

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA**

JUAN FABREGA, SR., et al.,

Plaintiffs,

v.

CASE NO. 2023 CA 6103

LARRY J. DAVIS, et al.,

Defendants.

FILED IN
OPEN COURT

MAR 20 2026

MANATEE COUNTY
CLERK OF CIRCUIT COURT
BY: 
DEPUTY CLERK

VERDICT

We, the Jury, return the following verdict:

1. Did one or more of the plats for the Gutierrez Subdivision create an easement for beach access at or near 51st Street?

YES _____ NO _____

If your answer to Question 1 is “yes”, please answer Question 2; if your answer to Question 1 is “no”, please skip Question 2 and answer Question 3.

2. Did one or more deed(s) granting property to the Plaintiffs reference the plat(s) for the Gutierrez Subdivision that created the easement?

YES _____ NO _____

If your answer to Question 2 is “yes”, please skip Question 3 and answer Question 4; if your answer to Question 2 is “no”, please answer Question 3.

3. Did the one or more of the Plaintiffs establish the existence of a prescriptive easement?

YES _____ NO _____

If your answers to Questions 1 and 3 are “no”, please skip Questions 4 through 9 and answer Question 10. If your answer to either Question 2 or 3 is “yes” please answer question 4.

4. Did the easement benefit the property of the following Plaintiffs?

a. Plaintiff(s) taking title by reference to “Plat 3”

YES _____ NO _____

b. Plaintiff(s) taking title by reference to “Plat 2”

YES _____ NO _____

If your answers to Questions 4(a), 4(b) and 4(c) are all “no”, please skip Questions 5 through 9 and answer Question 10. If your answer to any of Questions 4(a), 4(b) or 4(c) is “yes” please answer Question 5.

[CONTINUED NEXT PAGE]

5. Did the one or more of the following Plaintiffs establish the existence of an easement that is beneficial to him or her, and that being deprived of use of the easement would reduce the value of his or her property?

a. Gail Fabrega

YES _____

NO _____

b. Juan Fabrega, Sr.

YES _____

NO _____

c. Denise Kanzler

YES _____

NO _____

d. William "Marty" Grayson

YES _____

NO _____

e. Robert Fabrega, Jr.

YES _____

NO _____

f. Susan Gutierrez

YES _____

NO _____

g. Robert Gutierrez

YES _____

NO _____

Please answer Question 6.

6. Did the Davises establish adverse possession of the easement?

YES _____

NO _____

Please answer question 7.

7. Did the Davises establish that Plaintiffs abandoned the easement?

YES _____

NO _____

Please answer Question 8.

8. Did Plaintiffs suffer loss, injury or damage for removal or destruction of landscaping within the easement that was caused by the Davises?

YES _____

NO _____

If your answer to Question 8 is “no” please skip Question 9 and answer Question 10. If your answer to Question 8 is “yes”, please answer Question 9.

9. Please state the amount of money that will fairly and adequately compensate Plaintiffs for the loss, injury, or damage (in dollars) caused by the Davises’ removal and/or destruction of Plaintiffs’ landscaping within the easement:

\$ _____

Please answer Question 10.

10. Did the Davises suffer damages for removal or destruction of landscaping within the easement that was caused by one or more of the Plaintiff(s)?

YES _____

NO _____

If your answer to Question 10 is “no”, your verdict is complete, and you should not proceed further except to date and sign this verdict form and return it to the courtroom. If your answer to Question 10 is “yes” please answer question 11.

11. State the percentage of any fault (total must be 100%) of the following Plaintiff(s), which was a legal cause of loss, injury or damage to the Davises, that you charge to:

- a. Juan Fabrega, Sr. _____%
- b. Gail Fabrega _____%
- c. Daniel Smeester _____%
- d. Susan Gutierrez _____%
- e. Juan C. Fabrega, Jr. _____%
- f. Leticia Pureza _____%
- g. Jane Wilkins _____%
- h. Vera Christenson _____%
- i. Carol Pequeen _____%
- j. Cynthia L. Griffin _____%
- k. Gregory A. Griffin _____%
- l. Kathy Kotovsky _____%
- m. Kevin Slachciak _____%
- n. Ride the Tide 51st LLC _____%
- o. James Kanzler _____%
- p. Denise Kanzler _____%
- q. Robert Allen Gutierrez _____%
- r. Monique Gutierrez _____%

- s. William Grayson, individually and as Trustee of the Grayson Family Trust _____%
- t. Kathryn Grayson Mattay _____%
- u. Janes House LLC _____%
- v. Kimberly Dobson _____%
- w. Jennifer Pullen _____%
- x. Brent Pullen _____%
- y. Sun Daze Properties, LLC _____%
- z. Richard Brady and Joan Brady as Trustees of the Brady Living Trust _____%
- aa. BDK Futures LLC _____%
- bb. 125 52nd St LLC _____%
- cc. Blue Coconut LLC _____%
- dd. Jose Curbelo _____%
- ee. Concepcion Curbelo _____%
- ff. City of Holmes Beach _____%
- gg. 535 Inc. _____%
- hh. Thomas Eakins Land and Cattle LLC _____%
- ii. TKW Beach LLC _____%
- jj. Joseph Pacarella _____%
- kk. Debra A. Pascarella _____%

ll. Ryan J. Serra and Jennifer L Serra as Trustees of the Ryan J. Serra and Jennifer L Serra Trust dated December 03, 2020

_____ %

mm. Victor Mattay

_____ %

Total must be 100%

Please answer Question 12.

12. Please state the total amount of money that will fairly and adequately compensate the Davises for the loss, injury, or damage (in dollars) caused by the Plaintiff(s) listed in response to Question 11:

\$ _____

SO, SAY WE ALL this 20th day of March 2026.

Justin Young
FOREPERSON
(Printed name)


FOREPERSON
(signature)