

**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.

**PLAINTIFFS' MOTION FOR DEFAULT FINAL JUDGMENT
AGAINST DEFENDANT, EDNA A. PROFE REVOCABLE TRUST**

Plaintiffs, P & S Associates, General Partnership ("P&S"), S & P Associates, General Partnership ("S&P"), (collectively referred to as, the "Partnerships"), and Philip Von Kahle as Conservator on behalf of the Partnerships (the "Conservator", and collectively with the Partnerships, the "Plaintiffs"), by and through undersigned counsel and pursuant to Rule 1.500 of the Florida Rules of Civil Procedure, hereby move this Court for entry of a Default Final Judgment against Defendant, Edna A. Profe Revocable Trust (the "Defendant"), for her failure to

file any responsive pleading or paper in this action, or otherwise assert any defense to this action, and in support of the Motion, Plaintiffs state as follows:

1. On or about July 21, 2013, Defendant was served with process in this action. A true and correct copy of the Affidavit of Service is attached hereto as Exhibit "A".

2. Defendant, despite being served with process, has failed to file or serve any responsive paper in this action within the twenty (20) days of service.

3. As a result, on or about February 5, 2014, the Clerk of this Court entered a Default against Edna A. Profe Revocable Trust (the "Defendant"). A true and correct copy of the Clerk's Default is attached hereto as Exhibit "B".

4. Accordingly, the allegations contained in the Complaint are deemed to be admitted by the Defendant.

5. Plaintiffs seek a final default judgment against Defendant, Edna A. Profe Revocable Trust for damages in the amount of \$112,538.76, plus prejudgment interest in the amount of \$6,440.00.

6. In support of this Motion, an Affidavit of Indebtedness attesting to how this final judgment sum was derived, signed by Philip J. Von Kahle, Conservator of P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P"), is attached hereto as Exhibit "C".

WHEREFORE, the Plaintiffs hereby respectfully request this Court enter a Final Judgment against Defendant, Edna A. Profe Revocable Trust, in the amount of \$112,538.76, plus

prejudgment interest in the amount of \$6440.00, and grant and all such other relief as the Court deems just and appropriate.

Respectfully Submitted,

BERGER SINGERMAN, LLP

Attorneys for Plaintiffs

350 East Las Olas Blvd, Suite 1000

Fort Lauderdale, FL 33301

Telephone: (954) 525-9900

Direct: (954) 712-5138

Facsimile: (954) 523-2872

By: s/Leonard K. Samuels

Leonard K. Samuels

Florida Bar No. 501610

Etan Mark

Florida Bar No. 720852

Steven D. Weber

Florida Bar No. 47543

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 7th day of April, 2014 upon the following:

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
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Ryon M. McCabe, Esq.	rmccabe@mccaberabin.com ; e-filing@mccaberabin.com ; beth@mccaberabin.com
Evan H. Frederick, Esq.	efrederick@mccaberabin.com ; e-filing@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@mmsslaw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com ; service@mayersohnlaw.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 ;
Michael C Foster, Esq.	mfoster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com ; kmc@bunnellwoulfe.com
Louis Reinstein, Esq.	pleading@LJR@bunnellwoulfe.com

Counsel	E-mail Address:
Michael R. Casey, Esq.	mcasey666@gmail.com
Peter Herman, Esq.	PGH@trippscott.com
Robert .J Hunt, Esq.	bohunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.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
Nadira Joseph	njoseph@moecker.com

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

EXHIBIT "A"
AFFIDAVIT OF SERVICE

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 21st day of June, 2013.

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

I, Harrison W. Barrus, do hereby affirm that on the 21st 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

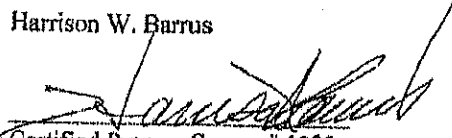
POSTED SERVICE: after attempting service on / / at and / / at
service was posted in a conspicuous place on the property described herein.

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

Rogue Intelligence Services Corp. • 11099 NW 24th St. Suite 11 33332 • (954) 701-4139

License # C 2900076 • Agency # A1100053

Harrison Barrus • hwb@rogueintelligence.com

www.rogueintelligence.com

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.

