

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

**DEBRA L. FISCHER, an individual,
Plaintiff,**

CASE NO.

v.

**FIRST PROPERTY PRESERVATION, INC.,
a Florida Corporation; WASHINGTON MUTUAL
BANK, F.A.; CHASE FINANCIAL SERVICES, LLC;
VASILY BILIK, an individual; and VIKTOR S. TITENKO,
an individual,
Defendants.**

PLAINTIFF'S VERIFIED COMPLAINT

COMES NOW, the Plaintiff DEBRA L. FISCHER (hereinafter "Plaintiff"), and respectfully files this COMPLAINT against the Defendants FIRST PROPERTY PRESERVATION, INC. (hereinafter "First Property"), WASHINGTON MUTUAL BANK, F.A. (hereinafter "WAMU"); CHASE FINANCIAL SERVICES (hereinafter "Chase"); VASILY BILIK (hereinafter "Bilik"); and VIKTOR S. TITENKO (hereinafter "Titenko"), and as grounds thereof states:

JURISDICTION AND VENUE

1. This is an action for damages and other relief that exceeds \$15,000 and an action for declaratory and injunctive relief.
2. This Court has subject-matter jurisdiction based on Fla. Stat. §26.012.
3. This Court has personal jurisdiction over Defendant First Property by virtue of First Property being a duly registered Florida corporation.
4. Upon information and belief this Court has personal jurisdiction over Defendants WAMU and Chase by virtue of Florida's Law Arm Statute, Fla. Stat. §48.193.

5. This Court has personal jurisdiction over Defendant Bilik by virtue of Bilik being a citizen of the State of Florida who regularly conducts the acts complained of in this suit within the geographic jurisdiction of this court.

6. This Court has personal jurisdiction over Defendant Titenko by virtue of Titenko being a citizen of the State of Florida who regularly conducts the acts complained of in this suit within the geographic jurisdiction of this court.

7. Venue is proper because First Property maintains its principal place of business in this county and is the agent of WAMU and Chase and Bilik and Titenko are agents or employees of First Property, WAMU and Chase and, on information and belief, regularly engage in the conduct complained of in this lawsuit within this court's jurisdiction.

PARTIES

8. The Plaintiff is an individual and resident of the State of Florida and the owner of residential real property located at 541 Ridgcrest Dr., Punta Gorda, Florida 33982; it is at this property location that the subject matter of the instant lawsuit took place.

9. Upon information and belief Defendant First Property is a Florida Corporation with its principal place of business and registered agent address in Sarasota, Florida which corporation and its agents engages in a practice of breaking and entering into residential homes, including the Plaintiff's, destroying real property and removing personal property therein without any legal right or Court order directing it to do.

10. Upon information and belief Defendant WAMU is a financial services corporation which engages in substantial activity within the State of Florida and which conspired with Defendant First Property and Chase to break into the Plaintiff's residential property and remove personal property therein.

11. Upon information and belief Defendant Chase is a financial services corporation which engages in substantial activity within the State of Florida and which conspired with Defendant First Property and WAMU to break into the Plaintiff's residential property and remove personal property therein.

12. Upon information and belief Defendant Bilik is an employee, representative, agent or assign of Defendants First Property, WAMU and Chase who engages in a widespread and systematic practice of entering into residential homes, including the Plaintiff's, and removing personal property therein without obtaining any legal right or Court order directing it to do.

13. Upon information and belief Defendant Titenko is an employee, representative, agent or assign of Defendants First Property, WAMU and Chase and employee of Defendant Bilik who engages in a widespread and systematic practice of entering into residential homes, including the Plaintiff's, and removing personal property therein without obtaining any legal right or Court order directing it to do.

GENERAL ALLEGATIONS

14. At all times material, the Plaintiff owned a piece of residential real property located at 541 Ridgecrest Dr., Punta Gorda, Florida 33982. (hereinafter referred to as "subject property").

15. At all times material and specifically immediately prior to when the actions complained of in this suit occurred, the subject property was in pristine condition with the lawn in an immaculate condition, all power and utilities turned on and in the name of the owners. While the Plaintiff did not reside in their property at the time the actions complained of occurred, the property was accessed regularly and frequently by both the Plaintiffs themselves and by the neighbors who had access to the property and who were in constant communication with the owners of the property.

16. In further support of the fact that the property was perfectly maintained and secured, during the period immediately prior to when the acts complained of occurred, the Plaintiffs had made the property immaculate and ready to be occupied by seasonal rental tenants.

17. To that end, commencing on March 1, 2010, the Plaintiff had signed a contract with CHRISTOPHER CARL STEEVES and his wife (hereinafter collectively "Steeves") wherein the Steeves would rent the property from Plaintiffs. The Steeves, who are citizens of Canada and guests of our country rented the Plaintiff's residential real property commencing in March, 2010.

18. Prior to the occurrence of the events described below, on information and belief, Defendants First Property, Titenko, Bilik, WAMU and Chase (hereinafter referred to collectively as "Defendants") entered into an agreement wherein they agreed, conspired or directed that their representatives, agents or assigns would illegally, improperly, extrajudicially and forcibly enter into the Plaintiff's residential real property.

