

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO: 12-34121 (07)
Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of
P&S ASSOCIATES, GENERAL
PARTNERSHIP, and S&P ASSOCIATES,
GENERAL PARTNERSHIP,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE TRUST,
et al,

Defendants

**MOTION TO QUASH SERVICE OF PROCESS
AND VACATE CLERK'S DEFAULT**

Defendant, JULIANNE MATARAGAS, by and through undersigned counsel, files this Motion to Quash Service of Process and Vacate Clerk's Default for failure to comply with Florida Statute §48.031, and states:

1. Defendant was never properly served with a Summons in this case and therefore the Clerk's Default should not have been entered (see Affidavit attached hereto).
2. Accordingly, the Defendant was not required to respond to the Complaint.
3. The Court lacks jurisdiction over this Defendant.

WHEREFORE, Defendant requests an order quashing the service of process and vacating the Clerk's Default which was entered against her, and for all further relief as this Court deems just and proper.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-filing to Leonard K. Samuels, Esq., Etan Mark, Esq., Steven D. Weber, Esq., at Berger Singerman LLP, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL 33301, lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com, this 3rd day of June, 2014.

TRIPP SCOTT, P.A.
Counsel for Defendant
JULIANNE M. JONES
110 SE 6th, St, 15th Fl.
Fort Lauderdale, FL 33301
Phone 954 525 7500
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By: s/Peter G. Herman
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AFFIDAVIT OF JULIANNE MATARAGAS

STATE OF NEW YORK

COUNTY OF Duval

I, JULIANNE MATARAGAS, being first duly sworn on oath, deposes and states:

1. My name is Julianne Mataragas and I make this affidavit on personal knowledge of the matters herein.

2. I have never been personally served with a summons concerning this case.

3. According to the Alias Summons filed as an exhibit to the Motion for Final Default Judgment, it indicates under paragraph #3, the description of the person being served or spoken to on behalf of defendant was a white male with brown hair, age 56, weight 161-200 lbs, height 5' 4"-5' 8". The description in #3 is not the description of my husband and I have personal knowledge that he was not served with the summons.

4. Also, the Alias Summons filed as an exhibit to the Motion for Final Default Judgment is addressed to Julianne M. Jones at 1817 S.E. Deming Avenue, Port St. