

**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, JANET A. HOOKER CHARITABLE 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, Janet A. Hooker Charitable 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 December 27, 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 Janet A. Hooker Charitable 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, Janet A. Hooker Charitable Trust for damages in the amount of \$859,880.41, plus prejudgment interest in the amount of \$49,236.99.

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, Janet A. Hooker Charitable Trust, in the amount of \$859,880.31,

plus prejudgment interest in the amount of \$49,236.99, and grant and all such other relief as the Court deems just and appropriate.

Respectfully Submitted,

BERGER SINGERMAN, LLP

Attorneys for Plaintiffs

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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:

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Nadira Joseph	njoseph@moecker.com

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

EXHIBIT "A"
AFFIDAVIT OF SERVICE

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: 12-34121 (07)

Plaintiff:
MARGARET SMITH, ET AL

vs.

Defendant:
JANET A. HOOKER CHARITABLE TRUST, ET AL

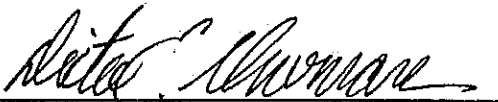
For:
Leonard K. Samuels, Esq.
BERGER SINGERMAN
350 E. Las Olas Blvd.
Suite 1000
Ft Lauderdale FL 33301

Received by LEGAL PROCESS SERVICE & INVESTIGATIONS LLC on the 23rd day of December, 2013 at 2:30 pm to be served on JANET A. HOOKER CHARITABLE TRUST, 1600 MARKET STREET, PHILADELPHIA, PA 19103.

I, Mike Battaglia, do hereby affirm that on the 27th day of December, 2013 at 12:33 pm, I:

SUBSTITUTE served by delivering a true copy of the SUMMONS AND COMPLAINT WITH EXHIBITS with the date and hour of service endorsed thereon by me, to JAIN SAWICKIJ as AUTHORIZED AGENT, a person employed therein and authorized to accept service for JANET A. HOOKER CHARITABLE TRUST at the address of: 1600 MARKET STREET, PHILADELPHIA, PA 19103, the within named person's usual place of Work, in compliance with State Statutes

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(5)


Sworn to and subscribed before me
this 31 day of DEC 2013.


Mike Battaglia
Process Server

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
DIETER E. NEWMAN, Notary Public
City of Philadelphia, Phila. County
My Commission Expires December 2, 2017

LEGAL PROCESS SERVICE & INVESTIGATIONS,
LLC
8770 SW 72nd Street
#402
Miami, FL 33173
(305) 412-1178
Our Job Serial Number: LIM-2013002747

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

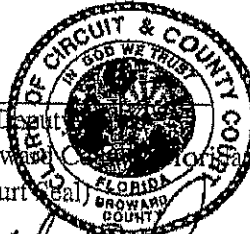
Default is hereby entered in this action against the Defendant, JANET A. HOOKER CHARITABLE TRUST, as named in the foregoing Plaintiffs' Motion for Clerk's Entry of Default as to Defendant, Janet A. Hooker Charitable Trust, for failure of said Defendant to serve or file an answer or responsive paper as required by law.

Dated on FEB 05 2014

HOWARD C. FORMAN
As Clerk of the Court

By: _____

As Deputy
Broward County Clerk
(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,
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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, Janet A. Hooker Charitable 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 Janet A. Hooker Charitable Trust invested in S&P and how much money Janet A. Hooker Charitable Trust received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Janet A. Hooker Charitable Trust, invested \$4,000,000.00 in S&P and received \$4,859,880.41. Janet A. Hooker Charitable Trust received \$859,880.41 in excess of her capital contribution with S&P. Accordingly, Janet A. Hooker Charitable Trust is obligated to pay \$859,880.41 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 \$49,236.99. Accordingly, Janet A. Hooker Charitable Trust owes a total of \$909,117.40 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$909,117.40.


FURTHER AFFIANT SAYETH NAUGHT



Philip J. Von Kahle

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

BEFORE ME, the undersigned authority, on 1st of April, 2014, personally appeared Philip 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.

 **GISELLE CROMBIE**
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE081838
Expires 4/6/2015

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