19. According to a report prepared by the Charlotte County Sheriff's Office, on March 20, 2010 between 11:30 a.m. and 6:30 p.m. while the Steeves were not at the subject property, Titenko and Bilik used a screwdriver to break into the door which secured the property. When advised that fingerprints had been taken, Titenko admitted that he moved various items within the Plaintiff's home but denied removing personal property from the home and denied that he had helped himself to a cold beer, which was found opened and cold when the Steeves later returned. despite the fact that Sheriff's investigators processed his fingerprints on the said beer. The report of the Sheriff's Office incorrectly asserted that Titenko and Bilik had the legal right to be on/in the subject property without establishing any legally operative facts which would provide such right. The ACISS Offense Report and Investigative Supplement Report thus establish the key facts alleged of in this case, namely that Titenko and Bilik, illegally,

improperly, extrajudicially and forcibly entered into the Plaintiff's residential real property. *See* Charlotte County Sheriff's Office ACISS Offense Report 1003-014659, and Charlotte County Sheriff's Office ACISS Investigative Supplement Report 1003-014649/4, attached hereto and incorporated as "Composite Exhibit A".

20. The personal property removed from the property include:

- A. One (1) Hewitt Packard laptop valued at approximately \$800.00;
- B. One (1) Ipod music player valued at approximately \$250.00;
- C. Six (6) bottles of assorted wine valued at \$100.00; and
- D. One (1) Ride 18-volt cordless drill valued at approximately \$150.00.

See Exhibit A, and Charlotte County Sheriff's Office ACISS Supporting Documents Report 1003-014649/1.

21. In addition to illegally, improperly, extrajudicially and forcibly entering into the Plaintiff's residential real property, Titenko unlawfully entered the Plaintiff's refrigerator, removed a can of beer and proceeded to drink half of the can before leaving the unfinished amount on the kitchen counter. *See* Exhibit "A".

22. Due solely to the illegal, improper, extrajudicial and forcibly entry into her residential real property and the removal of personal property located therein, the Plaintiff was forced to compensate the Steeves', namely through reimbursement of half of the monies the Steeves paid in rent.

23. On March 25, 2010 Titenko once again returned onto the Plaintiff's residential real property where he confronted and verbally threatened to remove all of the personal items located inside the Plaintiff's residential real property and throw them onto the street because, according

to Titenko, the Plaintiff no longer owned the home. The verbal threat referred to above was published to a third party, namely the Plaintiff's neighbor.

24. At all times material, the Defendants knew that they had no legal right to enter onto the Plaintiff's residential real property, change the locks and remove personal property located therein without the Plaintiff's consent.

25. At all times material, the Defendants knew that they had no Court Order allowing them to enter onto the Plaintiff's residential real property, change the locks and remove any personal property located therein.

**COUNT I – Violation of Florida's Unfair and Deceptive Trade Practices Act
(as against Defendants First Property, WAMU and Chase)**

26. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

27. The Plaintiff seeks relief pursuant to Florida's Unfair and Deceptive Trade Practices Act, Fla. Stat. §501.201, *et seq.*

28. Specifically, the Plaintiff seeks relief pursuant to Fla. Stat. §§501.204(1), 501.2075, 501.2105, and 501.211.

29. The Defendants collectively deprived the Plaintiff of personal property, or things of value, to wit: money, namely one-half of the rent paid by the Steeves.

30. The deprivation of the Plaintiff's personal property was a direct result of the Defendants' unfair, deceptive and unconscionable conduct described herein.

31. Specifically, the Defendants, through their representative, agent or assign Titenko, illegally, improperly, extrajudicially, and forcibly enter into the Plaintiff's residential real

property, changed the locks and removed personal property located therein without having any legal right or Court order directing them to do so.

32. Due solely to the illegal, improper, extrajudicial and forcibly entry into her residential real property and the removal of personal property located therein, the Plaintiff was forced to compensate the Steeves’.

33. The Defendants’ conduct was deceptive because it would mislead consumers interested in renting the Plaintiff’s residential real property into believing that the Plaintiff did not own the residential real property in question when in fact she did. *See* West’s F.S.A. §§501.201-501.213, providing that a “deceptive practice” under the Florida’s Unfair and Deceptive Trade Practices Act is one that is likely to mislead consumers.

34. Moreover, the Defendants’ unfair trade practices were immoral, unethical, oppressive, unscrupulous, and substantially injurious to the Plaintiff and offends the very notions of established public policy in fair trade dealings. *See* West’s F.S.A. §§501.201-501.213, providing that an “unfair practice” under Florida’s Unfair and Deceptive Trade Practices Act is one that offends established public policy and one that is immoral, unethical, oppressive, unscrupulous, or substantially injurious to consumers.

35. As a direct and proximate cause of the Defendants’ unfair, deceptive and unconscionable trade practices, the Plaintiff has been injured.

WHEREFORE, the Plaintiff demands judgment in her favor, damages, tremble attorney’s fees and costs under Florida’s Unfair and Deceptive Trade Practices Act, and any other relief this Court deems just and proper.

COUNT II – Civil Conspiracy

(as against Defendants First Property, WAMU and Chase)

36. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

37. A conspiracy exists between Defendants First Property, WAMU and Chase wherein the parties expressly agreed that their representatives, agents or assigns would illegally, improperly, extrajudicially and forcibly enter into the Plaintiff's residential real property, change the locks and remove any personal property located therein.

38. This conspiracy existed between the Defendants so that the parties may do an unlawful act or a lawful act by unlawful means, namely the illegal, improper, extrajudicial and forcible entry into the Plaintiff's residential real property, changing of the locks and removal of any personal property located therein without any legal right or Court order directing them to do so.

39. The Defendants did in fact execute an overt act in furtherance of this conspiracy, namely the March 20, 2010 actions of representative, agent or assign Titenko, as well as the subsequent return on March 25, 2010 of the Defendants' representative, agent or assign Titenko.

40. As a direct and proximate cause of the acts performed through the Defendants' conspiracy, the Plaintiff has been injured.

WHEREFORE, the Plaintiff demands judgment in her favor, damages, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

COUNT III –Trespass

(as against Defendants First Property, WAMU, Chase, Bilik and Titenko)

41. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

42. Defendant Titenko intentionally entered onto the Plaintiff's land without any expressed or implied consent to do so when he in fact did same on March 20, 2010 and March 25, 2010.