1300
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:

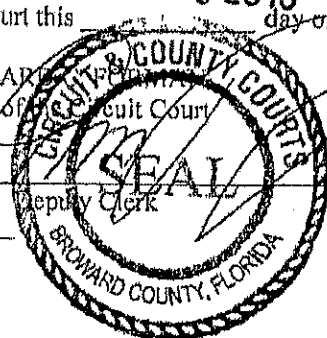
Thomas M. Mossana, Esq.
Messana, P.A.
401 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
954-712-7400

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 06 day of April, 2013.

HOWARD
Clerk of Circuit Court

By: _____
Deputy Clerk



MAY 06 2013

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 Días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría 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 guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá 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 été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

EXHIBIT "B"
CLERK'S DEFAULT

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

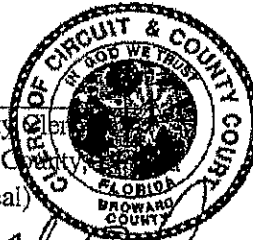
Default is hereby entered in this action against the Defendant, EDNA A. PROFE. LIV. TRUST, as named in the foregoing Plaintiffs' Motion for Clerk's Entry of Default as to Defendant, Edna A. Profe. Liv. Trust, for failure of said Defendant to serve or file an answer or responsive paper as required by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

Dated on FEB 05 2014

HOWARD C. FORMAN
As Clerk of the Court

By: _____

As Deputy Clerk
Broward County
(Court Seal)



Howard C. Forman
HOWARD C. FORMAN

Copies Furnished to:
Leonard K. Samuels, Esq.

EXHIBIT "C"
AFFIDAVIT OF INDEBTEDNESS

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.

**AFFIDAVIT OF INDEBTEDNESS IN SUPPORT OF
MOTION FOR FINAL DEFAULT JUDGMENT**

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Philip J. Von Kahle, who
deposes and states:

1. I, Philip J. Von Kahle, am above the legal age of majority and otherwise
competent to make this affidavit. I make this affidavit of my own personal knowledge, except
where otherwise indicated, and have personal knowledge of the facts contained in this Affidavit
because I am the Conservator of P&S Associates, General Partnership ("P&S") and S&P
Associates, General Partnership ("S&P").

2. I have examined the books, records and documents kept by P&S and S&P
concerning the investments made by Defendant, Edna A. Profe Rev. Liv. Trust (the


"Defendant"). These records are maintained in the ordinary course of the business of S&P and P&S, and I am responsible for their maintenance or oversee their maintenance. As such, I am intimately familiar with the amount of money that Edna A. Profe Rev. Liv. Trust invested in S&P and how much money Edna A. Profe Rev. Liv. Trust received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Edna A. Profe Rev. Liv. Trust, invested \$225,000.00 in S&P and received \$337,538.76. Edna A. Profe Rev. Liv. Trust received \$112,538.76 in excess of her capital contribution with S&P. Accordingly, Edna A. Profe Rev. Liv. Trust is obligated to pay \$112,538.76 to S&P.

4. To be as conservative as possible, I have calculated prejudgment interest from the date of my appointment through April 3, 2014, at a rate of 4.75% per annum (daily rate of .0130137%). The amount of prejudgment interest due and owed totals \$6,440.00. Accordingly, Edna A. Profe Rev. Liv. Trust owes a total of \$118,978.76 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$118,978.76.

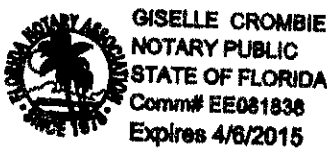
FURTHER AFFIANT SAYETH NAUGHT



Phillip J. Von Kahle

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

BEFORE ME, the undersigned authority, on 1 of April, 2014, personally appeared Phillip von Kahle who states after being sworn that the foregoing is true based upon his personal knowledge, information and belief. He is personally known to me or has produced _____ as identification.



Notary Public, State of Florida
Commission No. EE081838
My Commission expires: 4/6/2015
