

**IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA**

CASE NO.: 12-034121 (04)

P & S ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership; and S&P
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership, *et al.*,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE TRUST, a
charitable trust, *et al.*,

Defendants.

**PLAINTIFFS' MOTION AND SWORN STATEMENT
FOR SERVICE OF PROCESS UPON DIANE M. DEN BLEYKER BY PUBLICATION**

Plaintiffs S&P ASSOCIATES, GENERAL PARTNERSHIP, P&S ASSOCIATES, GENERAL PARTNERSHIP (“P&S”), and S&P ASSOCIATES, GENERAL PARTNERSHIP (“S&P”), and Philip von Kahle as CONSERVATOR OF S&P AND P&S (“Conservator”), by and through their attorneys, and pursuant to Florida Statute 49.011, et seq., hereby request this Court to allow service of process upon Defendant, Diane M. Den Bleyker (“Den Bleyker”), through service by publication and states as follows:

1. Conservator has made diligent efforts in searching for and acquiring accurate and up-to-date information as to the potential whereabouts of Defendant Den Bleyker.
2. Upon information and belief, Den Bleyker is a natural person over the age of eighteen and is not active in the military service.
3. Plaintiffs have conducted numerous searches through the use of legal search tools such as; Accurint, Lexis/Nexis, Property Appraiser Websites, available on-line search links

through Broward County, Clerk of Courts; which have provided numerous results and identified the following addresses as potential addresses for Den Bleyker:

- a. 185 Fawn Lane, Clarksville, GA 30523, Rabun County;
- b. 14 River Point Drive, Palm Coast, FL 32137, Flagler County; and
- c. 9 Fawn Lane, Clarksville, GA 30523, Rabun County.

4. Despite various attempts to effectuate personal service at the addresses identified in paragraph 3 above, personal service upon Den Bleyker as of the filing of this Motion continues to be unsuccessful.

5. The numerous attempts to effectuate service of process upon Den Bleyker are clearly detailed in the Verified Returns of Service attached hereto as **Composite Exhibit "A"**.

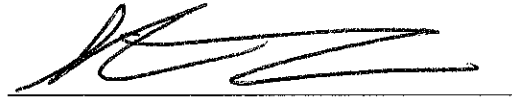
6. It is believed that Bleyker is concealing herself so as to avoid being served with the Amended Complaint filed in this action.

7. Consequently, the Plaintiffs' have been unable to properly effectuate personal service of process upon Den Bleyker after several attempts.

8. Plaintiffs request that this Court allow for service by publication pursuant to Fla. Stat. 49.10 and enter Order allowing notice by publication through the following newspapers of general circulation in Florida (i) the *Daily Business Review*, in Broward County, Florida; and (ii) in the *Palm Coast Observer Newspaper* in Flagler County, Florida. In addition to publication in Georgia via on-line publication database through *Georgia's Statewide Database of Public Notices from Georgia's Legal Organ Newspaper* as well as, *The Clayton Tribune*, in Rabun County, Georgia.

WHEREFORE, Plaintiffs hereby request this Court to allow service upon Defendant, Diane M. Den Bleyker, through service by publication pursuant to Florida Statute 49.011, et seq. and for such other and additional relief this Court finds just and proper.

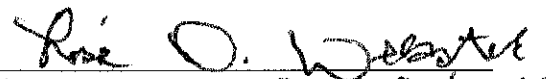
FURTHER AFFIANT SAYETH NAUGHT.



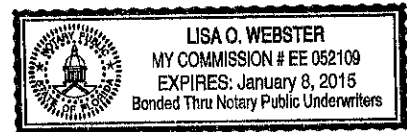
Steven D. Weber

STATE OF FLORIDA)
) ss:
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Steven D. Weber, who is personally known to me and who took an oath, on this 9th day of January, 2014.



Print Name Lisa O. Webster
My Commission Expires: _____
NOTARY PUBLIC
State of Florida
Commission No.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications and regular U.S. mail upon *Pro Se* parties this 9th day of January, 2014 upon the following:

Notice has been electronically mailed to:

Counsel	E-mail Address:
Ana Hesny, Esq.	ah@assoulineberlowe.com ; ena@assoulineberlowe.com
Eric N. Assouline, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Annette M. Urena, Esq.	aurena@dkdr.com ; cmackey@dkdr.com ; service-amu@dkdr.com
Daniel W Matlow, Esq.	dmatlow@danmatlow.com ; assistant@danmatlow.com
Debra D. Klingsberg, Esq.	dklingsberg@huntgross.com
Robert J. Hunt, Esq.	bobhunt@huntgross.com
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Evan Frederick, Esq.	efrederick@mccaberabin.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Evan H Frederick, Esq.	efrederick@mccaberabin.com ; janet@mccaberabin.com ; beth@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com
Mariaelena Gayo-Guitian, Esq.	mguitian@gjb-law.com
Barry P. Gruher, Esq.	bgruher@gjb-law.com
William G. Salim, Jr., Esq.	wsalim@mmsslw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com ; service@mayersohnlaw.com
Joseph P Klapholz, Esq.	jklap@klapholzpa.com ; dml@klapholzpa.com
Joseph P. Klapholz, Esq.	jklap@klapholzpa.com ; dml@klapholzpa.com ;
Julian H Kreeger, Esq.	juliankreeger@gmail.com
L Andrew S Riccio, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Leonard K. Samuels, Esq.	lsamuels@bergersingerman.com ; vleon@bergersingerman.com ; drt@bergersingerman.com
Marc S Dobin, Esq.	service@dobinlaw.com ; mdobin@dobinlaw.com ;

