliated with this case. Wachovia account number 2000036755835 was listed on a bank statement that was found when the search warrant was completed at the defendant's business, Save our Home, LLC. She advised the original would need to be given to one of the local branches.

11/24/2010

I prepared a search warrant to obtain possible information pertaining to this case from the two computers that were seized during the search warrant of the business. The search warrant was taken to the SAO for review and approval. It was approved and taken to Judge Berlin for review and signing.

I made contact with Det. McHenry to check his availability to serve the search warrant on the computers. He stated that he could meet with me on Tuesday 11/30/2010 at approximately 0900 hours to serve it and attempt to extract information pertaining to this case.

11/24/2010 1130 Hours

I met with Sgt. Carter from SPD to discuss similar cases. He gave me a copy of the interview that he conducted with Erick Knight. Carter advised that Knight was cooperative and stated that he would be a good witness for the investigations. Knight had stated that he did the cleanup of some of the residences. Knight also lives in one of the houses that McNair "acquired." Knight and his roommate each pay \$500.00 a month to live there. Knight told Carter that McNair was supposed to be paying him, but he hadn't been paid in weeks. Knight even told Carter during the interview that he felt like he was "scammed" by McNair.

11/30/2010

I received the bank records for account number 2000036755835. They show the following deposit and withdrawal amounts:

August:

Deposit total-\$16,057.19

Withdrawals from counter-\$11,460.00

September:

Deposit total-\$18,205.24

Withdrawals from counter -\$15,000.00

October:

Deposit total-\$19,229.63

Withdrawals from counter- \$13,760.00

The total amount taken from counter withdrawals was \$40,220.00. This total did not include monies used at stores for what appears to be personal use.

11/30/2010 1015 Hours

The search warrant was read to and executed on the computers. The computers were turned over to Det. J. McHenry to extract the information off of the computer to look for business files related to this case.

12/02/2010 1411 Hours

The computer search warrant was taken to the Clerk's Office and clocked in.

CONCLUSION

I recommend that this case be closed with the arrest of B/M Joel D. McNair 10/25/1950 for Scheme to Defraud and Grand Theft of \$100,000.00.

There are several other jurisdictions that have active cases with McNair for similar crimes as well as other types of mortgage fraud. The listed agencies and Detectives have contacted me with interest in using a state wide prosecutor because of the many jurisdictions involved:

Det. Gary Souto, Pasco County Sheriff's Office - (352) 518-5023

Det. Sherry Doty, Lakeland PD - (863) 834-8979

Det. Philip Newman, Hillsborough County Sheriff's Office - (813) 247-8664

Det. Mindi Martini - Deluca, Manatee County Sheriff's Office - (941)747-3011 Ext. 2215

Det. Jack Carter, Sarasota City PD - (941) 809-0317

HOMES FOR AMERICANS, LLC

PROVISIONAL OCCUPANCY MEMBERSHIP AGREEMENT

(This program is being done with regard to and under the authority of the Adverse Possession of land and homes; Fla. Statute 95.18)

This agreement is being entered into between,

JUDD HOFFMAN hereafter, known as Occupants and Homes for Americans, hereafter known as HFA. It is understood by both parties, that this is not lease, they are not tenants, we are not landlords, nor do we own said property. This is a temporary Occupant Agreement. This is a month to month agreement between the two parties.

Property Location: 3226 SAVOY WAY, SARASOTA, FL 34232

OCCUPANT AGREES TO THE FOLLOWING:

1. An annual membership fee of \$495.00 is due at the time of signing this agreement.
2. To live in and pay all utilities on said home. Occupant agrees to put utility bills in their name.
3. To maintain the cleanliness and appearance of the property.
4. Occupant(s) agrees to not engage in any illegal conduct or allow any such conduct on said property.
5. To make monthly payments, on time each month to HFA. Monthly payment is \$ 494.31. Payment covers 1/12 of the property taxes owed, maintenance service fee, Association dues, when applicable and management fee.
6. This property must only be used as a Single Family Home, and not to be used for multiple families.
7. Occupant understands if monthly payment is not received on time the FIRST of each month, prompt legal action will be taken.
8. Occupant agrees that HFA has made full disclosure to them of the said status of property. By utilizing Fla. Statute 95.18., it is our goal and intent to help provide Americans decent affordable housing.
9. Should Occupant desire to own said property, HFA will assist Occupant in said endeavor, or will assist in finding another home, within our program.

Occupant One: [Signature] Date: 10/26/2010

Occupant Two: _____ Date: _____

Homes for Americans, LLC [Signature]

STATE OF FLORIDA

COUNTY OF _____

SWORN TO (or affirmed) AND SUBSCRIBED before me by _____ on this _____ day of _____, 20_____.

Personally Known or Provided ID

Type of Identification Provided _____

NOTARY PUBLIC
Name:
My Commission No. Is:
My Commission Expires:

[Signature] A/OK
ATTACHMENT
HFA 9/22/10

Rec

SARASOTA COUNTY SHERIFF'S OFFICE
PRE-RAP

Defendant Speaks (Circle One): English Other

SSO Case #: 10-81051 Pre-Rap Time: 1815

Defendant's Name (L/F/M): MCNAUL, JOEL D.

Aliases: SSN: _____

Race: B Sex: M DOB: 10/25/50 AGE: 60

Height: 600 Weight: 175 Hair: BU Eye: BU

Scars/Marks/Tattoos: Place of Birth: NEW YORK

Home Address: _____

City: State: Zip Code: _____

Charges	Statute	Bond
SCHEME TO DEFRAUD	817.034 (3)D	\$15,000
GRAND THEFT OVER \$100,000	812.014(2)A(1)	\$20,000

Warrant #: _____

Arresting Officer: DET. CRANK ID#: 1045 Agency: 550

Arrest Date: 11-19-10 Time: 1805 Zone: 1 Grid: 007

Arrest Location: 5745 N. LASHLEIGH BLVD

Towing Service: NA

Victim Info: APRIL FEWELL

OBTS# 5801159970

Booking# _____

Pin# 39584

Agency# _____

Booking Tech# 2615

FDLE # 01702824

FCIC _____

NCIC _____

Local _____

INTAKE CHECKLIST	Name / ID#
Medical Clearance (Nurse)	Muñoz
Initial Search (Deputy)	
Property (Deputy)	
2nd Search (Deputy)	
Intake Screening (Booking)	2615
Medical Screening (Nurse)	
Phone Enroll / Call (Deputy)	
AFIS (Deputy)	
Mug Search (Deputy)	
Pre Trial Services (PTS)	
Supervisor (Sgt/Lt)	
Booking Verifies (Booking)	

PROBABLE CAUSE AFFIDAVIT
Sarasota County

Affix label here

AGENCY SSO SPD FHP VPD NPPD LBPD OTHER ORIGINAL
 SUPPLEMENTAL

SSO CASE #	10-81051	SSO BK#	10-15698	OBTs #	5801159970	ARREST #	
AGENCY CASE #		SAO #		FDLE #		UTC #	

DEFENDANT	ADULT - ARREST		<input checked="" type="checkbox"/> WITH WARRANT <input type="checkbox"/> WITHOUT WARRANT <input type="checkbox"/> NON ARREST COMPLAINT		JUVENILE		<input type="checkbox"/> ARRESTED / DETAINED <input type="checkbox"/> ARRESTED / RELEASED WITH REFERRAL <input type="checkbox"/> NON-ARREST REFERRAL <input type="checkbox"/> TEEN COURT REFERRAL				
	(LAST, FIRST, MIDDLE INITIAL)				(LAST, FIRST, MIDDLE INITIAL)						
	DOB		AGE	SEX	RACE	HGT	WGT	COLOR HAIR	COLOR EYES		
	10/25/50		60	M	B	600	175	Bald	Bro		
	ADDRESS		7350 S. Tamiami Trl Apt 98 Sarasota, FL 34231						CITY	STATE	ZIP
	PHONE #		941-737-7919						SCARS/MARKS/TATTOOS		
	DI #		ST	SOCIAL SEC#		CITY		STATE	PLACE OF BIRTH		
	FL				New York						
	OCCUPATION			EMPLOYER							
	Business Owner			Self-Save Our Home/Homes For Americans							
EMPLOYER ADDRESS						PHONE #					
5745 N. Washington Blvd Sarasota, FL						(941) 737-7919					
CITIZENSHIP	IMMIGRATION STATUS		RESIDENCE TYPE	RESIDENCE STATUS	INFLUENCE OF DRUGS/ALCOHOL						
1. PERMANENT/LEGAL RESIDENT OF US 2. LEGAL VISITOR 3. UNDOCUMENTED ILLEGAL ALIEN 4. UNKNOWN	1	1. CITY 2. COUNTY 3. FLORIDA 4. OUT OF STATE	2	0. N/A 1. FULL YR 2. PART YR 3. NON-RES	1	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK					

