

COMPREHENSIVE LEGAL ANALYSIS

Boerner v. Rollins – Landlord–Tenant Dispute

Case No. Pending

Property Address: 2649 Tifton St. S., Gulfport, FL 33711

I. EXECUTIVE SUMMARY

High–stakes landlord–tenant dispute involving multiple statutory violations, documented PTSD following premises security breach, personal property conversion, and pattern of willful misconduct. Case presents compelling factors for maximum statutory and punitive damages, particularly given landlord's status as attorney and documented pattern of negligence and harassment.

II. PARTIES AND JURISDICTION

A. Parties

1. Plaintiff/Tenant:

- Stephen Boerner
- Current Address: 424 North New St, Bethlehem, PA 18018
- Status: Former tenant with documented PTSD
- Current Location: Pennsylvania resident (diversity jurisdiction factor)

2. Defendant/Landlord:

- Luther J. Rollins, Jr.
- Business: Amarlu Enterprises
- Address: 231 Government Ave. S.W., #3097, Hickory, NC 28603
- Status: Licensed attorney and property owner
- Current Location: North Carolina resident (diversity jurisdiction factor)

B. Jurisdiction Analysis

1. Primary Jurisdiction Options:

- Florida County Court (property location)
- Federal Court (diversity jurisdiction)

2. Amount in Controversy:

- Base Claims: \$8,700
- Potential Maximum: Exceeds \$250,000
- Supports either jurisdiction

3. Venue Analysis:

- Property Location: Pinellas County, Florida
- Incident Location: Same
- Most Witnesses: Florida–based

III. CHRONOLOGICAL TIMELINE OF CRITICAL EVENTS

A. Initial Lease Period (2023)

1. Lease Commencement:

- Date: October 2023
- Terms: 12-month lease
- Rent: \$4,500 monthly
- Security Deposit: \$4,500

2. Early Maintenance Issues:

- October 2023: Kitchen sink malfunction
- Multiple attempts to contact landlord
- Resolution: Tenant self-repair (\$15)
- Pattern Establishment: Early negligence indicator

B. Security Incident Period (2024)

1. Break-In Incident (March 26, 2024):

Detailed Communication:

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12:02:55 PM EDT – Boerner to Rollins:

"Hi Luther, we had a break-in last night. We are okay and the man was arrested at 3:30am just this morning. The police were on site, report filed, and charges pressed. Initially, it was "trespassing" per the police but I just found evidence he had intent to steal. So I am calling to alter the charges to include Burglary. And we just now discovered minor damage to one piece of furniture in the house. Easier to talk it all through but I'd like to document this with you so you are fully aware"

3:23:22 PM EDT – Rollins Response:

"Absolutely. Document with the police and take photos. Glad you are okay and the perpetrator was caught. Please call me today when you are available. We've never had any activity like this in the past."

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2. Security Concerns Escalation (March 28, 2024):

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5:59:48 PM EDT – Boerner to Rollins:

[Detailed message regarding perpetrator's criminal history, safety concerns, security camera requests, and gate security issues]

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C. Property Management Communications (September 2024)

1. Property Manager Exchange (September 4, 2024):

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1:06:09 PM EDT – Steinberger: "Hey Stephen do you plan on picking up the rest of the items left or should we get rid of them?"

1:58:36 PM EDT – Boerner: "The garage was closed I was there at 11pm last night"

1:58:59 PM EDT – Boerner: "I could not get to anything"

1:59:37 PM EDT – Boerner: "Nothing was out front and I could see desk chairs in garage just couldn't get to them"

2:04:49 PM EDT – Steinberger: "Okay would you like me to ask Luther to put desk chairs in driveway?"

2:38:00 PM EDT – Boerner: "Was the other non desk chair items put out front and likely taken by someone just so I know if only the desk chairs are left or not"

2:38:21 PM EDT – Boerner: "If it's possible yes please, if it's all gone then just let me know please thank you"

2:57:16 PM EDT – Steinberger: "Okay will do"

3:41:51 PM EDT – Steinberger: "Unfortunately can't help any further. Luther has asked me to cease communication. All future communication will be directly through him."
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D. Security Deposit Dispute Period (October 2024)

1. Claim Timeline:

- Notice Issued: October 1, 2024
- Notice Received: October 5, 2024
- Response Sent: October 18, 2024 (Day 13 of 15-day window)

2. Harassment Pattern (October 2024):

Day One:

- Two phone calls (~2 hours apart)
- Two voicemails
- One text message

Voicemail 1:

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"Hi Stephen this is Luther Rollins your landlord from Florida the Tiston house in Florida I was trying to reach you if you could please give me a call I would appreciate it you can reach you at my cell phone number 3142697670 be available anytime did you call during the day or of an early evening thanks Stephen appreciate it bye-bye..."
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Voicemail 2:

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"You You about Your I I would appreciate it Stephen you can call me at 314269 7670 thanks bye..."

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Text Message:

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"Hi Stephen, I called you a couple times today to discuss the Tenant Response & Dispute you sent to me which I recently received. I hope we could talk (and I believe we are both supposed to) try to resolve amicably. I am available most days this week 9:00am-ish till about 10pm. Thanks! Luther"

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Day Two:

- One phone call
- One voicemail

Voicemail 3:

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"Hey Stephen, this is Luther Rollins. Give me a call. It's about noon about lunchtime. Say on Wednesday, Stephen, please give me a call Try to talk to you about resolving this dispute But you've indicated we have regarding The condition of the house there in Gulfport and also Security Security deposit and these items that you've indicated that were personal property items that you left there Give me a call Steven like to try to work out something amicable with you First step might be for you and I to talk since I haven't heard from you Appreciate Appreciate it thanks. Talk to you later bye..."

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[Would you like me to continue with the remaining sections, including detailed statutory analysis, damages calculations, and legal strategy recommendations?]