

**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.

**PLAINTIFF'S MOTION AND SWORN STATEMENT
FOR SERVICE OF PROCESS UPON JONATHAN CROWLEY 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 requests this Court to allow service of process upon Defendant, Jonathan Crowley ("Crowley"), 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, Jonathan Crowley.
2. Upon information and belief, Crowley 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 Crowley. The addresses are as follows:

- a. 5911 SW 41st Street, Apartment B2, Davie, FL 33314, Broward County;
- b. 616 SE 19th Street, Fort Lauderdale, FL 33316, Broward County;
- c. 240 Old Stockbridge Road, Lenox, MA 01240, Berkshire County; and
- d. 4921 NW 52nd Street, Tamarac, FL 33319, Broward County.

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

5. To the extent that we were able to obtain them prior to the filing of this Motion, attempts to effectuate service of process upon Crowley are detailed in the Verified Returns of Service attached hereto as Composite Exhibit "A".

6. It is believed that Crowley is concealing himself 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 Crowley 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) *The Berkshire Eagle* in Berkshire County, Massachusetts.

WHEREFORE, Plaintiffs, hereby request this Court to allow service upon Defendant, Jonathan Crowley, 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.

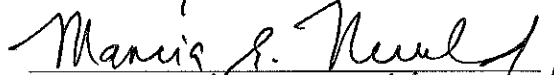
FURTHER AFFIANT SAYETH NAUGHT.



Steven D. Weber

STATE OF FLORIDA)
) ss:
COUNTY OF BROWARD)

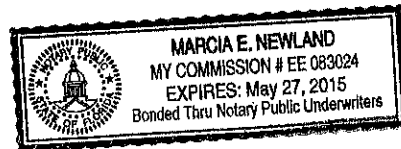
BEFORE ME, the undersigned authority, personally appeared Steven D. Weber, who is personally known to me and who took an oath, on this 9th day of January, 2014.


Print Name Marcia E. Newland

My Commission Expires: _____

NOTARY PUBLIC
State of Florida
Commission No.

5399767.1



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

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

DOCKET # - 12-34121 (07)

MARGARET SMITH et al

Plaintiff (s)

vs.

JANEY A. HOOKER CHARITABLE TRUST, et al

Defendant (s)

STATE OF MASSACHUSETTS, COUNTY OF BERKSHIRE ss:

Robert K. MacKay being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the Commonwealth of Massachusetts.

That on OCTOBER 8, 2013, at 10:30 a.m., at 240 OLD STOCKBRIDGE ROAD, LENOX, MA 01240 made diligent search the within ALIAS SUMMONS; COMPLAINT & AGREED ORDER RESOLVING PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY INJUNCTION on JONATHAN CROWLEY, DEFENDANT, therein named.

A INDIVIDUAL By personally delivering to and leaving with said _____ a true copy thereof and that he knew the person so served to be the person mentioned and described in said _____

B CORPORATION By delivering to and leaving with _____ at _____ MA and that he knew the person so served to be the _____ of the corporation.

C SUITABLE AGE PERSON *Service was made in the following manner after your deponent was unable with due diligent to serve the defendant in person* By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion at _____, MA, the said premises being the defendants -- DWELLING PLACE within the Commonwealth of Mass.

D AFFIXING TO DOOR By affixing a true copy thereof to the door of said premises, the same being the defendant's place of business within the Commonwealth of Massachusetts.

E MAILING use with C or D Deponent completed service under the last two sections by depositing a copy of the in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the Commonwealth of Massachusetts.

F PREVIOUS ATTEMPTS use with D Deponent had previously attempted to serve the above named defendant/respondent

G DILIGENT SEARCH Deponent had previously attempted to serve the above named defendant/respondent to no avail because AS PER NEIGHBOR, THE HOUSE WAS TORN DOWN 2 YEARS AGO, AND IT IS NOW AN EMPTY LOT. SHE NEVER HEARD OF JONATHAN CROWLEY.

DESCRIPTION age weight height gender color skin color hair other

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government on active duty in the military service in the Commonwealth of Massachusetts and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant / respondent therein. Your deponent is over the age of 18 years and is not a party to this action

Sworn to before me this day, OCTOBER 8, 2013

Justin Kane
Justin Kane

My Commission expires on July 31, 2020

Robert K. MacKay

Robert K. MacKay, Constable

VERIFIED RETURN OF SERVICE

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO. 12-34121 (07)
Complex Litigation Unit

Margaret Smith, et al.,

Plaintiff,

v.

Janet A Hooker Charitable Trust, et al.,

Defendants.

At the Request of: Michael Moecker & Associates, Inc.

Received by Rogue Intelligence Services Corp. on the 16th day of July, 2013.

To be served on: Jonathan Crowley, 616 SE 19th St. Fort Lauderdale, Florida 33316

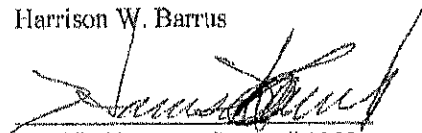
I, Harrison W. Barrus, do hereby affirm that on the 23rd day of July, 2013 at 4:04 PM, I executed service by delivering a true copy of this Alias Summons, and Complaint in accordance with state statutes in the manner marked below:

- INDIVIDUAL SERVICE: service on the within named person.
 SUBSTITUTE SERVICE: by serving
 POSTED SERVICE: after attempting service on ___ / ___ / ___ at ___ and ___ / ___ / ___ at ___
service was posted in a conspicuous place on the property described herein.
 NON SERVICE: see comments below.

Comments: Bad Address. The current resident who does not speak English, Jorge Lopez, and his brother, have been there 4 ½ months.

I certify that I am over the age of 18 and have no interest in the above action and that I am a Special process server in good standing in the judicial circuit in which the process was served.
Notary not required pursuant to Florida Statute § 92.525.

Harrison W. Barrus


Certified Process Server # 1322

Affidavit Date: 07/24/2013