CRIME	DATE & TIME OF CRIME	11/09/10 2132	CRIME LOCATION	3226 Savoy Way Sarasota, FL	LOC TYPE	01	ZONE	005	GRID	127	
	F.S./ORD #	812.014 (2)a(1)	CHARGE	Grand Theft Of \$100,000 Or More	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND	1500			
	F.S./ORD #	817.034(3)d	CHARGE	Florida Communications Fraud Act (Scheme To Defraud)	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND	1500			
	F.S./ORD #		CHARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> MISD		BOND				
EVIDENCE	INVESTIGATING L.E.O.						ID#		1045		
	Det. Greg Cramer										
	DRUG UNIT	1. GRAM 2. MILLIGRAM	3. KILOGRAM 4. OUNCE	5. POUND 6. TON	7. LITER 8. MILLILITER	9. DOSE/UNIT/ITEM	N				
	DRUG TYPE	E. HEROIN H. HALLUCINOGEN O. OPIUM/DERIV C. COCAINE	M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC	U. UNKNOWN Z. OTHER	N. N/A	DRUG ACTIVITY	M. MANUF/CULT S. SELL E. USE D. DELIVER	P. POSSESS B. BUY U. UNK Z. OTHER	T. TRAFFIC K. DISTRB R. SMUGGLE N. N/A	N	
TYPE WEAPON	00. N/A 01. HANDGUN 02. RIFLE 03. SHOTGUN	04. UNK FIREARM 05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FIST/FEET	08. POISON 09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREAT/INTIMID	12. SIM WEAPON 13. DRUGS 88. UNKNOWN 89. OTHER	00	CALIBER GAUGE	N	FINISH WEAPON	B. BLUE S. SILVER O. OTHER	N	

ARREST	DATE & TIME OF ARREST	ARREST L.E.O./ID#		ASST L.E.O./ID#		
	ARREST LOCATION				ZONE	GRID
	CAPIAS/WARRANT #			COUNTY & STATE OF WARRANT		
	DATE BOOKED	TIME BOOKED	RETURNABLE DATE	BOOKING OFFICER		
	RELEASED BY		RELEASED TO	DATE/TIME RELEASED		

VICTIM	(LAST, FIRST, MIDDLE INITIAL)				HOME PHONE #	
	VICTIM NAME Irwin, April J.				941-812-2578	
	ADDRESS 7714 Westmoreland Dr. Sarasota, FL 34243				BUS PHONE #	
	DOB	AGE	SEX	RACE	NOTIFIED	<input type="checkbox"/> YES <input type="checkbox"/> NO
04/25/72	38	F	W		TIME	

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 1 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-81051
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ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

On 11/09/2010 at 2132 hours, the victim, April Irwin, was going to her residence located at 3226 Savoy Way. When she arrived she found a car in the driveway, the lights on, and ultimately the Hoffman family inside the residence. She contacted the patrol division and had a deputy respond to remove the family from her residence. The resident gave the deputy a phone number for the defendant, Joel McNair. When McNair was contacted by the responding deputy he gave him FSS 95.18 as the reason the people are in the residence. The statute outlines Adverse Possessions. The deputy wrote this incident as a civil disturbance until more information could be learned about the Adverse Possessions statute.

Your Affiant is a detective in the Criminal Investigations Section for the Sarasota County Sheriff's Office and was given this case for follow up on 11/10/2010.

The original concept of adverse possession was researched and was found to have been written in the sixteenth century. The first case of adverse possession that appeared in the United States was in North Carolina in 1715. The statute was written to legally displace a land owner and give legal title to the adverse possessor. The stipulations of the adverse possession statute state that if a person occupies a parcel of real property for seven consecutive years and does not possess a legal document to validate a claim to the property, the person may then acquire ownership of the property via adverse possession. The adverse possessor must first file a return (DR-452) with the property appraiser's office. He/she must also pay all property taxes and liens. Finally, the person filing the adverse possession claim without color of title must demonstrate that he/she cultivated or improved the land in some manner or protected the land subject to the claim by a substantial enclosure (typically a fence).

Your Affiant interviewed Mrs. Irwin to determine the status of the property and her foreclosure situation. She advised that this started when she went to her residence on Savoy to check on it and retrieve some of her personal items that were still in the house. She has done this regularly since she moved out of the home in June of 2010. The reason she moved out of the home is because she had started the foreclosure process with her bank in July of 2009. The bank advised her that at any given time when the process was complete, she would be given 48 hours to get out and she did not want to have to find a place to live and move in that short of a period of time. Therefore, she moved

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT  ID# 1045

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 18 DAY OF November, 2010, BY
Gregory Cramer WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____

SIGNATURE Gerardo Carrillo

L.E.O. ID # 2140 NOTARY

SUPERVISOR SIGNATURE _____

PRINT NAME GERARDO CARRILLO

 ID# 657

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 2 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-81051
-------------------------------------	----------	----------------------------------

ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

in with her fiancé and would check on her house regularly as well as have the lawn maintained by a neighbor so the residence would not be an eyesore. Irwin stated that she had checked the residence two weeks prior to this incident and it was secured. Irwin stated that she never met either Hoffman or McNair and had not given permission to either of them or anyone else to enter, occupy, or lease her residence. This establishes the fact that she still owned and maintained the residence. She also furnished documents from her mortgage company that showed her as the current owner. These documents show her mortgage amount to be \$250,344.72. The tax collectors site shows the sale amount from when she purchased the house as \$290,000.00. This is consistent with the fact she stated that she put \$42,000.00 down on the house when she purchased it. A check of the "just" property value and the "assessed" property value on the tax collector's site show the house worth \$100,400.00. She also has the documentation that shows the start of the foreclosure process and that it is not final. A check of the property appraiser's site shows that Irwin is the sole owner of the property located at 3226 Savoy as of this date and that her property taxes are paid and up to date.

McNair had placed the subject, Judd Hoffman, in the residence that belongs to Irwin located at 3226 Savoy Way. Hoffman was interviewed and stated that he heard about affordable houses for rent from a friend, so he went to McNair's office located at 5745 N. Washington Blvd and signed up to be a member with Homes For American's, LLC. When he signed up, he was given a list of houses to look at that were available. Hoffman chose the one located at 3226 Savoy Way. McNair then had Hoffman sign a one page agreement called, "Provisional Occupancy Membership Agreement". This agreement (see attached) lays out the fees and rules of Homes For Americans. Hoffman stated that he paid the one time membership fee of \$495.00 and the first month's payment of \$494.31 and then moved into the house. The first thing that he did was turn the power on in his name and then turned on cable and internet in his name through Comcast. Hoffman originally stated that the house was empty when he moved in, but later admitted that there was property still in the house when he moved in. Hoffman stated that he did not remove any of the property from the house, but according to a statement from a neighbor, Hoffman and some of his friends removed some of Irwin's items that were in the house.

McNair did this under the guise of FSS 95.18, adverse possessions. McNair owns and operates Save Our Home, LLC and Homes For Americans, LLC. According to an interview with McNair himself, he and his "agents" locate houses under foreclosure, research them both on the internet and in person to find out if they are vacant, clean them, change the locks, mow the lawns, and then move their members into them for a one time fee of \$495.00 and a monthly fee that consists of \$175.00 maintenance fee, a \$200.00 management fee, and 1/12 of the property taxes

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT _____ ID# **1045**

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 18 DAY OF November, 2010, BY Det. Greg Cramer WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____

SIGNATURE Gerardo Carrillo
 L.E.O. ID # 2140 NOTARY
PRINT NAME GERARDO CARRILLO

SUPERVISOR SIGNATURE Sgt. [Signature] ID# 159

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 3 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-81051
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ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

so that they can be paid when they are due. McNair stated himself that he has not paid any of the taxes as of yet and the money being held aside for the taxes are comingled into a general fund within his Wachovia business bank account. McNair also stated that he has no intention of occupying the houses himself at any time or to occupy them for the seven years it takes to take control under adverse possession.

McNair is operating offices and filing for adverse possessions in Sarasota, Manatee, and Hillsborough Counties. He has multiple houses he is contracting to let people live in within each of the counties. In Sarasota alone, McNair has eleven locations that he has admitted to, and more forthcoming.

McNair does not have legal rights to any of these locations and put "tenants" into them with the understanding that they would pay a monthly fee to him until either the person or the bank that owns the property contests the "tenant" being there, and then he will find the "tenant" another location to live within his organization. This has been occurring in Sarasota County for approximately two months and McNair plans to continue to facilitate the actions described above.