43. Defendants First Property, WAMU and Chase, through their agents intentionally entered the Plaintiff's land without any expressed or implied consent to do so by the action of their representative, agent or assign Titenko or, in the alternative, directed one of the other Defendants to intentionally enter onto the Plaintiff's land without any expressed or implied consent to do so by the action of their representative, agent or assign Titenko.

44. Defendant Bilik intentionally entered onto the Plaintiff's land without any express or implied consent to do so by the action of his employee Titenko.

45. The invasion of the Plaintiff's land was the direct and proximate cause of the Defendants' intentional entry onto the land or, in the alternative, the Defendants' direction to one of the other Defendants to enter onto the Plaintiff's land.

46. As a direct and proximate cause of the Defendants' unlawful trespass onto her land, the Plaintiff has been injured.

WHEREFORE, the Plaintiff demands judgment in her favor, damages, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

COUNT IV – Indemnification

(as against Defendants First Property, WAM, Chase, Bilik and Titenko)

47. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

48. As a result of the vicarious, constructive, derivative or technical liability that resulted from the landlord-tenant relationship between the Plaintiff and the Steeves, the Plaintiff has discharged a duty owed to the Steeves, namely reimbursing the Steeves for one-half month's rent.

49. Defendant Titenko should have discharged the duty satisfied by the Plaintiff by virtue of his illegal, improper, extrajudicial and forcible entry onto the Plaintiff's residential real property and removal of the Steeves' personal property.

50. Defendants First Property, WAMU and Chase should have discharged the duty satisfied by the Plaintiff by virtue of the illegal, improper, extrajudicial and forcible entry onto the Plaintiff's residential real property and removal of the Steeves' personal property by the Defendants' representative, agent or assign Titenko.

51. Defendant Bilik should have discharged the satisfied by virtue of the illegal, improper, extrajudicial and forcible entry onto the Plaintiff's residential real property and removal of the Steeves' personal property by the Defendant's employee Titenko.

52. The Plaintiff is without any fault as the one-half month's rent was only reimbursed because the Steeves vacated the property after the continued trespass by the Defendants.

53. By discharging the liability that should have been borne by the Defendants, the Plaintiff has been injured.

WHEREFORE, the Plaintiff demands judgment in her favor, damages, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

COUNT V – Defamation

(as against Defendants First Property, WAMU, Chase, Bilik and Titenko)

54. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

55. Defendant Titenko made a false statement when he represented to third parties that the Plaintiff no longer owned the home.

56. The Defendants made a false statement when their representative, agent or assign Titenko represented to third parties that the Plaintiff no longer owned the home.

57. The Defendants' statement was published orally to a third party.

58. The Defendants knew or should have known that the statement was false.

59. As a direct and proximate cause of the Defendants' statement, the Plaintiff has been injured.

WHEREFORE, the Plaintiff demands judgment in her favor, damages, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

**COUNT VI – Injunctive Relief Barring Defendants' from the Plaintiff's Land
(as against Defendants First Property, WAMU, Chase, Bilik and Titenko)**

60. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

61. The Plaintiff will suffer irreparable harm if the Defendants or the Defendants' representatives, agents or assigns are allowed to continually enter onto her land, as evidenced by the continued trespass of the Defendants onto the Plaintiff's land.

62. The Plaintiff has no adequate remedy at law which would bar the Defendants or the Defendants' representatives, agents or assigns from entry onto her land.

63. The Plaintiff has a substantial likelihood of success on the merits with respect to the trespass and related land-entry counts.

64. A temporary injunction would serve the public interest as it would bar entities that have no legal right to enter land from doing so.

WHEREFORE, the Plaintiff demands an injunction barring the Defendants and their representatives, agents or assigns from entry onto her land, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

COUNT VII – Declaratory Relief

(as against Defendants First Property, WAMU, Chase, Bilik and Titenko)

65. The Plaintiff re-alleges and incorporates as if fully set forth herein paragraphs one (1) through twenty five (25) above.

66. There exists a bona fide, actual, present and practical need for a declaration that an entity which has neither a legal right nor Court order to enter the land of another does not have said right.

67. This bona fide, actual, present and practical need is evidenced by both the actions of the Defendants in this case and those similarly situated as the Defendants.

68. This declaration concerns a present and ascertainable state of facts, namely the actions of various mortgage lenders and their representatives, agents or assigns that are routinely breaking into homes in this State and removing personal property therein without any legal right or Court order to do so.

69. An immunity, power, privilege or right of the Plaintiff is dependent upon the state of facts or the law applicable to the state of facts.

70. The Defendants have, or reasonably may have, an actual, present, adverse or antagonistic interest in the subject matter, either in fact or law.

71. The antagonistic and adverse interests are all properly before the Court.

72. The relief sought is not merely the giving of legal advice or the answer to questions propounded for curiosity.

WHEREFORE, the Plaintiff demands a Court order declaring that the entry onto land without the legal right or Court order directing an entity other than the property owner to do so is illegal and unconscionable, attorney's fees and costs under Florida Statutes, and any other relief this Court deems just and proper.

VERIFICATION

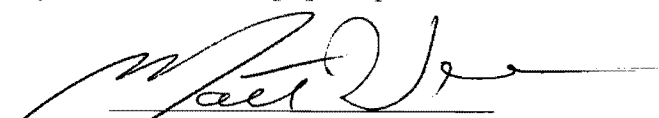
I, the undersigned, the Plaintiff in the above-captioned action have read each of the facts contained within this lawsuit and swear to the truth of each statement


DEBRA L. FISCHER


State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me on this 24th day of August, 2010 by _____, who [] is personally known to me or [] has produced _____ as identification.

