

**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 DEFAULT FINAL JUDGMENT  
AGAINST DEFENDANT, JULIANNE M. JONES**

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, Julianne M. Jones (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 20, 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 Julianne M. Jones (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, Julianne M. Jones for damages in the amount of \$72,144.10, plus prejudgment interest in the amount of \$4,130.93.

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, Julianne M. Jones, in the amount of \$72,144.10, plus prejudgment

interest in the amount of \$4,130.93, and grant and all such other relief as the Court deems just and appropriate.

Respectfully Submitted,

BERGER SINGERMANN, 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:

<b>Counsel</b>	<b>E-mail Address:</b>
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By: s/Leonard K. Samuels  
Leonard K. Samuels

EXHIBIT "A"  
AFFIDAVIT OF SERVICE

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AFFIDAVIT OF SERVICE

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

Index #: 12-34121(07)  
Date Filed: \_\_\_\_\_  
Court Date: \_\_\_\_\_  
Assigned Justice: \_\_\_\_\_

ATTORNEY(S): : PH:  
ADDRESS: File No.: 61821

MARGARET SMITH ET AL

vs.

JANET A HOOKER CHARITABLE TRUST ET AL

Plaintiff

Defendant

STATE OF NEW YORK , COUNTY OF SUFFOLK SS.:  
MICHAEL DELCORE, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On Saturday, July 20, 2013 at 4:15 PM at 42 MECHANIC STREET, HUNTINGTON, NY 11743 deponent served the within

ALIAS SUMMONS AND COMPLAINT

on: JULIANNE M. JONES

Defendant therein named.

#1 SUITABLE AGE PERSON  By delivering a true copy of each to JOHN DOE, CO-TENANT a person of suitable age and discretion. Said premises is recipient's: [ ] actual place of business [X] dwelling house (usual place of abode) within the state.

#2 MAIL COPY  On 7/25/2013, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope not indicating that mailing was from an attorney or concerned legal action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail #:

#3 DESCRIPTION  A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
(use with #1, 2 or 3) Sex: Male Color of skin: White Color of hair: Brown Age: 56 Height: 5ft4in-5ft8in  
Weight: 161-200 lbs Other Features:

#4 WIT. FEES [ ] \$ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#5 MILITARYSRVC  Your deponent asked person spoken to whether the defendant was in the active military service of the United States or N. Y. State and received a negative reply. Upon information and belief I have, being based on the conversation and observations above narrated, defendant is not in the military service.

#6 OTHER

Sworn to before me on 7/25/2013

SUSAN CORTINA  
Notary Public, State of New York  
No. 01CO8047608, Qualified in Suffolk County  
Term Expires September 5, 2014



MICHAEL DELCORE

Server's Lic #  
Invoice/WorkOrder 2029936

CROSS COUNTY INVESTIGATIVE SERVICES, INC., BOX 245715 PEMBROKE PINES, FL 33024

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

MARGARET SMITH, et al.,  
Plaintiffs,

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

vs.

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

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:

Julianne M. Jones  
1817 SE Deming Avenue  
Port St. Lucie, FL 34952-4928

SBS  
7-20-13 4:15 PM  
Michael Delcore

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:

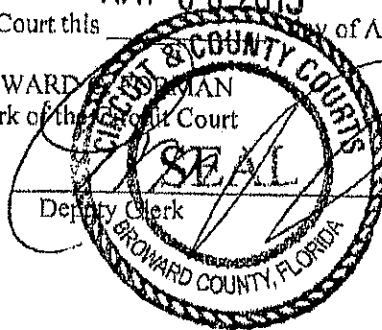
Thomas M. Messana, Esq.  
Messana, P.A.  
401 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-712-7400

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 DEEMAN  
Clerk of the Court

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



CROSS COUNTY 954.963.7751



CCIS@BELLSOUTH.NET



### 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 deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obligé de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommés ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai 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 deposer vous-meme une reponse ecrite, il vous faudra également, 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.

EXHIBIT "B"  
CLERK'S DEFAULT

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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

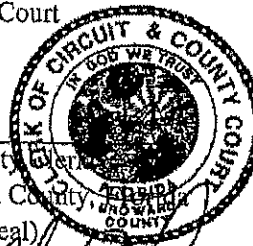
Default is hereby entered in this action against the Defendant, JULIANNE M. JONES, as named in the foregoing Plaintiffs' Motion for Clerk's Entry of Default as to Defendant, Julianne M. Jones, for failure of said Defendant to serve or file an answer or responsive paper as required by law.

Dated on FEB 05 2014

HOWARD C. FORMAN  
As Clerk of the Court

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

As Deputy Clerk  
Broward County, Florida  
(Court Seal)



*Howard C. Forman*  
HOWARD C. FORMAN

Copies Furnished to:  
Leonard K. Samuels, Esq.

EXHIBIT "C"  
AFFIDAVIT OF INDEBTEDNESS

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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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**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, Julianne M. Jones (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 Julianne Jones invested in S&P and how much money Julianne M. Jones received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Julianne M. Jones, invested \$219,826.83 in S&P and received \$291,970.93. Julianne M. Jones received \$72,144.10 in excess of her capital contribution with S&P. Accordingly, Julianne M. Jones is obligated to pay \$72,144.10 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 \$4,130.93. Accordingly, Julianne M. Jones owes a total of \$76,275.03 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$76,275.03.

**FURTHER AFFIANT SAYETH NAUGHT**



Philip J. Von Kahle

STATE OF FLORIDA        }  
                                      }  
COUNTY OF BROWARD    }

BEFORE ME, the undersigned authority, on 1<sup>st</sup> of April, 2014, personally appeared Philip von Kaniel 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