Given the stated facts above, your Affiant is requesting prosecution of B/M Joel D. McNair 10/25/1950 for violating Florida State Statutes 812.014 (2)a(1) Grand Theft of \$100,000.00 or more by knowingly obtaining (taking or exercising control over property) and using the property of another with the intent to temporarily appropriate the property to his or her own use of any person not entitled to the property and deprived the victim of her residence and its use from 10/26/2010-11/15/2010. McNair also violated Florida state statute 817.034(3)d Florida Communications Fraud Act (Scheme to Defraud) by a systematic, ongoing course of conduct with the intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, or promises or willful misrepresentations of a future act. This was done by McNair by leading people to believe that he has the right to allow them into a house that does not belong to him, sign a month to month contract with him for said house, and collect fees for said houses. This has occurred continuously at numerous locations over the past two months.

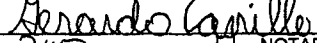
This incident occurred within Sarasota County Florida.

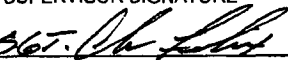
ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT  ID# 1045

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 18 DAY OF November, 2010, BY Det. Greg Cramer WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____

SIGNATURE 
 L.E.O. ID # 2140 NOTARY
PRINT NAME GERARDO CARRILLO

SUPERVISOR SIGNATURE  ID# 659

Sarasota County Sheriff's Office
 Sarasota County, Florida
INCIDENT 201000085060

ORIGINAL



REPORT INFORMATION

Case Number **201000085060** Date/Time Reported **11/26/2010 16:19**
 Offense Type **NON-CRIME** Swab DNA ? **NO**

OFFENSE

Offense 1/Statute **22C CIVIL DISTURBANCE** Attempt:
 Offense 2/Statute Attempt:
 Offense 3/Statute Attempt:

EVENT DATA

Date/Time Occurred From: **11/26/2010 16:19** Date/Time To: **11/26/2010 16:57**
 Incident/Offense Location

4409		ELEUTHERA		CT		SARASOTA
(Street#	Dir	Street Name		St.Type	Apt#	City)
Related Case Number		Grid 148		Zone 010	Forced Entry	A NOT APPLICABLE
Location Type	01 RESIDENCE/SINGLE					
Weapons Type	00 N/A	Nbr Premises	00	Nbr Offenses	00	
Nbr Offenders	00	Nbr Arr Total	00	Nbr Arrest Adult	00	Nbr Arrest Juvenile 00

PERSON

Type **C3 COMPLAINANT ADULT** Number **1**
 Victim card given Type Number
 Confidential Type Number

Name **NALEFSKI,JAMES K**
 (Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **06/20/1958** Estimated Age Age **52** A **ADULT**
 Height **507** Weight **185** Hair **GRY GRAY** Eyes
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address
4444 **MEADOW CREEK** **CI** **SARASOTA** **FL** **34233**
 (Street# Dir Street Name St.Type Apt# City State Zip)

Residence Type **2 COUNTY** Residence Status **1 FULL YEAR**
 Home/Cell Phone **(941)9221610** Business Phone
 Employer/School
 Employer's Address

(Street#	Dir	Street Name		St.Type	Unit#	City		State	Zip)
Occupation				Scars/Marks/Tattoos/Clothing					
Foul Play	A N/A	Missing Previously	A N/A	Recovery Info	0 N/A				
Victim/Offender Relationship	00 N/A			DVR	N NO				
Alias				Place of Birth					



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

PERSON Type **O3 OTHER ADULT** Number **1**
 Victim card given Type Number
 Confidential Type Number

Name **KAREL, MICHAEL J**
(Last Name, First Name, Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **11/17/1983** Estimated Age Age **27** **A ADULT**
Height **511** Weight **165** Hair **BRO BROWN** Eyes **HAZ HAZEL**
Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**
Home Address

(Street#	Dir	Street Name	St.Type	Apt#	City	State	Zip)
Residence Type	0 N/A				Residence Status	0 N/A	
Home/Cell Phone					Business Phone		
Employer/School							
Employer's Address							

(Street#	Dir	Street Name	St.Type	Unit#	City	State	Zip)
Occupation					Scars/Marks/Tattoos/Clothing	TATTOOS ON ARMS	
Foul Play	A N/A	Missing Previously	A N/A		Recovery Info	0 N/A	
Victim/Offender Relationship		00 N/A			DVR	N NO	
Alias					Place of Birth		

ADMINISTRATIVE/ Crime Scene Approved By: **LEONARD BRIGIT A #0598**

Photos Taken **NO** By Whom? Dusted For Latent Prints **NO**

Prints Submitted **NO** By Whom? BOLO Requested By

BOLO Given to Cancelled Cancelled By?

Enclosures:

Copies To: **LT MAYER**

Clearance Code Exception Code



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida
Supplemental Person Report

PERSON Type **O3 OTHER ADULT** Number **2**
 Victim card given Type Number
 Confidential Type Number

Name **MAGNUSON,ALOHNIA M**
(Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **F FEMALE** DOB **01/29/1992** Estimated Age Age **18** **A ADULT**
Height **506** Weight **115** Hair **BLN BLONDE** Eyes **BLU BLUE**
Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**
Home Address

(Street# Dir Street Name St.Type Apt# City State Zip)
Residence Type **0 N/A** Residence Status **0 N/A**
Home/Cell Phone Business Phone
Employer/School
Employer's Address

(Street# Dir Street Name St.Type Unit# City State Zip)
Occupation Scars/Marks/Tattoos/Clothing
Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
Victim/Offender Relationship **DVR**
Alias Place of Birth

PERSON Type **O3 OTHER ADULT** Number **3**
 Victim card given Type Number
 Confidential Type Number

Name **NALEFSKI,NICHOLAS J**
(Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **10/05/1979** Estimated Age Age **31** **A ADULT**
Height **509** Weight Hair **BRO BROWN** Eyes **BRO BROWN**
Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**
Home Address

1810 NE 1ST TE CAPE CORAL FL 33909
(Street# Dir Street Name St.Type Apt# City State Zip)
Residence Type **3 FLORIDA** Residence Status **1 FULL YEAR**
Home/Cell Phone **(941)922-1610** Business Phone
Employer/School
Employer's Address

(Street# Dir Street Name St.Type Unit# City State Zip)
Occupation Scars/Marks/Tattoos/Clothing
Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
Victim/Offender Relationship **00 N/A** **DVR N NO**
Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office

Sarasota County, Florida

Complainant James Nalefski advised his son (Nicholas Nalefski) owns the home at the incident location. The property (still owned by his son, who lives in Lee County) was supposed to be vacant and going through foreclosure proceedings. The complainant recently learned people were living in the home.

I made contact with two subjects, Michael Karel and Alohhia Magnuson who stated they were living at the residence. Michael said that he was involved in the "Save Our Homes" program and thought he was their legally. Michael was advised that the company had no right allowing them to stay at the house.

Both subjects were advised that the homeowner was giving them 72 hours to leave the residence.

No further action was taken at this time.

Sarasota County Sheriff's Office
 Sarasota County, Florida
 INCIDENT 20100085060

ORIGINAL



REPORT INFORMATION

Case Number **20100085060** Date/Time Reported **11/28/2010 13:00**
 Offense Type **SUPPLEMENT** Swab DNA ? **NO**

OFFENSE

Offense 1/Statute **22C CIVIL DISTURBANCE** Attempt: **C COMMITTED**
 Offense 2/Statute Attempt:
 Offense 3/Statute Attempt:

EVENT DATA

Date/Time Occurred From: **11/26/2010 16:29** Date/Time To: **11/26/2010 16:29**
 Incident/Offense Location

4409	ELEUTHERA	CT	SARASOTA
<small>(Street#</small>	<small>Dir</small>	<small>Street Name</small>	<small>St.Type Apt# City)</small>
Related Case Number	Grid 148	Zone 010	Forced Entry A NOT APPLICABLE
Location Type 01 RESIDENCE/SINGLE			
Weapons Type 00 N/A	Nbr Premises 00	Nbr Offenses 01	
Nbr Offenders 00	Nbr Arr Total 00	Nbr Arrest Adult 00	Nbr Arrest Juvenile 00

PERSON

Type **C3 COMPLAINANT ADULT** Number **02**
 Victim card given Type Number
 Confidential Type Number

Name **NALEFSKI,NICHOLAS J**
(Last Name,First Name,Middle Initial)

Race **W WHITE** Sex **M MALE** DOB **__/__/__** Estimated Age Age **N**
 Height **510** Weight **245** Hair **BRO BROWN** Eyes **GRN GREEN**
 Offense/Incident Indicator **1 1ST OFFENSE** Extent Injury **0 NONE**
 Injury Type #1 **00 N/A** Injury Type #2 **00 N/A**

Home Address

1810	NE	1ST	TE	CAPE CORAL	FL	33909
<small>(Street#</small>	<small>Dir</small>	<small>Street Name</small>	<small>St.Type</small>	<small>Apt#</small>	<small>City</small>	<small>State Zip)</small>

Residence Type **3 FLORIDA** Residence Status **1 FULL YEAR**
 Home/Cell Phone **(239)994-0564** Business Phone **(239)936-4741**
 Employer/School **WALGREENS**
 Employer's Address

CASELL	ST	FT MYERS	FL
<small>(Street#</small>	<small>Dir</small>	<small>Street Name</small>	<small>St.Type Unit# City State Zip)</small>

Occupation **MANAGER** Scars/Marks/Tattoos/Clothing
 Foul Play **A N/A** Missing Previously **A N/A** Recovery Info **0 N/A**
 Victim/Offender Relationship **00 N/A** DVR **N NO**
 Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

ADMINISTRATIVE/ Crime Scene

Approved By: **LYNCH KEVIN #0320**

Photos Taken **NO** By Whom?