[Notary Seal]


Notary Public

Respectfully submitted on this 24th day of August, 2010.

By: 
MATTHEW D. WEIDNER
Attorney for Plaintiff
1229 Central Avenue
St. Petersburg, FL 33705
(727) 894-3159
FBN: 0185957

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Primary Information	
Report Number	1003-014649
Report Date	03/20/2010
Type Of Report	Offense
Description	BURGLARY RESIDENTIAL
Occurrence From	03/20/2010 11:30
Occurrence To	03/20/2010 18:30
Source Of Call	Phone
Dissemination Code	Internal
Shift	1800-0600
Reporting LEO	Mcmanus, Richard Todd (0469 / District 3 Squad D / Charlotte County Sheriff's Office)
Approval Status	Approved
Approval Date	03/21/2010
Approval By	Simpson, James William (0723 / District 3 Squad D / Charlotte County Sheriff's Office)

Response Information	
Time Call Received	03/20/2010 19:35
Time Dispatched	03/20/2010 20:17
Time Arrived	03/20/2010 20:33
Time Completed	03/20/2010 20:15

Modus Operandi	
Description	Burglary

Address #1 - Incident Location #1 - 541 Ridgecrest Dr	
<i>Primary Information - 541 Ridgecrest Dr</i>	
Address	541 Ridgecrest Dr, PUNTA GORDA, FLORIDA 33982, UNITED STATES
Description	single story family home
District	03
Zone	14

Address #2 - Residential #1 - 807 Stimie Ave	
<i>Primary Information - 807 Stimie Ave</i>	
Address	807 Stimie Ave, st.petersburg, FLORIDA 33707, UNITED STATES

Address #3 - Residential #2 - 96 Wellington St	
<i>Primary Information - 96 Wellington St</i>	
Address	96 Wellington St, kingston, ONTARIO [CAN] k7l3o4, CANADA

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Related Charges				
Offense Type	Offense	Attempted/Committed	Statute	UCR Class
Felony	Burglary Unoccupied Dwelling Unarmed	Committed	810.02 3b	2200
Felony	Grand Theft \$300 to \$5000	Committed	812.014 2C1	230G

Subject #1 - COMPLAINANT/VICTIM #1 - steeves, christopher carl	
<i>Primary Information - steeves, christopher carl (COMPLAINANT/VICTIM)</i>	
Race	White
Record Type	Person
Subject Name	steeves, christopher carl
Sex	Male
Birth Date	05/26/1963
Age	46 YEARS
Juvenile	NO
Residence Status	Non US-Resident
Residence Type	Foreign
<i>Relationship Information - steeves, christopher carl (COMPLAINANT/VICTIM)</i>	
Offense #	Both (#1 & #2)
Officer Assault	NO
Homicide Victim	NO
Hate Crime Victim	NO
Domestic Violence	NO
Victim Type	Adult
Extent Of Injury	None
Use Of Force	NO

Subject #2 - OWNER/PROPRIETOR #1 - FISCHER, JAMES WALTER	
<i>Primary Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)</i>	
Race	White
Record Type	Person
Subject Name	FISCHER, JAMES WALTER
Sex	Male
Birth Date	09/25/1949
Age	60 YEARS
Juvenile	NO
Place Of Birth	FL
<i>Relationship Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)</i>	
Offense #	Both (#1 & #2)
Homicide Victim	NO
Hate Crime Victim	NO

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Relationship Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR) - Continued						
Domestic Violence	NO					
Extent Of Injury	None					
Use Of Force	NO					
Personal Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Ethnicity	NON-HISPANIC					
Height	511					
Weight	195					
Eye Color	BRO					
Hair Color	Brown					
Hair Length	SHORT					
Hair Style	STRAIGHT					
Complexion	LIGHT					
Physical Build	Medium					
Drivers License	F260459493450					
Drivers License State	FLORIDA					
Employment Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Occupation	UNEMPLOYED					
Related Addresses - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Address	Relationship					
8047 STIMIE AVE N, ST PETERSBURG, FLORIDA	Related					
Identifications - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
ID Type	Number	State	Country	As Of Date	Fictitious	Comment
JCA	64942	---	---	---	---	---

Analysis Information	
Sick Or Injured	NO
Alarm	NO
Location Type	RESIDENCE
Forced Entry	Not Applicable
Occupancy Code	Unoccupied
Tools Used	Other
Alcohol Related	NO
Drug Related	NO
Hate Crime	NO
Sex Crime	NO
Juvenile Crime	NO
Domestic Violence	NO
Senior Abuse	NO
Child Abuse	NO

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Analysis Information - Continued	
Gang Related	NO
School Zone	NO
Public Housing	NO
Apparent Motive	Money
MO Comment	burglary residential
Signature Act	NO
Security Type	Locked Doors

Related Telephones	
Telephone Number: (613) 453-2229	Relationship Subscriber
(727) 251-4015	Subscriber

Property #1 - Hewlett Packard laptop silver	
<i>Primary Information</i>	
Property Class	Stolen
Property Type	COMPUTER SOFTWARE/ACCESSO
Description	hewlett packard laptop silver
Property Status	Stolen
Status Date	03/20/2010 00:00
Quantity	1
Serial No	unknown
Owner	steeves, christopher carl
Value Stolen	\$800.00
Stolen value	800
UFR Damaged	NO
Submitted To PEG	NO

Property #2 - ipod white 80 g	
<i>Primary Information</i>	
Property Class	Stolen
Property Type	MUSIC (REC/TAPE/CD/LASER)
Description	ipod white 80 g
Property Status	Stolen
Status Date	03/20/2010 00:00
Quantity	1
Serial No	unknown
Owner	steeves, christopher carl
Value Stolen	\$250.00

