

Natalie Hill

From: Virginia Haller
Sent: Thursday, April 20, 2017 9:00 AM
To: Natalie Hill
Subject: FW: transient license 425 Frances St

Please upload this the Transient License Transfer, # 10 on tonight's agenda.
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From: John Wooton [mailto:john.wooton@wwdhe.com]
Sent: Wednesday, April 19, 2017 11:03 PM
To: Virginia Haller <vhaller@cityofkeywest-fl.gov>
Subject: transient license 425 Frances St

My name is John Wooton, the owner of unit 2 of 425 Frances St, and I am writing this email to express my concerns about the proposed reassignment of the transient license that was formerly assigned to 425 Frances St., unit 3. I should first say that I never received any mail notice of this proceeding, but last week when I was in Key West I saw the notice posted on the property.

I spoke with you on the telephone last week and advised that I would be unable to attend the meeting on the 20th of April so I will address my concerns in this email.

425 Frances St is a dwelling that is divided into 3 condominium units, and each unit had a transient license. These units were foreclosed upon in late October or early November 2014. Very shortly before the foreclosure was finalized, the owners sold the transient licenses to Rent Key West Vacations, Inc. on October 22, 2014 according to application exhibit. In early 2015, each unit was subsequently sold to bona fide purchasers for valuable consideration.

However, at that time of the alleged transfer of the transient license, the units were subject to a mortgage lien. This transfer of the transient license was never consented to by the lien holder in violation of City Code Sec. 122-1345.

Additionally, if the transient licenses were held by Ambrosia House Condominium Association and not the individuals who signed the bill of sale and assignment, it would have required the consent of the condominium association. This transient license was not assigned, but rather pulled off and placed into an unassigned category.

This proposed transfer is a transfer from Rent Key West Vacations, Inc. to Carlson Family Trust and fails to address the issue that the alleged transfer of the transient license from 425 Frances St was not proper and thus ineffective. Rent Key West Vacations, Inc. fail to address the issue of the propriety of the transfer where it allegedly obtained this transient license.

Although I own unit 2 and not the unit 3 that is subject of this transfer request, I am concerned that if approval is granted on this unit it may create some precedent for the subsequent attempt to transfer the transient license assigned to my unit.

My position is that the transient license is a part of the property of each unit of 425 Frances St and that this license was subject to the mortgage lien. I believe there was standard language in the mortgage and promissory note between the former owners and the lender. I also believe that the valuation of the property included the value of price of the transient license. The lienholder had a lien interest in the property including the transient license. The lienholder foreclosed and took the entire interest in all 3 units of 425 Frances St, including the transient licenses. When the lienholder acquired the property through foreclosure and then sold the property to the subsequent buyer, the lienholder assigned all interest in the property, including the transient license to the buyers of each unit of 425 Frances St.

Although I may not rent my unit on a transient basis, I believe the right to the transient licenses at 425 Frances St. belong to the owners of each unit, and not to Rent Key West Vacations, Inc.

Thus Rent Key West Vacations, Inc. has no right to transfer these transient licenses.

I would urge the City of Key West to insure that the initial transfer of these transient licenses was indeed proper and in accordance with the City Code. I would also urge the City of Key West to restore the rights to these transient licenses to the rightful owners, that is, the current owners of units 1, 2, and 3 of 425 Frances St.

If you have any questions, please contact me.
Thank you

John D Wootton
Owner of 425 Frances St, #2
304 255 2188