Dusted For Latent Prints **NO**

Prints Submitted **NO** By Whom?

BOLO Requested By

BOLO Given to

Cancelled

Cancelled By?

Enclosures: **TRESPASS WARNING**

Copies To:

Clearance Code

Exception Code



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

THE COMPLAINANT CAME INTO THE NORTH COUNTY FRONT DESK TO PROVIDE
ADDITIONAL INFORMATION REGARDING THIS CIVIL MATTER.

C3-2 IS THE OWNER OF THE INCIDENT LOCATION. ON 11-26-10 SSO RESPONDED TO
THE INCIDENT LOCATION IN REFERENCE TO PEOPLE LIVING IN HIS FORECLOSED
RESIDENCE AS PART OF THE "SAVE OUR HOMES PROGRAM". C3-2 WAS NOT PRESENT AT
THE TIME BUT WAS ADVISED TO GO TO THE FRONT DESK AND COMPLETE A TRESPASS
WARNING AGAINST THE CURRENT OCCUPANTS.

A TRESPASS WARNING WAS COMPLETED BY C3-2 AND SUBMITTED WITH THIS REPORT.
TTY OP 2673 ENTERED THE SUBJECTS INTO NCIC/FCIC AS TRESPASSED.

Magnuson, Alohnia M.
W/F 01/29/92
5'6/115 lbs. Bln/Blu
4409 Eleuthera Ct.
Sarasota, FL
941-623-7472

Kilpatrick, David
941-822-3474

ARRESTEE:

McNair, Joel D.
B/M 10/25/50
6'0/175 lbs. Bald/Bro
7350 S. Tamiami Trail #98
Sarasota, FL
941-737-7919

VEHICLE USED IN CRIME:

N/A

EVIDENCE STATUS:

Detail Information for Parcel- Property Appraiser
Clerk of Court Records
Tax Collector Tax Record

STOLEN/DAMAGED PROPERTY:

4409 Eleuthera Ct. \$179,000.00

RECOVERED PROPERTY:

4409 Eleuthera Ct. \$179,000.00

ATTACHMENTS TO REPORT:

PCA
Property Receipt

DRUG RELATED:

No

SYNOPSIS:

The complainant filed a report with the Sarasota County Sheriff's Office on behalf of his son, Nicholas Nalefski, who did not reside in the county. The complainant reported that unauthorized occupants were residing in his son's home on Eleuthera Ct., which was in the foreclosure process and was to be vacant.

12/17/10 - 0800 hours:

I received this case for further investigation.

Case 80501 will serve as the master case for this investigation.

CONCLUSION:

This case is to be closed with an arrest. McNair is be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

Chg 1: The defendant did in a systematic, ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation, place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5016 Sandy Shore Ave. in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$179,000.

SARASOTA COUNTY SHERIFF'S OFFICE

10

PRE-RAP

Defendant Speaks (Circle One): English Other

SSO Case #: 10-85060 Pre-Rap Time: _____

Defendant's Name (L/F/M): McNair, Joel

Aliases: _____ SSN: _____

Race: B Sex: M DOB: 10/25/50 AGE: _____

Height: _____ Weight: _____ Hair: _____ Eye: _____

Scars/Marks/Tattoos: _____ Place of Birth: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Charges	Statute	Bond
SSO A/W # 10-85060, 10-85488		
Scheme to Defraud X 2 CTS		Per Schedule
Grand Theft X 2 CTS		Per Schedule
Transported by Bulley/Seals from Pasco Co		
Warrant #: 2010C3015434nc, 2010C3015633		
Arresting Officer: _____	ID#: _____	Agency: <u>SSO</u>
Arrest Date: <u>12/17/10</u>	Time: _____	Zone: <u>054</u> Grid: <u>079</u>
Arrest Location: <u>Pasco Co</u>		
Towing Service: <u>na</u>		
Victim Info: <u>see warrant</u>		

OBTS# 5801160914

Booking# _____

Pin# 39584

Agency# _____

Booking Tech# _____

FDLE # 01702824

FCIC _____

NCIC 5472656

Local _____

INTAKE CHECKLIST	Name / ID#
Medical Clearance (Nurse)	
Initial Search (Deputy)	
Property (Deputy)	
2nd Search (Deputy)	
Intake Screening (Booking)	<u>2656</u>
Medical Screening (Nurse)	
Phone Enroll / Call (Deputy)	
AFIS (Deputy)	
Mug Search (Deputy)	
Pre Trial Services (PTS)	
Supervisor (Sgt/Lt)	
Booking Verifies (Booking)	

IN THE CIRCUIT COURT IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA)
)
vs.)
)
McNair, Joel D)

2010 CF 015634 NC

SAO NO. _____

CASE NO. 10-85060

ARREST WARRANT

Det Dusseau

TO ALL AND SINGULAR SHERIFF'S, POLICE OFFICERS, MEETINGS

WHEREAS, complaint on oath and in writing, supported by sworn testimony has been made before me, the undersigned MAGISTRATE in and for Sarasota County Florida, by: Detective C. Dusseau #1370 of the Sarasota County Sheriff's Office

THAT affiant states that did commit a scheme to defraud and a grand theft

as per the below noted Florida Statutes

in violation of Florida Statute 817.034(3)D 4
812.014(2)A(1)

AND it appears to the Court that probable cause for the issuance of this warrant has been shown thereby and the Court being satisfied of the existence of the grounds therefore.

NOW, THEREFORE, you are commanded with proper and necessary assistance that may be necessary to arrest:

McNair, Joel D.
B/M 10/25/50
6'00/195 BIK/BR

and bring HIM before me or other County or Circuit Judge having jurisdiction of this offense.

BAIL shall be set at \$ schedule with a return date of the 14th day of _____, _____

WITNESS my hand and seal this 2 day of Dec, 2010.



JUDGE IN AND FOR SARASOTA COUNTY, FL



FILED FOR RECORD
2010 DEC -7 AM 8:53
KAREN H. HUNTER
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

FOR INFORMATION ONLY
COPY

PROBABLE CAUSE AFFIDAVIT
Sarasota County

Affix label here

AGENCY SSO SPD FHP VPD NPPD LBPD OTHER ORIGINAL SUPPLEMENTAL

2010 CF 015634 NC

SSO CASE #	10-85060	SSO BK#		OBTS #		ARREST #	
AGENCY CASE #		SAO #		FDLE #		UTC #	

ADULT - ARREST	<input checked="" type="checkbox"/> WITH WARRANT <input type="checkbox"/> WITHOUT WARRANT <input type="checkbox"/> NON ARREST COMPLAINT	JUVENILE	<input type="checkbox"/> ARRESTED / DETAINED <input type="checkbox"/> ARRESTED / RELEASED WITH REFERRAL <input type="checkbox"/> NON-ARREST REFERRAL <input type="checkbox"/> TEEN COURT REFERRAL
(LAST, FIRST, MIDDLE INITIAL)		(LAST, FIRST, MIDDLE INITIAL)	
DEFENDANT	McNair, Joel D	ALIAS	
DOB	10/25/50	AGE	60
SEX	M	RACE	B
HGT	600	WGT	175
COLOR HAIR	Bald	COLOR EYES	Brown
CITY		STATE	
ZIP			
ADDRESS	7350 S Tamiami Trail #98 Sarasota Fl. 34231		
PHONE #	941-737-7919		
SCARSMARKS/TATTOOS			
DI #		ST	FL
SOCIAL SEC #		CITY	New York
PLACE OF BIRTH	New York		
OCCUPATION	Business Owner	EMPLOYER	Homes For America
EMPLOYER ADDRESS	5745 N Washington Blvd. Sarasota Fl.		PHONE #
			941-737-7910
CITIZENSHIP	IMMIGRATION STATUS	RESIDENCE TYPE	RESIDENCE STATUS
	1. PERMANENT/LEGAL RESIDENT OF US 2. LEGAL VISITOR 3. UNDOCUMENTED ILLEGAL ALIEN 4. UNKNOWN	1. CITY 2. COUNTY 3. FLORIDA 4. OUT OF STATE	0. N/A 1. FULL YR 2. PART YR 3. NON-RES
	1	2	1
			INFLUENCE OF DRUGS/ALCOHOL
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK

2010 DEC - 7 AM 58

DATE & TIME OF CRIME	11/26/10 1619	CRIME LOCATION	4409 Eleuthera Ct.	LOC TYPE	01	ZONE	010	GRID	148
F.S./ORD #	817.034(3)(b)	CHARGE	Scheme To Defraud- Florida Communication Act	<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND			
F.S./ORD #	812.014(2)(A)(1)	CHARGE	Grand Theft (Over \$100,000.00)	<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND			
F.S./ORD #		CHARGE		<input type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND			
INVESTIGATING L.E.O.	Detective C. Dusseau			ID#	1370				
DRUG UNIT	1. GRAM 2. MILLIGRAM	3. KILOGRAM 4. OUNCE	5. POUND 6. TON	7. LITER 8. MILLILITER	9. DOSE/UNIT/ITEM	N			
DRUG TYPE	E. HEROIN H. HALLUCINOGEN O. OPIUM/OPRYN C. COCAINE	M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC	U. UNKNOWN Z. OTHER P. PARAPHENALIA EQUIPMENT	N. N/A	DRUG ACTIVITY	M. MANUF/CULT S. SELL E. USE D. DELIVER	P. POSSESS B. BUY U. UNK Z. OTHER	T. TRAFFIC K. DISTRB H. SMUGGLE N. N/A	N
TYPE WEAPON	00. N/A 01. HANDGUN 02. RIFLE 03. SHOTGUN	04. UNK FIREARM 05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FIST/FEET	08. POISON 09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREAT/INTIMID	12. SIM WEAPON 13. DRUGS 88. UNKNOWN 89. OTHER	00	CALIBER GAUGE	N	FINISH WEAPON	B. BLUE S. SILVER O. OTHER
SEIZED	<input type="checkbox"/> YES <input type="checkbox"/> NO								N

DATE & TIME OF ARREST		ARREST L.E.O./ID#		ASST L.E.O./ID#	
ARREST LOCATION		ZONE		GRID	
CAPIAS/WARRANT #		COUNTY & STATE OF WARRANT			
DATE BOOKED		TIME BOOKED		RETURNABLE DATE	
RELEASED BY		RELEASED TO		BOOKING OFFICER	
				DATE/TIME RELEASED	

VICTIM NAME	Nalefski, Nicholas J	HOME PHONE #	239-994-0564
ADDRESS	1810 NE 1 st TE Cape Coral Fl. 33909	BUS PHONE #	
DOB	10/05/79	AGE	31
SEX	M	RACE	W
NOTIFIED	<input type="checkbox"/> YES <input type="checkbox"/> NO		

Case: 2010 CF 015634 NC

 Det: PBL/RAFF

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 2 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-85060
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ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

I affiant am a Detective with the Sarasota Sheriff's Office assigned to the Criminal Investigations Section.

On 11/26/10 the complainant James Nalefski filed a report with the Sarasota Sheriff's Office. Nalefski advised the responding deputy that unauthorized individuals were residing in his son, Nicholas Nalefski's home without authorization. The responding deputy contacted the occupants of 4409 Eleuthera Ct. The two occupants advised the deputy that they were involved in the "Save Our Homes" program through Joel McNair's business. The occupants believed that they were in the home legally.

On 12/01/10 I was assigned the case and reviewed the initial report. I searched the Sarasota County Tax Collector's records for 4409 Eleuthera Ct. The documents recorded online indicated that Nicholas Nalefski was still responsible for the taxes on the property and that as of this year there are no delinquent taxes. The last update to this website was on 12/01/10 at 0949 hours. A search of the Clerk of the Circuit Court of Sarasota County's records indicated that the bank began foreclosure proceedings on 08/31/09. To date no other activity has been recorded regarding this property through the Clerk's Office. The Sarasota County Property Appraiser's Office as of this date is reporting ownership of the residence located at 4409 Eleuthera Ct. as belonging to Nicholas Nalefski.

I had, prior to this case, been briefed by Sgt Pingel that other complaints similar to this had been filed about a company owned and operated by the defendant in this case, Joel McNair. The victim in this case does not know the defendant and did not authorize any person(s) to take occupancy of his home at any time. The victim signed a trespass warning against the current occupants on 11/28/10 and they are to vacate.

I contacted the occupants at 4409 Eleuthera Ct. A sworn recorded statement was provided in which the occupants stated that they were provided keys to the property, the locks had been changed and the power and water was on the day they moved in three months ago by one of the defendant's employees. The occupants were advised that the first three months of utilities were free. The occupants had paid to Homes For Americans LLC. \$500.00 membership fee and the first month rent of approximately \$500.00. The occupants stated that they had signed paperwork indicating that the property was a rental but was never provided a copy.

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT Det C. Dusseau ID# 1370

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 2 DAY OF December, 2010, BY Detective C. Dusseau #1370 WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE _____
ID# _____

SIGNATURE Sgt. Kevin Pingel
 L.E.O. ID # 410 NOTARY
PRINT NAME KEVIN PINGEL

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 3 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Josef D.	SSO BK #	AGENCY CASE # 10-85060
-------------------------------	----------	---------------------------

ADULT CASE

JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

The defendant had been contacted by Detective Cramer of the Sarasota Sheriff's Office by telephone regarding other related cases. The defendant agreed to come in for an interview with his attorney, Andrew Mikos, and his administrative assistant. On 11/17/10 at approximately 1300 hours the defendant provided a statement. This statement was recorded. During the course of the interview it was determined that the defendant had located this residence and subsequently used Florida Statute 95.18 (Adverse Possession) to possess the property and place individuals in the home that he claimed were in arrears for taxes and not being maintained by the legitimate owner. The defendant informed us that he was not required to notify the owner(s). The defendant informed us that he had researched the statute and that his business was legitimate and in compliance with the statute. The defendant informed us that he or his representatives located the properties, made entry, changed the locks, removed property and accepted monies from what he referred to as members. These "members" were to pay the taxes and maintain the property. The defendant further advised that he believed that the landlord tenant laws did not apply in this situation. This affiant found that the taxes on the victim's home had been paid and were current. The defendant had not filed a return (DR-452) with the property appraiser's office. The house had not been abandoned. The victim had not authorized anyone to be in the residence and that he did not authorize the removal of his personal property. These are all provisions of the FSS 95.18 which were not being adhered to by the defendant.

Therefore this affiant believes that the adverse possession statute does not apply and that the defendant be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

Chg 1: The defendant did in a systematic ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5016 Sandy Shore Ave in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$179,000.

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT Det C Dusseau ID# 1370

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 2 DAY OF December, 2010, BY Detective C. Dusseau #1370 WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE _____

SIGNATURE Sgt. Kevin Pineda
 L.E.O. ID # 410 NOTARY
PRINT NAME KEVIN PINEDA

ID# _____

CASE # _____

DOMESTIC VIOLENCE

On _____, I, _____ received a
(date) (print victim's name)

copy of the Domestic Violence Notice of Legal Rights and Remedies available from:

(Name of Assisting Deputy) _____
(Signature of Victim)

TRESPASS WARNING

ALONZIA MAGNUSON 1-29-92 W-F
 MICHAEL HAREC 11-17-83 W-M HOMELESS

(name) _____
(address) _____
(DOB) _____
(sex)

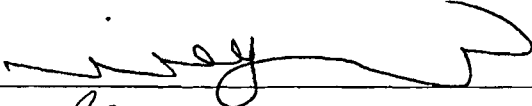
Is hereby warned to stay off the property of 4409 ECEUTHERA CT. SARASOTA
(business, homeowner, etc.)

**YOU ARE FURTHER WARNED THAT IF YOU RETURN UNTO THIS PROPERTY,
 YOU MAY BE ARRESTED FOR VIOLATION OF FLORIDA STATE STATUTE 810 (TRESPASS AFTER WARNING)**

This warning issued 11-26-10 1620
(date) (time)

by NICHOLAS NACEFSKI
(person issuing warning)

whose title is PROPERTY OWNER
(store manager, owner, etc.)

