

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

CASE NO.: 12-034121 (07)

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.

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**PLAINTIFFS' MOTION FOR CLERK'S ENTRY OF  
DEFAULT AS TO DEFENDANT EDNA A. PROFE REV. LIV. TRUST**

Plaintiffs, P & S Associates, General Partnership ("P&S"), and S & P Associates, General Partnership ("S&P") (collectively and individually referred to as, the "Partnerships") and Phillip Von Kahle, as Conservator of P&S and S&P (collectively with the Partnerships, the "Plaintiffs"), by and through their undersigned counsel, move for entry of a default by the Clerk against Defendant, Edna A. Profe Rev. Liv. Trust (the "Defendant"), for failure to appear, answer or otherwise plead to Plaintiffs' Complaint.

As reflected by the Verified Return of Service filed with the Clerk, a copy of which is attached hereto as Exhibit A, Defendant was served with the Complaint on June 21, 2013. Pursuant to Fla. R. Civ. P. 1.140, the period for filing papers with this Court has

expired and therefore, Plaintiffs are hereby entitled to a default against Defendant, Edna A. Profe Rev. Liv. Trust.

Respectfully submitted,

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By:     s/ Leonard K. Samuels  
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Florida Bar No. 98581

**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 this 5th day of February, 2014, upon the following:

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

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

CASE NO.: 12-034121 (07)

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.

\_\_\_\_\_ /

**DEFAULT**

Default is hereby entered in this action against the Defendant, EDNA A. PROFE. LIV. TRUST, as named in the foregoing Plaintiffs’ Motion for Clerk’s Entry of Default as to Defendant, Edna A. Profe. Liv. Trust, for failure of said Defendant to serve or file an answer or responsive paper as required by law.

Dated on \_\_\_\_\_

HOWARD C. FORMAN  
As Clerk of the Court

By: \_\_\_\_\_

As Deputy Clerk  
Broward County, Florida  
(Court Seal)

Copies Furnished to:  
Leonard K. Samuels, Esq.

**VERIFIED RETURN OF SERVICE**

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
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 21<sup>th</sup> day of June, 2013.

To be served on: Edna A. Profe Rev. Liv. Trust 1775 NE 52<sup>nd</sup> St. Fort Lauderdale, Florida 33334.

I, Harrison W. Barrus, do hereby affirm that on the 21<sup>st</sup> day of June, 2013 at 6:30 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 Steven F. Jacob.

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:**

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: 06/28/2013

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

MARGARET SMITH, et al.,

Case No. 12-34121(07)  
Complex Litigation Unit

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.

*Handwritten:*  
1322  
6:30 PM  
6-21-13

**ALIAS SUMMONS**

**The State of Florida:**  
To Each Sheriff of the State:

**YOU ARE HEREBY COMMANDED** to serve this Summons and a copy of the Complaint in this action on Defendant:

**Edna A. Profe Rev. Liv. Trust  
1755 NE 52nd Street  
Fort Lauderdale, FL 33334**

Each defendant is required to serve written defenses to the Complaint on the attorneys for Philip J. Von Kahle, the Conservator of the P & S Associates, General Partnership and the S & P Associates, General Partnership ("Plaintiff's Attorney"), to wit, whose address is:

**Thomas M. Messana, Esq.  
Messana, P.A.  
401 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-712-7400**

within **twenty (20) days** after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service of the Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court this \_\_\_\_\_ day of April, 2013.

HOWARD FERRER  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk





### IMPORTANT

A lawsuit has been filed against you. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "plaintiff's attorney" named herein.

### IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la personal denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

### IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour déposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obligee de déposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le delai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.