

LOCAL

SUNDAY, NOVEMBER 14, 2004

11/14/04

L
He
Sat

Pensacola Beach leaseholders invited to meeting on taxation

All residential leaseholders on Pensacola Beach are invited to attend a special meeting on ad valorem taxation on beach leaseholders at noon today at Bamboo Willie's on Quietwater Beach Boardwalk.

Tax attorneys will be at the meeting to answer questions and assist with planning. The event is sponsored by Independent Citizens of Pensacola Beach. For details, call 932-8456.

11/13/04

Beach revs up for tax fight

Leaseholders vote to hire law firm, challenge Escambia County

Michael Stewart

@PensacolaNewsJournal.com

A Saturday afternoon meeting of Pensacola Beach residents ended with a check-writing session to fund a war chest to fight a move to tax beach residents.

At the end of the meeting at Bamboo Willie's on Quietwater Beach, about 300 leaseholders voted to hire the law firm of Shell, Fleming, Davis and Menge to represent them

in the looming legal battle. Their opponent: Escambia County Property Appraiser Chris Jones, who decided this year to levy property taxes on leaseholders.

Law firm partner and retired attorney M.J. Menge, who helped defeat attempts in the mid-1980s to tax Pensacola Beach leaseholders, is coming out of retirement to again represent beach residents.

Jones decided Pensacola



Menge

Beach leaseholders will pay property taxes on homes but not on the land. Beach residents argue they should not pay taxes because they lease, rather than own, property.

Shell, Fleming, Davis and Menge attorney Thomas J. Gilliam Jr. estimated the lawsuit will cost \$250,000.

There are roughly 1,550 residential rental units on Pensacola Beach, and lawsuit proponents said they could raise \$260,000 if 1,300 leaseholders came on board and paid \$200 each.

"Two hundred bucks gets your name on the lawsuit," Pensacola Beach resident Charlie Thompson said. "If there is any money left over at the end of the lawsuit, you will get it back."

Pensacola Beach resident

Joe Ellis wrote one of the first checks.

"I feel very strongly about this issue," Ellis said. "We've already been to court over this once and won, and the ruling has not been overturned."

Gilliam and William H. Stafford III, a lawyer representing Navarre Beach residents, said a lawsuit will have to be filed no later than Dec. 19 to challenge this year's taxes.

See LEASEHOLDERS', 13C

LOCAL

Leaseholders' lawsuit imminent

FROM 1C

Gilliam said his law firm already has been hired to represent commercial leaseholders on the beach and that Miami attorneys were hired to represent Portofino residents in a separate suit.

A class-action lawsuit to include everyone on the beach was ruled out for fear that some residents would not help pay legal fees if they were included anyway.

Gilliam said checks made out

to the law firm, along with copies of rental leases, are needed by Wednesday. Pensacola Beach Chamber of Commerce Executive Director Sandy Johnston said the checks and the lease copies can be dropped off at the Pensacola Beach visitors center.

"We, as a chamber, cannot sue the county," Johnston said. "But we are certainly more than willing to be a center point or focal point for those involved in the lawsuit. If you'll bring informa-

tion you want to get to the law offices, we will fax it for you."

A similar case between Santa Rosa County officials and Navarre Beach residents is under way.

"If Navarre Beach wins, I think (Escambia County's) case will fall apart," Gilliam said. "But if they lose, you've got one heck of a fight on your hands."

In the 1980s ruling, the 1st District Court of Appeal ruled that those who lease government property for a term of less than 100

years shall not pay property taxes.

Santa Rosa County argued that Navarre Beach leaseholders have equitable ownership in their homes, given that they can sell their leases, encumber the property with debt or rent it.

"Frankly, nothing has really changed," said Menge, who was not at the meeting. "They may put different kinds of terminology on arguments used."

Jones could not be reached Saturday night for comment.

Who's leading the fight against taxes

Pensacola Beach residents at a Saturday afternoon meeting chose representatives to act as intermediaries between leaseholders and attorneys who will represent them in a lawsuit to challenge property taxes levied by Escambia County Property Appraiser Chris Jones.

■ Gary Smith will represent beach residents who reside off Fort Pickens Road. He can be reached by e-mail at gespc@yahoo.com.

■ Charlie Thompson was chosen to represent Via de Luna residents. He can be reached at (850) 221-8045 or cdtsr@aol.com.

■ John Pinzino will represent condominium association residents. He can be reached at (850) 934-4146.