

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

CASE NO: 12-34121(07)

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of
P&S ASSOCIATES, GENERAL PARTNERSHIP,
and S&P ASSOCIATES, GENERAL PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, *et al*,

Defendants.

DEFENDANTS JUDD'S FIRST REQUEST FOR ADMISSIONS

Pursuant to Fla. R. Civ. P. 1.370, Defendants JAMES JUDD and VALERIE JUDD

("Defendants"), request Plaintiff S&P ASSOCIATES et. al. ("Plaintiff"), to admit the following:

1. Defendant James Judd did not sign Ex. 1 hereto,
2. Pages 1-14 of the Amended and Restated Partnership Agreement, dated December 21, 1994, attached as Ex. B to the Third Amended Complaint, was never given to Defendant James Judd.
3. Pages 1-14 of the Amended and Restated Partnership Agreement, dated December 21, 1994, attached as Ex. B to the Third Amended Complaint, was never given to Defendant Valerie Judd.

4. Neither Sullivan nor Powell ever discussed or ascertained the suitability of either James Judd or Valerie Judd as set forth in §18.05 on page 12 of the Amended and Restated Partnership Agreement of S&P Associates, dated December 21, 1994 (a copy of which is attached as Ex. B to the Third Amended Complaint).
5. All funds distributed to James Judd or Valerie Judd for the Account for Defendants Judd with S&P Associates , were deemed to be “investments” in the Partnership on the books of the Partnership and not “distributions.”
6. Defendants Judd were told that all distributions, which they did not receive as quarterly distributions in 2002, 2003, 2004, 2005, 2006, 2007, were to be “reinvestments” in the partnership.
7. S & P Associates advised Defendants Judd that the balance of their account was:
 - a) \$186,136.31 as of 12/31/2000
 - b) \$205,390.28 as of 12/31/2001
 - c) \$223,843.12 as of 9/30/2002
 - d) \$151,845.07 as of 12/31/2004
 - e) \$159,245.51 as of 9/30/2005
 - f) \$113,562.96 as of 12/31/2007
8. S & P Associates advised Defendants Judd that there was a realized gain for their account of:
 - a) \$24,314.13 for the year of 2001
 - b) \$22,095.00 for the period ending 9/30/2002
 - c) \$9,292.91 for the period ending 9/30/2005
 - d) \$1,577.16 for the period ending 3/31/2008
9. Defendants Judd were told by S&P Associates that the income not distributed quarterly was considered an investment.

10. That all the money paid to Defendants Judd was a return on investment capital.
11. The amounts paid by S & P Associates to Defendants Judd between 2001 and 2008 were paid in amounts specifically requested by the Judds from time to time that were not related to specific distributions of income by S & P Associates.

Dated this 26th day of March, 2014

/s/Julian H. Kreeger
JULIAN H. KREEGER, P.A.
Florida Bar No. 098595
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon Leonard Samuels, Esq. of BergerSingerman and counsel identified below registered to receive electronic notifications and regular U.S. mail upon Pro Se parties this 26th day of March, 2014 upon the following:

Notice has been electronically mailed to:

Counsel E-mail Address:

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By: /s/Julian H. Kreeger
JULIAN H. KREEGER
F.B.N.: 098595

Complete #1, #2, and Exhibit A and mail this page only with check made payable to "S&P Associates, G/P" to:

**S & P ASSOCIATES, General Partnership
c/o SULLIVAN & POWELL
6550 N. Federal Hwy., Suite 210
Ft. Lauderdale, FL 33308-1404**

- 1) The parties hereto have executed this Agreement by the signature and date set forth below.
(sign and date)

James Judd

Date: _____

Date: 7/14/2000

Date: _____

Date: _____

- 2) **Please check one of the following:**

_____ I elect to receive my distributions on a quarterly basis (payable at 12%).

I elect to have my quarterly distribution reinvested in the Partnership.

*paid
7/24/00*

EXHIBIT A (Title of Your Account)

Name, Address Telephone # and Fax #	Soc. Sec. # or Federal ID#	Capital Contribution
<u>James Judd + Valerie</u> <u>Bruce Judd</u> <u>2421 Barcelona Drive</u> <u>Ft Lauderdale FL</u> <u>33301</u>	<u>944-28-4582</u>	<u>100 K</u>
<u>tel 954 467 2721</u> <u>954 462-2334</u>	<u>123-62-3565</u>	_____
_____	_____	_____
_____	_____	_____