Counsel	E-mail Address:
Michael C Foster, Esq.	mfoster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Michael Casey, Esq.	mcasey666@gmail.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com
Michael R. Casey, Esq.	mcasey666@gmail.com
Brett Lieberman, Esq.	blieberman@messana-law.com
Marc Dobin, Esq.	service@dobinlaw.com
Peter Herman, Esq.	PGH@trippscott.com
Robert J Hunt, Esq.	bohhunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Ryon M McCabe, Esq.	rmccabe@mccaberabin.com ; janet@mccaberabin.com ; beth@mccaberabin.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; nwendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messana, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com

By: s/Leonard K. Samuels
Leonard K. Samuels

Case Info: Case Number: 12-34121(07) County: Broward
State: Florida Court:
Contact: Date Filed:
Caption: MARGARET SMITH, et al., vs. JANET A. HOOKER CHARITABL

Documents: ALIAS SUMMONS, COMPLAINT, AND ATTACHMENTS

Service Information

Party To Be Served: (Actual Service)
DIANE M. DEN BLEYKER
185 FAWN LANE
CLARKESVILLE, GA 30523

Completed:

Server: Brad Robertson

License: Process Server

Type of Service: NON-SERVE - COMMENTS

Comments

Comments for Affidavit:

11/29/2013 4:11 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, made contact with a contractor that was doing work around the residence, he said the defendant is not currently living at the location.

11/23/2013 8:39 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, car in driveway, lights are on, no answer at residence

Comments for Status Report:

11/29/2013 4:11 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, made contact with a contractor that was doing work around the residence, he said the defendant is not currently living at the location.

11/23/2013 8:39 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, car in driveway, lights are on, no answer at residence

Comments for Field Sheet:

11/29/2013 4:11 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, made contact with a contractor that was doing work around the residence, he said the defendant is not currently living at the location.

11/23/2013 8:39 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, car in driveway, lights are on, no answer at residence

Page 2

Comments for Invoice:

11/29/2013 4:11 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, made contact with a contractor that was doing work around the residence, he said the defendant is not currently living at the location.
11/23/2013 8:39 pm Attempted service at 185 FAWN LANE, CLARKESVILLE, GA 30523, car in driveway, lights are on, no answer at residence.

AFFIDAVIT OF NON-SERVICE**UNITED STATES DISTRICT COURT
BROWARD District of FLORIDA**

Case Number: 12-34121(07)



IES2013003421

Plaintiff:
MARGARET SMITH, ET AL

vs.

Defendant:
JANET A. HOOKER CHARITABLE TRUST, ET ALFor:
Thomas M. Messina, Esq.
MESSANA, P.A.
Post Office Drawer 2485
Fort Lauderdale, FL 33303

Received by Cross County Investigative Services, Inc. on the 27th day of June, 2013 at 1:26 pm to be served on
DIANE M. DEN BLEYKER, 14 RIVER POINT DRIVE, PALM COAST, FL 32137.

I, Kevin Whitton, being duly sworn, depose and say that on the 14th day of November, 2013 at 12:25 pm, I:

NON-SERVED the **ALIAS SUMMONS, COMPLAINT, EXHIBIT(S)** for the reason that I failed to find **DIANE M. DEN BLEYKER** or any information to allow further search. Read the comments below for further details.

Additional Information pertaining to this Service:

7/2/2013 2:35 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, MERCEDEZ IN DRIVEWAY TAG #587 OGJ.

7/3/2013 11:25 am Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES.

7/8/2013 12:20 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES. SERVER LEFT A CALLING CARD ON DOOR. MS. DEN BLEYKER HAS BEEN SERVED AT THIS ADDRESS IN THE PAST.

7/9/2013 12:35 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, SERVER SPOKE WITH BROTHER-IN-LAW WHO STATED NEITHER MR. OR MRS. DEN BLEYKER ARE HOME AND HE DOES NOT LIVE HERE. HE STATED HE IS JUST HERE MAKING REPAIRS.

7/10/2013 6:10 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES.

7/11/2013 1:15 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES. SERVER LEFT ANOTHER BUSINESS CARD TO HAVE THE DEN BLEYKERS CALL TO SET UP ANOTHER DATE AND TIME TO SET UP SERVICE. SERVER HAD SPOKEN WITH MR. DEN BLEYKER BY PHONE ON 7/8 AND SERVICE WAS SET TO BE MADE ON 7/9, BUT MR. DEN BLEYKER WAS CALLED OUT OF TOWN UNEXPECTEDLY PER CONVERSATION WITH A RELATIVE ON 7/9. RELATIVE DOES NOT LIVE HERE, JUST HERE MAKING SOME REPAIRS.