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Primary Information - Continued	
Stated Value	250
UCRDamaged	NO
Submitted To PES:	NO

Property #3 - six bottles of assorted unk wine	
Primary Information	
Property Class:	Stolen
Property Type	BEVERAGE
Description:	six bottles of assorted unk wine
Property Status:	Stolen
Status Date	03/20/2010 00:00
Quantity	1
Serial No.	unk
Owner	steeves, christopher carl
Value Stolen	\$100.00
Stated Value:	100
UCRDamaged	NO
Submitted To PES	NO

Property #4 - beer bottle glass	
Primary Information	
Property Class:	Evidence
Property Type	BEVERAGE
Description:	beer bottle glass
Property Status:	Evidence/Seized
Status Date:	03/21/2010 00:00
Quantity	1
UCRDamaged	NO
Submitted To PES:	YES

Narrative

On March 20, 2010 at approximately 1900 hrs, I was dispatched to 541 Ridgecrest Drive, Punta Gorda, Charlotte County Florida, regarding a past burglary and theft. Upon my arrival I met with the renter Christopher Carl Steeves. Steeves said that he and his wife were visiting from Canada and had been at the home for one week. He said they had rented the home for one month from James Fischer of St. Petersburg.

Steeves and his wife left the home this date at approximately 11:30 am and went to the beach. They returned at 6:30pm and found that unknown persons had changed the door locks. A printed form from Chase Financial Services was left on the garage side door. The deadbolt lock was removed and a bolt and large washer were installed on the door. Chris found an open window and entered the home. He then noticed that some of his property was missing.

He said he called James Fischer, the home owner, who was unaware of the bank changing the locks but did admit to having an on-going court case with his mortgage company over foreclosure. He said he had not gone to the home this date.

Charlotte County Sheriff's Office
ACISS Offense Report 1003-014649

Report Date: 03/20/2010

Narrative - Continued

Christopher then provided a description of the stolen items being a Hewitt Packard Lap Top valued at \$800.00 , an Ipod music player, 80 gig, white in color valued at \$250.00 and six bottles of assorted wine valued at \$100.00. He did not have serial numbers for the stolen items. He will be checking to see if the computer had GPS. He also showed me a half empty bottle of beer sitting on the kitchen counter. He said that someone had removed it from the refrigerator and drank it.

I called and spoke to James Fischer. He did not give any other persons permission to enter the home or remove property. I called Chase Financial Services and spoke to Rhonda, phone number (440) 591-1794. She provided me with the name of Jim Goode, phone number (941)365-2300. She said he was in charge of bank foreclosure checks for this area. She further stated no property should have been removed by him only locks changed and the form left along with an interior premises check for damage and photographed.

I took the open half full beer bottle as evidence for later print comparison. All other surfaces were not conducive for latent fingerprint evidence. I checked all exterior doors and windows. I did not find any evidence of a break-in. I took photos of the changed door lock and form left on door. I spoke to a neighbor at 557 Ridgecrest Drive a Mr. Harry Anderson. He did not see anyone or any vehicles at the home this date. I received Mr. Goodes information after mid-night. I did not attempt his personal phone number. Investigation continues.

Record Status Information

Record Origination Operator: Cad, Transfer (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)
 Record Origination Date: 03/20/2010 21:56
 Last Update Operator: Simpson, James William (0723 / District 3 Squad D / Charlotte County Sheriff's Office)
 Last Update Date: 03/21/2010 02:09

Reporting LEO	Date	Supervisor	Date
Mcmanus, Richard Todd (0469 / District 3 Squad D / Charlotte County Sheriff's Office)		Simpson, James William (0723 / District 3 Squad D / Charlotte County Sheriff's Office)	3/29/2010

Charlotte County Sheriff's Office
ACISS Supporting Documents Report 1003-014649/1

Report Date: 03/22/2010

Primary Information	
Report Number	1003-014649/1
Report Date	03/22/2010
Type Of Report	Supporting Documents
Description	Scanned Documents.
Reporting LEO	Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)
Approval Status	Approved
Approved Date	03/22/2010
Approved By	Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)

Record Status Information	
Record Origination Operator:	Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)
Record Origination Date	03/22/2010 02:30
Last Update Operator:	Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)
Last Update Date	03/22/2010 15:00

Reporting LEO	Date	Supervisor	Date
Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)		Auto Doc Import (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)	3/29/2010

Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/2

Report Date: 03/22/2010

Primary Information	
Report Number	1003-014649/2
Report Date	03/22/2010
Type Of Report	Investigative Supplement
Description	Additional stolen property
Occurrence From	03/20/2010 00:00
Occurrence To	03/20/2010 00:00
Reporting LEO	Merritt, Wendy Lee (0302 / District 3 Squad A / Charlotte County Sheriff's Office)
Approval Status	Approved
Approved Date	03/22/2010
Approved By	Steele, Karl Andrew (0399 / District 3 Squad B / Charlotte County Sheriff's Office)

Address #1 - Incident Location #1 - 541 Ridgecrest Dr	
Primary Information - 541 Ridgecrest Dr	
Address:	541 Ridgecrest Dr, PUNTA GORDA, FLORIDA 33982, UNITED STATES
Description	single story family home
District	03
Zone	14

Address #2 - Residential #1 - 807 Stimie Ave	
Primary Information - 807 Stimie Ave	
Address	807 Stimie Ave, st.petersburg, FLORIDA 33707, UNITED STATES

Address #3 - Residential #2 - 96 Wellington St	
Primary Information - 96 Wellington St	
Address	96 Wellington St, kingston, ONTARIO [CAN] k7l304, CANADA