Signature of Issuing Person 

Signature of Deputy M. Colwell #1348

Person

Entry ID: mduncan
Activity ID: mduncan
SCANNED

Report Date: 11-29-2010 Mon
 Person Type/Number: O3 / 1
 Name: MICHEL, BONITA ANN PIN: 200672954
 Race: W Sex: F Date of Birth: 06-15-1961 Thu Age: 49 A/J: A
 Place/City of Birth: Soc Sec #:
 Hgt: 500 Wgt: 145 Hair: BLN Eyes: GRN
 Extent Injuries: 0 Injury #1: 00 #2: 00 Offnse Indr: 1
 House Nbr: 5065 SANDY SHORE Type: AV Suff: Apt Nbr:
 City: SARASOTA St: FL Zip: Addr Effective Date: 11-29-2010 Mon
 Res Type: 2 Res Stat: 1 Phone: (941) 893-9314
 E-mail Address:
 Immigration Nbr: Immigration Status:
 DLN: St: Type:
 FBI Nbr: FDLE Nbr:
 Booking Nbr: Arrest Date: OBTS Nbr:

Employer Name: UNEMPLOYED Emp Date: 11-29-2010 Mon
 Address: Type: Suff:
 Unit/Suite Nbr: City: SARASOTA State: FL Zip:
 Emp Phone: Ext. Occupation:

Foul Play Suspected: A Missing Previously: A
 Recovery Information: 0 DVR: A Victim/Offndr Relationship: 00
 Located: Date Located: Referral Code:

Comments:

Person

Entry ID: mduncan
Activity ID: mduncan

Report Date: 11-29-2010 Mon
 Person Type/Number: O3 / 2
 Name: TRIONFO, CHRISTOPHER PIN: 200672955
 Race: W Sex: M Date of Birth: 03-19-1959 Thu Age: 51 A/J: A
 Place/City of Birth: Soc Sec #:
 Hgt: 511 Wgt: Hair: BRO Eyes: BRO
 Extent Injuries: 0 Injury #1: 00 #2: 00 Offnse Indr: 1
 House Nbr: 5065 SANDY SHORE Type: AV Suff: Apt Nbr:
 City: SARASOTA St: FL Zip: Addr Effective Date: 11-29-2010 Mon
 Res Type: 2 Res Stat: 1 Phone:
 E-mail Address:
 Immigration Nbr: Immigration Status:
 DLN: St: Type:
 FBI Nbr: FDLE Nbr:
 Booking Nbr: Arrest Date: OBTS Nbr:

Employer Name: UNKNOWN Emp Date: 11-29-2010 Mon
 Address: Type: Suff:
 Unit/Suite Nbr: City: SARASOTA State: FL Zip:
 Emp Phone: Ext. Occupation:

Foul Play Suspected: A Missing Previously: A
 Recovery Information: 0 DVR: A Victim/Offndr Relationship: 00
 Located: Date Located: Referral Code:

Comments:

Person

Entry ID: mduncan
Activity ID: mduncan

Report Date: 11-29-2010 Mon
Person Type/Number: O3 / 3
Name: MALEKI, TONY
Race: W Sex: M Date of Birth: 03-17-1955 Thu Age: 55 A/J: A
Place/City of Birth: TEHHRAN Soc Sec #: 476902675
Hgt: 509 Wgt: 190 Hair: BLK Eyes: BRO
Extent Injuries: 0 Injury #1: 00 #2: 00 Offense Indr: 1
House Nbr: 5470 KELLY Type: DR Suff: Apt Nbr:
City: SARASOTA St: FL Zip: 34233 Addr Effective Date: 11-29-2010 Mon
Res Type: 2 Res Stat: 1 Phone:
E-mail Address:
Immigration Nbr: Immigration Status:
DLN: M420800550970 St: Type:
FBI Nbr: FDLE Nbr:
Booking Nbr: Arrest Date: OBTS Nbr:

Employer Name: UNKNOWN Emp Date: 11-29-2010 Mon
Address: Type: Suff:
Unit/Suite Nbr: City: SARASOTA State: FL Zip:
Emp Phone: Ext. Occupation:

Foul Play Suspected: A Missing Previously: A
Recovery Information: 0 DVR: A Victim/Offender Relationship: 00
Located: Date Located: Referral Code:

Comments:

Person

Entry ID: mduncan
Activity ID: mduncan

Report Date: 11-29-2010 Mon
Person Type/Number: O5 / 1
Name: SARASOTA, SHERIFFS
Race: N Sex: N Date of Birth: Age: 0 A/J:
Place/City of Birth: Soc Sec #:
Hgt: Wgt: Hair: XXX Eyes: XXX
Extent Injuries: 0 Injury #1: 00 #2: 00 Offense Indr: 1
House Nbr: 2071 RINGLING Type: BL Suff: Apt Nbr:
City: SARASOTA St: FL Zip: Addr Effective Date: 11-29-2010 Mon
Res Type: 2 Res Stat: 1 Phone: (941) 861-5800
E-mail Address:
Immigration Nbr: Immigration Status:
DLN: St: Type:
FBI Nbr: FDLE Nbr:
Booking Nbr: Arrest Date: OBTS Nbr:

Employer Name: Emp Date: 11-29-2010 Mon
Address: Type: Suff:
Unit/Suite Nbr: City: SARASOTA State: FL Zip:
Emp Phone: Ext. Occupation:

Foul Play Suspected: A Missing Previously: A
Recovery Information: 0 DVR: A Victim/Offender Relationship: 00
Located: Date Located: Referral Code:

Comments:

Reporting Officer / Unit

Reporting Ofcr ID/Name: 2473 NORTON,THERESA

Entry ID: 22473
Activity ID: 22473
SCANNED

Unit ID: 3307

Reporting Officer / Unit

Reporting Ofcr ID/Name: 0879 GIASONE,JOSEPH

Entry ID: 22473
Activity ID: 22473

Unit ID: 3262

Image ID: 0

Narrative

Entry ID: mduncan
Activity ID: mduncan

Type of Report: N Report Date/Time: 11-29-2010 18:46:57 Mon
Officer ID: 2473 Officer Name: NORTON,THERESA
Clearance: B Exception Type:
Change Incident Code From: To:

- Report Approval -
Approved By Supervisor: 0879 GIASONE,JOSEPH ANTHONY

Text: ON THE INCIDENT DATE, I RESPONDED TO 5066 SANDY SHORE AVE AND MADE CONTACT WITH MS. MICHEL REFERENCE THE HOUSES FOR AMERICA SCAM. MS. MICHEL IS LIVING AT THE RESIDENCE WITH MR. TRIONFO.
MS. MICHEL ADVISED SHE HAS BEEN LIVING IN THE LISTED ADDRESS SINCE THE BEGINNING OF SEPTEMBER, 2010. MS. MICHEL SAID SHE WORKED FOR HOMES FOR AMERICA AS AN ASSISTANT AND WAS LIVING IN THE RESIDENCE AS PART OF HER SALARY. ON NOVEMBER 25, 2010 MS. MICHEL WAS TOLD THAT HOMES FOR AMERICA WAS CLOSING AND SHE WAS NO LONGER EMPLOYED BY THEM.
MS. MICHEL HAD A DEPARTMENT OF REVENUE 452 FORM (DR-452) THAT WAS SIGNED AND NOTARIZED BY THE PROPERTY APPRAISER. THE DR-452 FORM WAS TITLED "RETURN OF REAL PROPERTY IN ATTEMPT TO ESTABLISH ADVERSE POSSESSION WITHOUT COLOR OF TITLE".
MR. MALEKI'S NAME WAS PROVIDED BY MS. MICHEL WHO ADVISED HE WAS THE LAST OWNER.
SGT. GIASONE ID 0879 CONTACTED MR. MALEKI WHO ADVISED HE RECEIVED NOTICE FROM THE PROPERTY APPRAISER'S OFFICE THAT HIS HOUSE WAS BEING OCCUPIED UNDER A CLAIM OF ADVERSE POSSESSION AND THE CLAIM WAS ACCEPTED BY THE COUNTY.

