

**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, LISA RYAN**

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, Lisa Ryan (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 June 28, 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 Lisa Ryan (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, Lisa Ryan for damages in the amount of \$79,381.11, plus prejudgment interest in the amount of \$4,545.38.

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, Lisa Ryan, in the amount of \$79,381.11, plus prejudgment

interest in the amount of \$4,545.38, 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

Affidavit of Process Server

SEVENTEENTH JUDICIAL CIRCUIT FOR BROWARD COUNTY, FLORIDA

(NAME OF COURT)

MARGARET SMITH

vs

JANET A. HOOKER CHARITABLE TRUST 12-34121(07)

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, JIM FLEMING

being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served LISA RYAN

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) ALIAS SUMMONS, COMPLAINT, EXHIBITS

by leaving with SHELLY KAMINER-SISTER (ACCEPTED FOR LISA RYAN, DECEASED)

AI

Residence 28084 HENDRIE BLVD., HUNTINGTON WOODS, MI 48070

NAME

RELATIONSHIP

ADDRESS

CITY / STATE

Business

ADDRESS

CITY / STATE

On 6-28-13

AT 12:15 PM

DATE

TIME

Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

ZIP

Manner of Service:

Personal: By personally delivering copies to the person being served.

Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 YRS. and explaining the general nature of the papers.

Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

Unknown at Address Moved, Left no Forwarding Service Cancelled by Litigant Unable to Serve in Timely Fashion
 Address Does Not Exist Other

Service Attempts: Service was attempted on: (1)

DATE

TIME

(2)

DATE

TIME

(3)

DATE

TIME

(4)

DATE

TIME

(5)

DATE

TIME

Description: Age 50 Sex F Race W Height 5'5" Weight 130 Hair BRN Beard Glasses

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 16TH day of JULY, 2013, by JIM FLEMING

Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

SIGNATURE OF NOTARY PUBLIC

KEVIN MORRIS

NOTARY PUBLIC for the state of

NOTARY PUBLIC - STATE OF MI

COUNTY OF OAKLAND

My Commission Expires May 1, 2017

Serving in the County of Oakland



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:

Lisa Ryan - deceased
26084 Hendrie Boulevard
Huntington Woods, MI 48070-1243

SBS KELLY KAMINVERSTAL
6-28-13 12:58pm
DORN FLEMING

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:

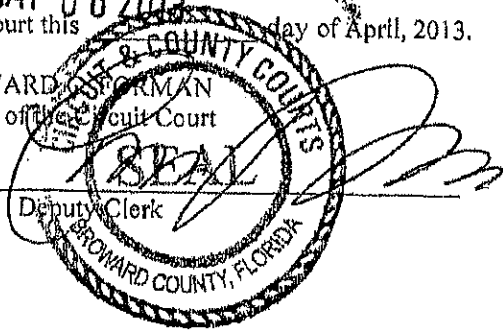
Thomas M. Messana, Esq.
Messana, P.A.
401 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
954-712-7400

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 MAY 06 2013 day of April, 2013.

HOWARD FORMAN
Clerk of the Circuit Court

By: [Signature]
Deputy Clerk



GROSS 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 Días, contados a partir del recibo de esta notificación, 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 guía 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 persona 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 écrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obligé de déposer votre reponse écrite, avec mention du numero 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 reponse écrite 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'autre 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 écrite, il vous faudra également, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme 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.

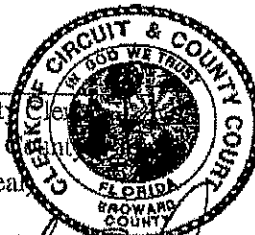
DEFAULT

Default is hereby entered in this action against the Defendant, LISA RYAN, as named in the foregoing Plaintiffs' Motion for Clerk's Entry of Default as to Defendant, Lisa Ryan, 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
(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, Lisa Ryan (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 Lisa Ryan received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Lisa Ryan, invested shares in S&P. Lisa Ryan received \$79,381.11 in excess of her capital contribution with S&P. Accordingly, Lisa Ryan is obligated to pay \$79,381.11 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 \$4,545.38. Accordingly, Lisa Ryan owes a total of \$83,926.49 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$83,926.49.

FURTHER AFFIANT SAYETH NAUGHT


Philip J. Von Kahle

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

BEFORE ME, the undersigned authority, on 1 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 4/8/2015

Notary Public, State of Florida
Commission No. EE081838
My Commission expires: 4/8/2015

