

**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, LOIS GOSS**

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, Lois Goss (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 3, 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 Lois Goss (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, Lois Goss for damages in the amount of \$71,294.81, plus prejudgment interest in the amount of \$4,082.26.

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, Lois Goss, in the amount of \$71,294.81, plus prejudgment

interest in the amount of \$4,082.26, 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:

<b>Counsel</b>	<b>E-mail Address:</b>
Ana Hesny, Esq.	<a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a> ; <a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a>
Eric N. Assouline, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Annette M. Urena, Esq.	<a href="mailto:aurena@dkdr.com">aurena@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:service-amu@dkdr.com">service-amu@dkdr.com</a>
Daniel W. Matlow, Esq.	<a href="mailto:dmatlow@danmatlow.com">dmatlow@danmatlow.com</a> ; <a href="mailto:assistant@danmatlow.com">assistant@danmatlow.com</a>
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Joanne Wilcomes, Esq.	<a href="mailto:jjwilcomes@mccarter.com">jjwilcomes@mccarter.com</a>
Etan Mark, Esq.	<a href="mailto:emark@bergersingerman.com">emark@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a> ; <a href="mailto:lyun@bergersingerman.com">lyun@bergersingerman.com</a>
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Marc S Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a> ; <a href="mailto:mdobin@dobinlaw.com">mdobin@dobinlaw.com</a> ;
Michael C Foster, Esq.	<a href="mailto:mfoster@dkdr.com">mfoster@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:kdominguez@dkdr.com">kdominguez@dkdr.com</a>
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Robert J Hunt, Esq.	<a href="mailto:bohunt@huntgross.com">bohunt@huntgross.com</a> ; <a href="mailto:sharon@huntgross.com">sharon@huntgross.com</a> ; <a href="mailto:eservice@huntgross.com">eservice@huntgross.com</a>
Steven D. Weber, Esq.	<a href="mailto:sweber@bergersingerman.com">sweber@bergersingerman.com</a> ; <a href="mailto:lwebster@bergersingerman.com">lwebster@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Thomas J. Goodwin, Esq.	<a href="mailto:tgoodwin@mccarter.com">tgoodwin@mccarter.com</a> ; <a href="mailto:nwendt@mccarter.com">nwendt@mccarter.com</a> ; <a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
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Nadira Joseph	<a href="mailto:njoseph@moecker.com">njoseph@moecker.com</a>

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

EXHIBIT "A"  
AFFIDAVIT OF SERVICE

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# RETURN OF SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: 12-34121

Plaintiff:

Margaret Smith, et al

vs.

Defendant:

Janet A. Hooker Charitable Trust, et al

For:

Thomas Messana  
Messana, P.A.  
401 E. Las Olas Blvd.  
Suite 1400  
Ft. Lauderdale, FL 33301

Received by Cross County Investigative Services, Inc on the 25th day of June, 2013 at 12:22 pm to be served on Lois Goss, 1471 Sungate Dr., Apt. 314, Orlando, FL 34746.

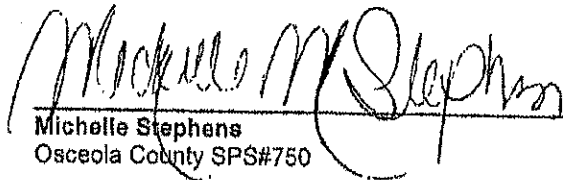
I, Michelle Stephens, do hereby affirm that on the 3rd day of July, 2013 at 12:15 pm, I:

**SUBSTITUTE SERVED** the within named person by delivering a true copy of the **Alias Summons and Complaint with Exhibits** with the date and hour of service endorsed thereon by me, at their usual place of abode, to a person residing therein who is fifteen (15) years of age or older to wit: **Jesse Goss co-tenant**, at the address of **1471 Sungate Dr., Apt. 314, Kissimmee, FL 34746**, and informing said person of the contents therein, pursuant to F.S. 48.031 (1).

**Additional Information pertaining to this Service:**

1471 Sungate Dr., Apt. 314, Orlando, FL 34746 is a non-existent address. Verified with USPS.

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true and correct, that I am a **Sheriff's Appointed** process server in the county in which service was effected in accordance with Florida Statutes and I have no interest in the above action. Pursuant to F.S. 92.525(2), no notary is required.

  
Michelle Stephens  
Osceola County SPS#750

Cross County Investigative Services, Inc  
P.O. Box 245715  
Pembroke Pines, FL 33024  
(954) 963-7751

Our Job Serial Number: LAB-2013012672

Service Fee: \_\_\_\_\_



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.

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:

Lois Goss  
1471 Sungate Drive, Apt. 314  
Orlando, FL 34746-6566  
KISSIMMEE

SBS - Judge Good  
statement  
7-3-13 12:18 PM  
Michelle Stephens  
#150

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:

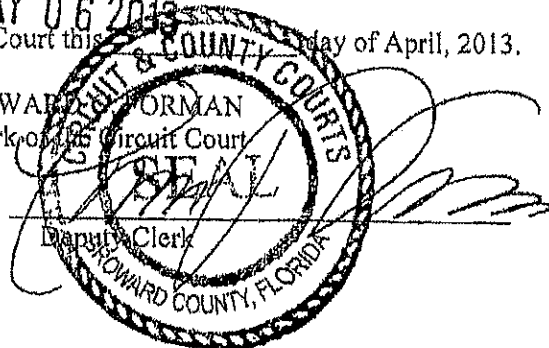
Thomas M. Messana, Esq.  
Messana, P.A.  
401 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-712-7400

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



CROSS COUNTY 954.963.7751  
CCIS@BELLSOUTH.NET  
AB



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

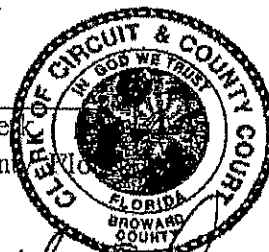
DEFAULT

Default is hereby entered in this action against the Defendant, LOIS GOSS, as named in the foregoing Plaintiffs' Motion for Clerk's Entry of Default as to Defendant, Lois Goss, 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

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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, Lois Goss (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 Lois Goss invested in S&P and how much money Lois Goss received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Lois Goss, invested \$48,705.19 in S&P and received \$120,000.00. Lois Goss received \$71,294.81 in excess of her capital contribution with S&P. Accordingly, Lois Goss is obligated to pay \$71,294.81 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 \$4,082.26. Accordingly, Lois Goss owes a total of \$75,377.07 to S&P, inclusive of interest.

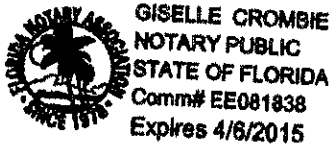
5. S&P is therefore entitled to a final default judgment in the amount of \$75,377.07

**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 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  