Sarasota County Sheriff's Office
 Sarasota County, Florida
 INCIDENT 201000085788

ORIGINAL



REPORT INFORMATION

Case Number **201000085788** Date/Time Reported **11/30/2010 19:30**
 Offense Type **SUPPLEMENT** Swab DNA ? **NO**

OFFENSE

Offense 1/Statute **131 SUSPICIOUS INCIDENT** Attempt: **C COMMITTED**
 Offense 2/Statute Attempt:
 Offense 3/Statute Attempt:

EVENT DATA

Date/Time Occurred From: **11/29/2010 00:00** Date/Time To: **11/30/2010 00:00**
 Incident/Offense Location

5065		SANDY SHORE		AV		SARASOTA
(Street#	Dir	Street Name		St.Type	Apt#	City)
Related Case Number		Grid 162		Zone 007	Forced Entry	A NOT APPLICABLE
Location Type	01 RESIDENCE/SINGLE					
Weapons Type	00 N/A	Nbr Premises	00	Nbr Offenses	00	
Nbr Offenders	00	Nbr Arr Total	00	Nbr Arrest Adult	00	Nbr Arrest Juvenile 00

PERSON

<input type="checkbox"/>	Victim card given	Type	Number
<input type="checkbox"/>	Confidential	Type	Number

Name

(Last Name,First Name,Middle Initial)

Race Sex DOB Estimated Age Age

Height Weight Hair Eyes

Offense/Incident Indicator Extent Injury

Injury Type #1 Injury Type #2

Home Address

(Street#	Dir	Street Name	St.Type	Apt#	City	State	Zip)
----------	-----	-------------	---------	------	------	-------	------

Residence Type Residence Status

Home/Cell Phone Business Phone

Employer/School

Employer's Address

(Street#	Dir	Street Name	St.Type	Unit#	City	State	Zip)
----------	-----	-------------	---------	-------	------	-------	------

Occupation Scars/Marks/Tattoos/Clothing

Foul Play Missing Previously Recovery Info

Victim/Offender Relationship DVR

Alias Place of Birth



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

ADMINISTRATIVE/ Crime Scene

Approved By: **SHAWN JOHNSON #1947**

Photos Taken By Whom?

Dusted For Latent Prints

Prints Submitted By Whom?

BOLO Requested By

BOLO Given to

Cancelled

Cancelled By?

Enclosures:

Copies To:

Clearance Code

Exception Code



ORIGINAL

Sarasota County Sheriff's Office
Sarasota County, Florida

ALL PERSONS REFERRED TO IN THIS NARRATIVE ARE LISTED IN ORIGINAL REPORT.

I CONTACTED THE LEGAL OWNER OF THE INCIDENT LOCATION TONY MALEKI AND ADVISED HIM HE WAS STILL THE LEGAL OWNER. I ASKED HIM WHAT ACTION HE WANTED ME TO TAKE WITH THE PERSON CURRENTLY LIVING THERE BONITA MICHEL. I EXPLAINED TO HIM HOW WE WERE HANDLING THESE SITUATIONS BY USUALLY GIVING THE RESIDENTS TIME TO MOVE OUT.

MALEKI REQUESTED I GIVE MICHEL HIS NUMBER TO CONTACT HIM AND HE WOULD WORK SOMETHING OUT WITH HER.

I CONTACTED MICHEL AND GAVE HER HIS NUMBER.

ARRESTEE:

McNair, Joel D.
B/M 10/25/50
6'0/175 lbs. Bald/Bro
7350 S. Tamiami Trail #98
Sarasota, FL
941-737-7919

VEHICLE USED IN CRIME:

N/A

EVIDENCE STATUS:

Detail Information for Parcel- Property Appraiser
Clerk of Court Records
Tax Collector Tax Record
Adverse Possession w/o Color of Title
Document

STOLEN/DAMAGED PROPERTY:

5065 Sandy shore Dr.
Sarasota, FL

RECOVERED PROPERTY:

5065 Sandy shore Dr.
Sarasota, FL

ATTACHMENTS TO REPORT:

PCA
Property Receipt
Trespass Warning

DRUG RELATED:

No

SYNOPSIS:

The victim, Tony Maleki, filed a report with the Sarasota County Sheriff's Office stating that unauthorized occupants were residing in a property that he owned and was located at 5065 Sandy Shores Ave. in Sarasota, FL, which was in the foreclosure process and was to be vacant.

12/17/10 - 0800 hours:

I received this case for further investigation.

Case 10-80501 will serve as the master case for this investigation.

CONCLUSION:

This case is to be closed with an arrest. McNair is be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that :

Chg 1: The defendant did in a systematic, ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation, place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5065 Sandy Shore Dr. in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$650,000.

SARASOTA COUNTY SHERIFF'S OFFICE

10

PRE-RAP

Defendant Speaks (Circle One): English Other

SSO Case #: 10-85788 Pre-Rap Time: _____

Defendant's Name (L/F/M): Manfrik, Joel

Aliases: _____ SSN: _____

Race: B Sex: M DOB: 10/25/50 AGE: _____

Height: _____ Weight: _____ Hair: _____ Eye: _____

Scars/Marks/Tattoos: _____ Place of Birth: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Charges	Statute	Bond
SSO A/W # 10-85060, 10-85788		
Scheme to Defraud x 2 CTS		Per Schedule
Grand Theft x 2 CTS		Per Schedule

Transported by Calley/Seas from Pasco Co

Warrant #: 20100301634nc, 201003016633

Arresting Officer: _____ ID#: _____ Agency: SSO

Arrest Date: 12-17-10 Time: _____ Zone: 054 Grid: 079

Arrest Location: Pasco Co

Towing Service: na

Victim Info: see warrant

OBTS# 5801160914

Booking# _____

Pin# 39584

Agency# _____

Booking Tech# _____

FDLE # 01702824

FCIC _____

NCIC 5472656

Local _____

INTAKE CHECKLIST	Name / ID#
Medical Clearance (Nurse)	
Initial Search (Deputy)	
Property (Deputy)	
2nd Search (Deputy)	
Intake Screening (Booking)	<u>2656</u>
Medical Screening (Nurse)	
Phone Enroll / Call (Deputy)	
AFIS (Deputy)	
Mug Search (Deputy)	
Pre Trial Services (PTS)	
Supervisor (Sgt/Lt)	
Booking Verifies (Booking)	

White - Records Yellow - Booking / Corrections Pink - Miscellaneous

IN THE CIRCUIT COURT IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA)

vs.)

McNair, Joel D)

2010 CF 015633 NC

SAO NO. _____

CASE NO. 10-85788

ARREST WARRANT

1c / Det Dusseau

TO ALL AND SINGULAR SHERIFF'S, POLICE OFFICERS: GREETINGS

WHEREAS, complaint on oath and in writing, supported by sworn testimony has been made before me, the undersigned MAGISTRATE in and for Sarasota County Florida, by: Detective C. Dusseau #1370 of the Sarasota County Sheriff's Office

THAT affiant states that did commit a scheme to defraud and a grand theft

as per the below noted Florida Statutes

in violation of Florida Statute 817.034(3)D 4m
812.014(2)A(1)

AND it appears to the Court that probable cause for the issuance of this warrant has been shown thereby and the Court being satisfied of the existence of the grounds therefore.

NOW, THEREFORE, you are commanded with such proper and necessary assistance that may be necessary to arrest:

McNair, Joel D.
B/M 10/25/50
6'00/195 BIK/Bro

2010 DEC -7 AM 8:53
CLERK OF COURT
SARASOTA COUNTY
FLORIDA

and bring Him before me or other County or Circuit Judge having jurisdiction of this offense.

BAIL shall be set at \$ schedule with a return date of the _____ day of _____

WITNESS my hand and seal this _____ day of _____, 2010.

CASE NO. 10-85788

10-16936

5801160914

T. HENDERSON 2259

12-17-10 1020



[Signature]
JUDGE IN AND FOR SARASOTA COUNTY, FL

PROBABLE CAUSE AFFIDAVIT
Sarasota County

Affix label here

AGENCY SSO SPD FHP VPD NPPD LBPD OTHER ORIGINAL
 2010 CF 015633 NC SUPPLEMENTAL

SSO CASE # 10-85788	SSO BK#	OBTS #	ARREST #
AGENCY CASE #	SAO #	FDLE #	UTC #

ADULT - ARREST	<input checked="" type="checkbox"/> WITH WARRANT <input type="checkbox"/> WITHOUT WARRANT <input type="checkbox"/> NON ARREST COMPLAINT	JUVENILE	<input type="checkbox"/> ARRESTED / DETAINED <input type="checkbox"/> ARRESTED / RELEASED WITH REFERRAL <input type="checkbox"/> NON-ARREST REFERRAL <input type="checkbox"/> TEEN COURT REFERRAL
DEFENDANT Mcnair, Joel D		ALIAS	
DOB 10/25/50	AGE 60	SEX M	RACE B
HGT 600	WGT 175	COLOR HAIR Bald	COLOR EYES Brown
ADDRESS 7350 S Tamiami Trail #98 Sarasota Fl. 34231			
PHONE # 941-737-7919		SCARS/MARKS/TATTOOS	
ST FL	SOCIAL SEC#	CITY New York	STATE
OCCUPATION Business Owner		EMPLOYER Homes For America	
EMPLOYER ADDRESS 5745 N Washington Blvd. Sarasota Fl.		PHONE # 941-737-7919	
CITIZENSHIP	IMMIGRATION STATUS	RESIDENCE TYPE	RESIDENCE STATUS
1. PERMANENT/LEGAL RESIDENT OF US 2. LEGAL VISITOR 3. UNDOCUMENTED ILLEGAL ALIEN 4. UNKNOWN	1	1. CITY 2. COUNTY 3. FLORIDA 4. OUT OF STATE	2
INFLUENCE OF DRUGS/ALCOHOL		1	
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	