Subject #1 - COMPLAINANT/VICTIM #1 - steeves, christopher carl	
Primary Information - steeves, christopher carl (COMPLAINANT/VICTIM)	
Race	White
Record Type	Person
Subject Name	steeves, christopher carl
Sex	Male
Birth Date	05/26/1963
Age	46 YEARS
Juvenile	NO
Residence Status	Non US-Resident
Residence Type	Foreign

Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/2

Report Date: 03/22/2010

Subject #2 - OWNER/PROPRIETOR #1 - FISCHER, JAMES WALTER						
Primary Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Race	White					
Record Type	Person					
Subject Name:	FISCHER, JAMES WALTER					
Sex	Male					
Birth Date:	09/25/1949					
Age:	60 YEARS					
Juvenile:	NO					
Place Of Birth:	FL					
Personal Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Ethnicity:	NON-HISPANIC					
Height:	511					
Weight:	195					
Eye Color:	BRO					
Hair Color:	Brown					
Hair Length:	SHORT					
Hair Style:	STRAIGHT					
Complexion:	LIGHT					
Physical Build:	Medium					
Drivers License:	F260459493450					
Drivers License State:	FLORIDA					
Employment Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Occupation:	UNEMPLOYED					
Related Addresses - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
Address	8047 STIMIE AVE N, ST PETERSBURG, FLORIDA					Relationship
						Related
Identifications - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)						
ID Type	Number	State	Country	As Of Date	Fictitious	Comment
JCA	64942	---	---	---	---	---

Related Telephones	
Telephone Number	Relationship
(613) 453-2229	Subscriber
(727) 251-4015	Subscriber

Property #1 - Ridge 18volt cordless drill with charger orange in color	
Primary Information	
Property Class	Stolen
Property Type	EQUIP/TOOL

Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/2

Report Date: 03/22/2010

Primary Information - Continued	
Description:	Ridge 18volt cordless drill with charger orange in color
Property Status:	Stolen
Status Date:	03/22/2010 00:00
Quantity:	1
Owner:	steeves, christopher carl
Value Stolen:	\$150.00
Submitted To PES:	NO

Narrative

On 3/22/10 I responded to 541 Ridgecrest Dr, Punta Gorda, Charlotte County in reference to an additional stolen item. Upon my arrival I met with Christopher Steeves who advised that when he went to use his cordless drill he found that it was missing. The drill had been in a box on the floor in the hall way along with other items that were not taken. The price was \$150 and it was a Ridge 18 volt Cordless drill orange in color with a charger and new battery. Christopher has made contact with the home owner and he is checking to see if the insurance will cover the missing items.

Record Status Information	
Record Origination Operator:	Merritt, Wendy Lee (0302 / District 3 Squad A / Charlotte County Sheriff's Office)
Record Origination Date:	03/22/2010 16:10
Last Update Operator:	Steele, Karl Andrew (0399 / District 3 Squad B / Charlotte County Sheriff's Office)
Last Update Date:	03/22/2010 17:16

Reporting LEO	Date	Supervisor	Date
Merritt, Wendy Lee (0302 / District 3 Squad A / Charlotte County Sheriff's Office)		Steele, Karl Andrew (0399 / District 3 Squad B / Charlotte County Sheriff's Office)	3/29/2010



Charlotte County Sheriff's Office
ACISS Call Narrative Update Report 1008-008631

Report Date: 08/12/2010

Primary Information	
Report Number:	1008-008631
Report Date:	08/12/2010
Type Of Report:	Call Narrative Update
Description:	CIVIL
Reporting LEO:	Merritt, Wendy Lee (0302 / District 3 Squad C / Charlotte County Sheriff's Office)
Approval Status:	Approved
Approved Date:	08/12/2010
Approved By:	Lubitz, William John (0037 / District 3 Squad C / Charlotte County Sheriff's Office)

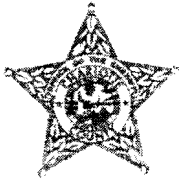
Synopsis
I met with Darlene Decinti 7/19/70 who advised that she has been in lidigation with her morgage company PNC. Darlene left town July 26 and returned on Aug 11 to find the locks changed on her house. I called the property management co and inquired about the residence they advised the the morgage co had contracted them. I advised Darlene that she would have to make contact with her morgage co and that this is a civil matter.
[08/12/2010 11:50:02 : pos6 : BSCHAEFER] Cross streets: DEAD END/WILMERS RD XWILMERS RD ***PAST***LOCKS HAVE BEEN CHANGED ...HOUSE IS IN FORECLOSURE, HOMEOWNER CLIMBED IN THRU BACK WINDOW

Address #1 - Caller Location #1 - 261 Summerset Dr
<i>Primary Information - 261 Summerset Dr</i>
Address: 261 Summerset Dr, PUNTA GORDA, Florida 33982 , United States

Address #2 - Incident Location #1 - 261 Summerset Dr
<i>Primary Information - 261 Summerset Dr</i>
Address: 261 Summerset Dr, PUNTA GORDA, Florida 33982 , United States

Subject #1 - Caller #1 - DECINTI, DARLENE
<i>Primary Information - DECINTI, DARLENE (Caller)</i>
Subject Name: DECINTI, DARLENE
Juvenile: NO

Record Status Information	
Record Origination Operator:	Cad, Transfer (CHARLOTTE COUNTY SHERIFF'S OFFICE / Charlotte County Sheriff's Office)
Record Origination Date:	08/12/2010 12:58
Last Update Operator:	Lubitz, William John (0037 / District 3 Squad C / Charlotte County Sheriff's Office)
Last Update Date:	08/12/2010 15:58



