Wade Morgan

417 Elizabeth st Rear

Key West, FL 33040

My name is Wade Morgan, I own 417 Elizabeth st rear. My property abuts the rear of 712 Eaton St.

June 2018 Richard Pesce bought 712 Eaton st. He hired an unlicensed contractor to tear down a rotten pergola structure that had a pergola open framing roof with an overhang of 2.3 ' and tried to build a new larger structure with no overhang back to the same point so he could say it has always been there. A criminal act of trying to steal or overtake someone else's land. Apparently 165' deep lot is not enough or Richard. The men who tore down the pergola have affidavits with the city of Key West stating they tore the pergola down and built a new structure. He screwed up and built it 2.8 'over on to my property according to my survey with no overhang, using a different footprint, enclosed gable roof, different 3d image, thus this is not an existing structure. How do you remove an overhang but end up encroaching further? The answer is you don't, that's not logical. He owns a construction management company so he obviously knows how to read a survey and knew exactly why he did not go try to get a permit for this building. January 24th, 2021 I wrote a letter to Richard explaining he needed to fix the problem and get the building off my land. His lawyer, at this time was Richard Klitnick, he sent me an email explaining that the building had been brought into compliance by cutting off the overhang and that if I pursued this it would cost me over $150,000 with no guaranteed outcome. Basically trying to intimidate me. I went down to the city and immediately filed a code case. I filed this in February 9, 2022.

After that Richard Pesce proceeded to drag my family and I though the mud. The only way he could halt the code case was to sue us civily. Smith/Hawk is the 5th law firm I have gone up against and not one firm has made a valid defense. Richard Pesce will do anything and everything to drag out the case and have it cost more money in hopes I would drop out. I have 3 beautiful young daughters that wish they had a college fund but that was spent defending our property from Richard pesce. On December 22nd, 2022 the adverse possession case (#2022-CA-

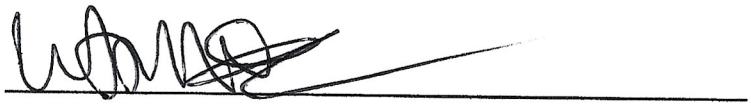
304-k) was dismissed with prejudice meaning he can't file this claim again. Then the smith law firm appealed the lower court's decision knowing it would just buy them more time and cost me more money to have to defend. On May 22nd, 2024 the district court of appeal affirmed the lower court's decision.

Next Richard Pesce entered into a settlement agreement with the City of Key West in November 20th, 2025, stating that he would apply for a after the fact variance to move the structure on to his property but still in the set back. The variance was denied March 12,2026. The settlement agreement reads that the prosecution of the illegal structure will continue if the variance is denied. On November 21st, 2025 The day after the settlement agreement was signed between the city of key west and Richard pesce I was served with papers stating that Richard Pesce was suing me again civilly for adverse possession quiet title, the same charge that has been dismissed with prejudice. This was done to intimidate me from speaking out at the variance hearing. This is a fraudulent case but that doesn't mean I don't have to hire a lawyer to defend me and they know that. Delay and cost me more money, that is there game.

The building has no inspections at all. Including electrical which make this building a life safety hazard that me and my family have dealt with for many years now. August 27th,2026 Magistrate Yates ruled in the code case #CC2022-00328 that the structure must be removed with a compliance date of Dec 1st,2026. Richard Pesce rents 712 Eaton st out to the public, the structure is within 5 ' of the pool and I cant imagine the liability the city is incurring knowingly allowing this rental to continue. Twice the structure has been deemed a life safety hazard my magistrate Yates and he ordered the power to be disconnected to the structure in the rear. On July 7th ,2026 Ron Wampler, the Chief Building Official went to 712 eaton St to inspect the structure in the rear and witness the breakers being removed so that power to the structure in the rear is not a life safety issue any longer. 3 days later I have a video of the lights on and music playing in the structure in the rear. No other inspection to my knowledge have taken place and the life safety hazard still exists.

Another reason I strongly oppose this appeal is from previous behavior of this owner relating to the structure. When my youngest douhgter was 6 days old, he had a full live band playing in this structure that is 8 ' from our house, live guitar,

drums, base guitar. Police came and made them turn it off, as soon as the police left they started back up playing. I asked due to new baby if they could turn it down or move and they couldn't care. Setbacks have many reasons or purposes and a buffer between neighbors is one of them. We obviously need every buffer we can get in between us and this neighbor. Please deny this appeal of the building permit to move this illegal structure.



9-2-2026

Wade H Morgan

date