7/15/2013 1:15 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, SERVER SPOKE WITH SAME RELATIVE WHO IS MAKING REPAIRS ON HOUSE WHO STATED THE DEN BLEYKERS ARE OUT OF TOWN AND HE DOES NOT KNOW WHEN THEY ARE TO RETURN.

7/18/2013 12:35 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, SERVER SPOKE WITH SAME RELATIVE WHO STATED THE DEN BLEYKER'S ARE EXPECTED BACK ON FRIDAY 7/19, BUT SERVER SHOULD CALL FIRST TO MAKE SURE.

7/22/2013 4:05 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES. SERVER CALLED PHONE NUMBER, NO ANSWER.

7/24/2013 6:45 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES.

7/27/2013 11:30 am Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, NO ANSWER, NO VEHICLES. CALLED PHONE NUMBER NO ANSWER.

7/29/2013 1:50 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, SERVER CALLED PHONE NUMBER FOR THE DEN BLEYKER'S, NO ANSWER. SERVER LEFT A MESSAGE ON VOICEMAIL.

8/22/2013 8:25 am SERVER CALLED PHONE NUMBER FOR MS. DEN BLEYKER, NO ANSWER. SERVER

AFFIDAVIT OF NON-SERVICE for 12-34121(07)

LEFT A MESSAGE ON VOICEMAIL.

8/28/2013 11:30 am SERVER CALLED PHONE NUMBER AGAIN, WENT STRAIGHT TO VOICEMAIL. SERVER LEFT ANOTHER MESSAGE FOR MS. DEN BLEYKER TO CONTACT HIM.

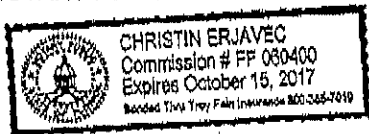
11/14/2013 12:25 pm Attempted service at 14 RIVER POINT DRIVE, PALM COAST, FL 32137, SERVER SPOKE WITH CURRENT OWNER, MR. SWENEY, WHO STATED HE BOUGHT PROPERTY ABOUT 1 MONTH AGO. ALSO STATED HE WAS TOLD FORMER OWNER, MS. DEN BLEYKER, HAS MOVED TO GEORGIA, BUT HE HAS NO IDEA WHERE.

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. F.S. 92.525(2)

Subscribed and Sworn to before me on the 19th day of November, 2013 by the affiant who is personally known to me.

Christin Erjavec

NOTARY PUBLIC



Kevin Whitton

Kevin Whitton
CPS #2011-0922-WHI

Cross County Investigative Services, Inc.
P.O. Box 245715
Pembroke Pines, FL 33024
(954) 963-7751

Our Job Serial Number: IES-2013003421
Ref: 61827

Plaintiff:
MARGARET SMITH, ET AL

vs.

Defendant:
JANET A. HOOKER CHARITABLE TRUST, ET AL

For:
Leonard K. Samuels, Esq.
BERGER SINGERMAN
350 E. Las Olas Blvd.
Suite 1000
Ft. Lauderdale, FL 33301

Received by LEGAL PROCESS SERVICE & INVESTIGATIONS, LLC on the 23rd day of December, 2013 at 2:30 pm to be served on DIANE M. DEN BLEYKER, 9 FAWN LANE, CLARKESVILLE, GA 30523.

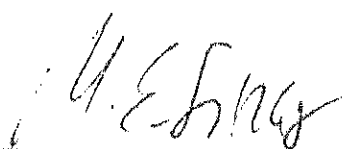
I, Manny Sires, do hereby affirm that on the 1st day of January, 2014 at 2:00 pm, I:

NON-SERVED the **SUMMONS AND COMPLAINT WITH EXHIBITS**. After due search, careful inquiry and diligent attempts was unable to serve on DIANE M. DEN BLEYKER for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

PROCESS SERVER STEVE GREEN ATTEMPTED THE GIVEN ADDRESS BUT IT DOES NOT EXIST. IT APPEARS TO BE AN EMPTY LOT. SNOW CAPPED MOUNTAIN HAS NOT ALLOWED FOR ADDITIONAL ATTEMPTS AT THIS TIME TO 185 FAWN LANE. ATTEMPTS WILL CONTINUE AS SOON AS POSSIBLE.

I do hereby certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. Under penalty of perjury I declare that the facts contained herein are true and correct. NO NOTARY REQUIRED PURSUANT TO F.S. 92.525(S)


Manny Sires

LEGAL PROCESS SERVICE & INVESTIGATIONS,
LLC
8770 SW 72nd Street
#402
Miami, FL 33173
(305) 412-1178
Our Job Serial Number: LIM-2013002748