DATE & TIME OF CRIME 09/01/10 0800	CRIME LOCATION 5065 Sandy Shore Dr.	LOC TYPE 01	ZONE 007	GRID 172
F.S./ORD # 817.034(3)(A)	CHARGE Scheme To Defraud- Florida Communication Act	<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND
F.S./ORD # 812.014(2)(A)(1)	CHARGE Grand Theft (Over \$100,000.00)	<input checked="" type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND
F.S./ORD #	CHARGE	<input type="checkbox"/> FELONY	<input type="checkbox"/> MISD	BOND
INVESTIGATING L.E.O. Detective C. Dusseau				ID# 1370
DRUG UNIT	1. GRAM 2. MILLIGRAM	3. KILOGRAM 4. OUNCE	5. POUND 6. TON	7. LITER 8. MILLILITER
DRUG TYPE	E. HEROIN H. HALLUCINOGEN O. OPIUM/DERIV C. COCAINE	M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC	U. UNKNOWN Z. OTHER P. PARAPHERNALIA EQUIPMENT	N. N/A
DRUG ACTIVITY	M. MANUFACTURE S. SELL E. USE D. DELIVER	P. POSSESS B. BUY U. UNK Z. OTHER	T. TRAFFIC K. DISTRB R. SMUGGLE N. N/A	N
TYPE WEAPON	00. N/A 01. HANDGUN 02. RIFLE 03. SHOTGUN	04. UNK FIREARM 05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FIST/FEET	08. POISON 09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREAT/INTIMID	12. SIM WEAPON 13. DRUGS 00. UNKNOWN 09. OTHER
SEIZED <input type="checkbox"/> YES <input type="checkbox"/> NO	00. CALIBER GAUGE	N	FRUSH WEAPON B. BLUE S. SILVER O. OTHER	N

DATE & TIME OF ARREST	ARREST L.E.O./ID#	ASST L.E.O./ID#
ARREST LOCATION	ZONE	GRID
CAPIAS/WARRANT #	COUNTY & STATE OF WARRANT	
DATE BOOKED	TIME BOOKED	RETURNABLE DATE
BOOKING OFFICER		
RELEASED BY	RELEASED TO	DATE/TIME RELEASED

VICTIM NAME Maleki, Tony	HOME PHONE # (941) 685-0352
ADDRESS 5470 Kelly Dr. Sarasota Fl. 34233	BUS PHONE #
DOB 031755	AGE 55
SEX M	RACE W
NOTIFIED <input type="checkbox"/> YES	



PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 2 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT McNair, Joel D.	SSO BK #	AGENCY CASE # 10-85788
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ADULT CASE JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF THE DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

I affiant am a Detective with the Sarasota Sheriff's Office assigned to the Criminal Investigations Section.

On 11/29/10 the complainant/victim, Tony Maleki, filed a report with the Sarasota Sheriff's Office. Maleki advised the responding deputy that unauthorized individuals were residing in his home without authorization. Maleki stated that he was notified by the Sarasota County Property Appraiser's Office that a DR-452 (Department of Revenue form) for adverse possession had been filed against this property. Maleki had contacted the occupant at 5065 Sandy Shore Ave. and the occupant, Bonita Michel, stated that the defendant, Joel McNair, had placed her in the home.

I searched the Sarasota County Tax Collector's records for 5065 Sandy Shore Ave. The documents recorded online indicated that Tony Maleki was still responsible for the taxes on the property and that as of this year there are no delinquent taxes. A search of the Clerk of the Circuit Court of Sarasota County's records did not have any documentation indicating that the house had even entered in to the foreclosure proceedings by the bank. To date no other activity has been recorded regarding this property through the Clerk's Office. The Sarasota County Property Appraiser's Office as of this date is reporting ownership of the residence located at 5065 Sandy Shore Ave. as being that of Tony Maleki.

On 12/01/10 I was assigned this case for review. I had, prior to the interview, been briefed by Sgt Pingel that other complaints similar to this had been filed about a company owned and operated by the defendant in this case, Joel McNair.

On 12/02/10 I met with the owner of 5065 Sandy Shore Ave, Tony Maleki, at the property. I asked the victim if he knew the defendant or his company, Homes for America. The victim informed me that he had no knowledge of this individual or this company. The victim stated that he never authorized anyone to take occupancy of his home. The victim also indicated that when he left the residence it was secured and that when he returned the locks had been changed.

On the same date contact was made with Bonita Michel at 5065 Sandy Shore Ave. Michel stated that she was an employee of the defendant hired to do miscellaneous administrative work until a foster children program the defendant was working on was up and running. Michel would then assist in that program for underprivileged children. Michel stated that the defendant gave her the keys to the residence and that she did sign the provisional occupancy agreement from the defendant but the documents were at the defendant's office. The defendant had told Michel the home was foreclosed on by the bank and that the statute for adverse possession applied to this residence. Michel did not know that she was in the home illegally. Michel was notified to vacate the property at the victim's request

ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

SIGNATURE OF L.E.O./AFFIANT Det C. Dusseau ID# 1370

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 2 DAY OF December, 2010, BY Detective C. Dusseau #1370 WHO IS PERSONALLY KNOWN OR WHO PRODUCED THE FOLLOWING
(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE _____

SIGNATURE Sgt. Kevin Pingel
 L.E.O. ID # 410 NOTARY
PRINT NAME KEVIN PINGEL

ID#

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL - PAGE 3 of 3

SUPPLEMENTAL - PAGE _____ of _____

DEFENDANT Mcnair, Joel D.	SSO BK #	AGENCY CASE # 10-85788
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ADULT CASE JUVENILE CASE

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The defendant had been contacted by Detective Cramer of the Sarasota Sheriff's Office by telephone regarding other related cases. The defendant agreed to come in for an interview with his attorney, Andrew Mikos, and his administrative assistant. On 11/17/10 at approximately 1300 hours the defendant provided a statement. This statement was recorded. During the course of the interview it was determined that the defendant had located this residence and subsequently used Florida Statute 95.18 (Adverse Possession) to possess the property and place individuals in the home that he claimed were in arrears for taxes and not being maintained by the legitimate owner. The defendant informed us that he was not required to notify the owner(s). The defendant informed us that he had researched the statute and that his business was legitimate and in compliance with the statute. The defendant informed us that he or his representatives located the properties, made entry, changed the locks, removed property and accepted monies from what he referred to as members. These "members" were to pay the taxes and maintain the property. The defendant further advised that he believed that the landlord tenant laws did not apply in this situation.

This affiant found that the taxes on the victim's residence at 5065 Sandy Shore Ave had been paid and were current. Although the victim was not residing in the residence the property was not abandoned. The victim stated that he was continuing to check on the property periodically. The victim had not authorized anyone to be in the residence. These are all provisions of the FSS 95.18 which were not being adhered to by the defendant.

Therefore this affiant believes that the adverse possession statute does not apply and that the defendant be charged with Scheme to Defraud as per FSS 817.034(3)D and Grand Theft as per FSS 812.014(2)a(1) in that:

Chg 1: The defendant did in a systematic ongoing course of conduct with the intent to defraud and obtain the property of the victim by false pretenses and willful misrepresentation place unauthorized persons into the victim's residence and did accept monetary compensation in excess of \$300.00.

Chg 2: The defendant did knowingly endeavor to obtain the residence located at 5065 Sandy Shore Dr. in the County of Sarasota with the intent to temporarily or permanently deprive the owner of the right or benefit of said property for his own use or the use of any person not entitled to the use of the property. The property has a current market value of approximately \$650,000.

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(PRINT L.E.O./AFFIANT NAME)

IDENTIFICATION _____
SUPERVISOR SIGNATURE _____
ID# _____

SIGNATURE Sgt. Kevin P. [Signature]
 L.E.O. ID # 410 NOTARY
PRINT NAME KEVIN P. [Signature]