

A fight over waterfront land divided this Pinellas neighborhood

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Rebecca Liebson

Michael Scurry, 52, stands in a drainage and conservation easement near a boardwalk he said was built for coastal access for residents of his Sea Pines subdivision, which is now posted with a No Trespassing sign, on Wednesday, Nov 27, 2024, in Seminole. [DOUGLAS R. CLIFFORD | Times]

By

Rebecca LiebsonTimes staff

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Along Red Bird Court in Seminole, there's about two acres of grassy land full of invasive Brazilian pepper trees and a dock leading into the Gulf of Mexico.

For years, one neighbor in the quiet subdivision controlled the vacant property. But when Michael Scurry moved in next door and tried to trim some of the trees, all hell broke loose.

That dispute escalated into a bitter court battle that's dragged on for nearly six years and forced everyone on the block to choose sides.

The case hinges on the piece of waterfront property that runs behind several homes in the Sea Pines subdivision. Scurry's neighbor, Bradley Berg, was able to buy the land from the subdivision's developer. But the neighborhood's founding documents show it never should have been up for grabs.

Since the lawsuit was filed, neighbors have made a habit of calling the police on each other. One has set up a surveillance system to document squabbles. Another was driven out of a homeowner's association meeting and accused of trespassing.

Last year a Pinellas judge ruled that all homeowners should have access to the land. With tensions at an all-time high, the warring neighbors must now work together to manage the property that tore them apart.

This is the ninth installment of [Housing Horror Stories](#), an occasional series exploring the unique challenges that come with buying or renting in Tampa Bay.

Welcome to the neighborhood

From the minute he arrived in the neighborhood, Scurry said he was treated like an interloper.

He recalled how one neighbor gawked at him as he unpacked his moving pod. No one introduced themselves, he said.

Perhaps it was Scurry's California license plates. Or that he was the only Black man in Sea Pines. Whatever the reason, he tried not to let it get to him.

Then came his first interaction with Berg.

A PVC fence, at right, stands between a conservation easement that borders the backyard of Michael Scurry's home and seven other homes in the Sea Pines subdivision on Wednesday, Nov 27, 2024, in Seminole. [DOUGLAS R. CLIFFORD | Times]

Branches and vines from Berg's property spilled into Scurry's backyard, poking holes in his pool screen.

The lot spans the length of their quiet street, bordering eight homes including Scurry's and Berg's. Beyond a thick mass of trees lies The Narrows, a waterway that separates the Pinellas peninsula and barrier islands. A boardwalk connects Berg's backyard to a small dock.

Scurry approached Berg and asked if he could trim the overgrowth encroaching on his yard.

"He takes me out to his dock and says, 'This is my land. You can't go here. It's trespassing,'" Scurry said.

Berg declined to be interviewed. "You may be amazed at fabrications you may hear versus the truth in the court documents," he said in a voicemail responding to a call from the Tampa Bay Times.

After poring through public records, Scurry discovered that the developer of Sea Pines intended for that land to be shared by all the homeowners.

Lewis Thibeault, who moved to Sea Pines 20 years ago remembered a time when the property was used as a shared recreational space.

"It wasn't overgrown, you could see water, there was beautiful trees and grass," he said.

But after Berg and his wife moved there in 2012, that all changed. They bought the land and only maintained the portion closest to their home, allowing the rest to become overrun by weeds and invasive species, Thibeault said.

Scurry said he tried to work out an agreement with Berg but he wouldn't answer his calls and wouldn't come to the door when he knocked. Eventually Berg told him to stop contacting him.

That's when Scurry filed the lawsuit.

Rising tensions

All Sea Pines homeowners had to be named in the suit, said Scurry's attorney, Charles Gerdes. Everyone was given a choice: sign on as a plaintiff alongside Scurry and argue that the land should be returned to the group or join the defense with Berg and maintain that he should keep

control.

Four neighbors, including Thibeault, joined Scurry. Twenty took Berg's side.

"I wanted to give the property back to the community so that everybody has water rights," said Scurry. "And the very community that I won it for is fighting against me."

Michael Scurry, of 14468 Red Bird Court in Seminole, said his family wears body cameras outside their property due to safety concerns after a community dispute began over a drainage and conservation easement behind his home in the Sea Pines subdivision. [DOUGLAS R. CLIFFORD | Times]

Berg said he had been a responsible steward of the land for years after the developer abandoned it.

"We wanted nothing more than to make it a great place to live," Berg wrote in an email to Pinellas County Code Enforcement that was obtained by the Times through a public records request.

Berg said that Thibeault was building campfires, riding go-karts and motorcycles, trapping coyotes and cutting greenery on the land "until I got the deed and told him to stop everything as it was to be preserved as natural as possible," he wrote.

As the case unfolded, relations between the two sides soured.

Both parties have called the police to arbitrate scuffles over flower pots and fences and plant cuttings.

Scurry said he felt like the defendants were trying to draw him into a conflict at every turn.

He set up security cameras and motion detectors around his property. He and his wife don't walk the neighborhood without wearing body cameras. They don't let their two kids play outside.

A critical error

The court's analysis shows this whole ordeal may have been avoided if the Sea Pines developer had done its job properly before exiting the neighborhood.

Once all the lots were sold in 2003, Sarasota Woods, a now-defunct real estate developer based in Redington Shores, was supposed to transfer the title to the disputed land over to the Sea Pines homeowners association. That's when the new neighbors would take the reins.

That didn't happen.

The association never got off the ground. After several years of remaining inactive, it was dissolved when Sarasota Woods failed to pay fees or file an annual report. Taxes on the land went unpaid.

Berg and his wife moved to the neighborhood in 2012. They paid the taxes for the land and got Sarasota Woods to transfer the title the following year.

Problems like this can lay dormant for years if homeowners don't have a good understanding of the founding documents that govern their neighborhoods, said Amy McPherson, a land use and property rights attorney with the law firm Stearns Miller Weaver.

A PVC fence stands between a conservation easement that borders the backyard of Michael Scurry's home and seven other homes in the Sea Pines subdivision on Wednesday, Nov 27, 2024, in Seminole. [DOUGLAS R. CLIFFORD | Times]

"You had all those homeowners for all those years and not one of them ever said...this was supposed to get turned over and we were supposed to own this," she said. "It sounds like people were not aware there was this amenity."

No government agency could have stopped the sale beforehand, McPherson said. It's up to the other neighbors to enforce the subdivision's rules.

"It's a private dispute and the only way to resolve it is through litigation," McPherson said.

Reaching a resolution

Last year, the judge ruled that all homeowners have the right to access and enjoy the land and that everyone is collectively responsible for maintaining it.

The defense's motion for an appeal was denied. The court is still deciding whether the defendants will have to cover legal fees for the other side.

The Sea Pines Homeowners Association was resurrected and the deed to the property was transferred to the association, as it should have been in the first place.

But as the case comes to a close, new conflicts are emerging.

In his email to code enforcement, Berg wrote that the defendants have "cut vegetation WITH ABANDON," since the judge's ruling.

"...they now think they have 'won' and they are taking revenge on us." he wrote.

Scurry and Thibeault said the defendants, who run the homeowner's association board, are using their new positions of power to target them.

Thibeault said all the rules the association has passed seem aimed at restricting things that he does — washing his boat in the driveway, parking his RV overnight.

Thibeault was escorted out of a recent association meeting by a Pinellas County Sheriff's deputy after board members reported him for trespassing.

Michael Scurry, 52, walks through a drainage and conservation easement that borders the backyards of eight of the 15 homes in the Sea Pines subdivision on Wednesday, Nov 27, 2024, in Seminole, where he said structures have been built on the land. [DOUGLAS R. CLIFFORD | Times]

According to the incident report from the Sheriff's Office, Thibeault was asked to leave after he tried to record video at the meeting, which violates the association's bylaws.

Scurry and Thibeault have received warnings for violating the rules and failing to pay association dues. But they ignored them. They refuse to recognize the group as a legitimate authority.

The Sea Pines Homeowners Association did not respond to requests for comment.

In the coming months, all parties must attend mediation to figure out what to do with Berg's boat dock. The meeting will give the neighbors a chance to tie up loose ends and figure out how they'll oversee the land going forward, said Scurry's lawyer, Gerdes.

Scurry said he is not confident they'll reach an amicable resolution. It's too hard to cut through all the resentments.

Friends and family question why he's stayed and fought over a piece of land in a neighborhood where he doesn't feel welcomed. He admits, he probably wouldn't have moved to Sea Pines if he knew how bad things would get.

But for Scurry, the case has become about more than just the land.

"This is still America," he said. "Why should I be run out of this place by these people?... Why should they get to do whatever they want?"

If you have a housing horror story of your own, we want to hear about it. Fill out the form below for an opportunity to be featured in the series.

Rebecca Liebson is a reporter covering real estate and housing. She can be reached at rliebson@tampabay.com.

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