Charlotte County Sheriff's Office
ACISS Call Narrative Update Report 1008-008631

Report Date: 08/12/2010

Reporting LEO	Date	Supervisor	Date
Merritt, Wendy Lee (0302 / District 3 Squad C / Charlotte County Sheriff's Office)		Lubitz, William John (0037 / District 3 Squad C / Charlotte County Sheriff's Office)	8/13/2010

Investigative Supplement Report: 1008-008631/1

Primary Information	
Report Number	1008-008631/1
Case Number	1008-008631
Case Status	Closed
Case Lead LEO	Merritt, Wendy Lee
Type Of Report	Investigative Supplement
Report Date/Time	08/16/2010 12:38
Reporting LEO	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)
Approved By	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)
Approved Date/Time	08/16/2010 13:05
Approval Status	Approved
Expense Status	Not Posted

Narrative
<p>Open Narrative Document</p> <p>Hide Narrative Text</p> <p>On 08-16-10, around 12:30 pm, I spoke with the complainant regarding the situation at her house. I was advised a property management company was contacted by the complainant's mortgage to change the locks on her house. To gain entry, the property management employees broke a window and changed the locks. In the course of doing this, the complainant's property was thrown about the residence; nothing was damaged other than the window. She was advised by her lawyer to file a complaint with the sheriff's office regarding criminal activity. After reviewing the information provided I was unable to develop probable cause for any criminal act. This is based off of the workers, who changed out the locks, were instructed to by the property management company, which allowed them to be in the residence; the property management company had a contract with the mortgage company to change the locks. It is unknown if the mortgage company had a court order showing the residence as being foreclosed; however, the mortgage company does have a vested interest in the property; the window that was broken was done to gain entry into the house to change the locks; nothing was taken and nothing else was damaged. I advised the complainant there was no criminal intent on the part of her mortgage company, or the property management company; the matter is civil. The complainant requested I document this information.</p>

This Report Supplements				
Report Number	Type	Report Date	Description	Reporting LEO
1. 1008-008631	Call Narrative Update	08/12/2010	CIVIL	Merritt, Wendy Lee (0302 / District 3 Squad C / Charlotte County Sheriff's Office)

Record Status Information	
Record Origination Operator	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)
Record Origination Date	08/16/2010 12:38
Last Update Operator	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)
Last Update Date	08/16/2010 13:05



Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/4
 Report Date: 07/22/2010

Reporting EO	Reporting Agency	Reporting Officer	Date
Korte, Bettina Rae (2229 / District 3 CID / Charlotte County Sheriff's Office)		Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)	7/27/2010

Charlotte County Sheriff's Office

ACISS Investigative Supplement Report 1003-014649/4

Report Date: 07/22/2010



Report Number:	1003-014649/4
Report Date:	07/22/2010
Type Of Report:	Investigative Supplement
Description:	Details of Investigation
Reporting LEO:	Korte, Bettina Rae (2229 / District 3 CID / Charlotte County Sheriff's Office)
Approval Status:	Approved
Approved Date:	07/26/2010
Approved By:	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)

Primary Information - 541 RIDGECREST DR	
Address:	541 RIDGECREST DR, PUNTA GORDA, Florida 33982 , United States
Description:	single story family home
District:	03
Zone:	14

Primary Information - BILIK, VASILY (Witness)	
Race:	White
Record Type:	Person
Subject Name:	BILIK, VASILY
Sex:	Male
Birth Date:	04/26/1966
Age:	44 YEARS
Juvenile:	NO

Primary Information - thames, marsha ann (Witness)	
Race:	White
Record Type:	Person
Subject Name:	thames, marsha ann
Sex:	Female
Birth Date:	11/15/1957
Age:	52 YEARS
Juvenile:	NO

Primary Information - TITENKO, VIKTOR SERGEVICH (Suspect)	
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Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/4
 Report Date: 07/22/2010

Primary Information - TITENKO, VIKTOR SERGEVICH (Suspect) - Continued

Race: White
 Record Type: Person
 Subject Name: TITENKO, VIKTOR SERGEVICH
 Sex: Male
 Birth Date: 10/13/1985
 Age: 24 YEARS
 Juvenile: NO
 Place Of Birth: MOSCOW, RUSSIA

Personal Information - TITENKO, VIKTOR SERGEVICH (Suspect)

Ethnicity: NON-HISPANIC
 Height: 511
 Weight: 160
 Eye Color: Blue
 Hair Color: BLOND
 Hair Length: SHORT
 Hair Style: MILITARY
 Complexion: LIGHT
 Physical Build: LIGHT
 Drivers License: T352860853730
 Drivers License State: Florida

Employment Information - TITENKO, VIKTOR SERGEVICH (Suspect)

Occupation: LABORER

Primary Information - steeves, christopher carl (COMPLAINANT/VICTIM)

Race: White
 Record Type: Person
 Subject Name: steeves, christopher carl
 Sex: Male
 Birth Date: 05/28/1963
 Age: 47 YEARS
 Juvenile: NO
 Residence Status: Non US-Resident
 Residence Type: Foreign

Primary Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)

Race: White
 Record Type: Person



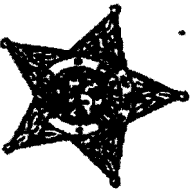
Charlotte County Sheriff's Office
ACISS Investigative Supplement Report 1003-014649/4
Report Date: 07/22/2010

Primary Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR) - Continued	
Subject Name:	FISCHER, JAMES WALTER
Sex:	Male
Birth Date:	09/25/1949
Age:	60 YEARS
Juvenile:	NO
Place Of Birth:	FL
Personal Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)	
Ethnicity:	NON-HISPANIC
Height:	511
Weight:	195
Eye Color:	BRO
Hair Color:	Brown
Hair Length:	SHORT
Hair Style:	STRAIGHT
Complexion:	LIGHT
Physical Build:	Medium
Drivers License:	F260459493450
Drivers License State:	Florida
Employment Information - FISCHER, JAMES WALTER (OWNER/PROPRIETOR)	
Occupation:	UNEMPLOYED

Telephone Number	Relationship
(613) 453-2229	Subscriber

LEO
Guinn, Rodney Paul (0452 / CRIME SCENE / Charlotte County Sheriff's Office)

On March 20, 2010, a burglary and theft was reported at 541 Ridgecrest Drive, Punta Gorda, Charlotte County, Florida. The residence was rented as a vacation rental by Chris Steeves.
On March 23, 2010, I read and reviewed this case. On March 30, 2010, at approximately 4:00 pm, I made contact with Marsha Thames of GC Preservation, a company who looks after property for banks and performs various maintenance on the homes if they are unsecured or in need of repair. Marsha stated she had multiple work orders for the property at 541 Ridgecrest Drive, Punta Gorda, Florida. I advised her of the missing property within the home and asked her for a list of subjects scheduled to perform the necessary work at the property. She stated the two contractors the company uses are seasoned contractors with no prior complaints. Marsha requested I fax or email her a request for information on CCSO letterhead; I obliged her request and emailed her at mthames@gcpfla.com.
Marsha provided copies of the Property Preservation work orders for the home located at 541 Ridgecrest Drive, Punta Gorda, FL; W/M Vasily Blik (4-26-88) was the contractor assigned to the property. Vasily employed Viktor Titenko (10-13-85) to assist him with the foreclosed properties assigned to him.



Charlotte County Sheriff's Office

ACISS Investigative Supplement Report 1003-014649/4

Report Date: 07/22/2010

Vasily agreed to an interview at the Charlotte County Sheriff's Office; he agreed to bring his employee, Viktor, and the photos obtained during the time he was completing work at the Ridgcrest Drive property.

On April 5, 2010, at approximately 9:00 am, Viktor and Vasily arrived at CCSO District 3 Office and provided access to their digital photos of the interior/exterior of 541 Ridgcrest Drive, Punta Gorda, FL. I noted a window screen from the side laundry room was leaning against the outside wall under the closed window. Viktor advised that window, as he pointed to it, was closed, but unlocked when he arrived. As common practice they photograph the exterior of the property before entering the property via the sliding glass door. Viktor stated he gained entry to the home via the sliding glass door; it is common practice for the two to use a screwdriver and pop the door open and leave through the door they change the lock on. As an agent for the bank, they change one lock, which allows the bank access to verify and preserve the property they have an interest in. Viktor also posted the signage requested by the bank, Chase Home Finance, LLC. An inspection sheet, completed by Viktor on March 19, 2010, noted windows were found unlocked and left secured upon his departure. When asked about the possibility of his fingerprints showing up anywhere in the house, Viktor stated he moved various items within the house; however, he denied removing anything from within the house. Viktor mentioned he placed the old locks in a drawer in the kitchen; they were found where he stated.

An opened beer bottle was located on the kitchen counter; the renters denied opening the bottle or consuming any of its contents. The beer bottle was processed with blackchromatic powder for latent prints; a print was positively identified as coming from Viktor Tkanko. Viktor denied consuming the any of the contents from the opened bottle.

Debbie Fischer, who is the owner, called to inquire on the status of the investigation. I advised the home located at 541 Ridgcrest was being rented by the Steeves's and they are the victims of this case. Ms. Fischer stated she had a civil attorney involved regarding her belief the mortgage company did not have a right to hire contractors to enter her home and/or change locks. She said the issue of the foreclosure is currently being disputed and she has hired an attorney to assist her with that. I advised Ms. Fischer the paperwork provided by Chase Bank and Vasily Bilik was sufficient to quell the question whether the contractor/bank had the legal right to be on/n the property located at 541 Ridgcrest Drive for the purpose of property preservation.

A check of Flinder was negative for any permissible transactions for Viktor Tkanko or Vasily Bilik. Due to the lack of serial numbers for the electronic equipment, I was not able to search for the items specifically.

An inquiry to FDLE regarding the possibility of submission for DNA testing/comparison was denied due to the neck of the bottle having been processed with blackchromatic powder.

I attempted to make contact with the victim/property renter, Chris Steeves; I left a voice mail requesting he return my call regarding the ongoing investigation.

On July 14, 2010, Chris Steeves returned my call. I advised him of my findings and the lack of further leads to pursue. He advised the owners, Fisher's, repaid half of the monies he paid to rent the home because they were displaced and their vacation was interrupted. Based on my investigation, Vasily and Viktor had the right to be on/n the property located at 541 Ridgcrest Drive and to perform the work requested on the work order provided by LPS - Chicks Preservation. No other persons were seen on the property or reported by the neighbors during the neighborhood canvass; however, the side window was found unlocked and the screen was removed, prior to Viktor's arrival at the location.

The property, which was allegedly unlawfully removed from within the property, belongs to Chris Steeves; if located the said property should be returned to Mr. Steeves, not the home owner / mortgagee Ms. Fischer.

At this time, all leads have been exhausted; no new suspects have been developed. I am requesting this case be placed on inactive status until new information becomes available to help further this criminal investigation.

Record Origination Operator:	Korta, Bettina Rae (2229 / District 3 CID / Charlotte County Sheriff's Office)
Record Origination Date:	03/30/2010 16:13
Last Update Operator:	Vanande, James William (0738 / District 3 CID / Charlotte County Sheriff's Office)
Last Update Date:	07/26/2010 11:12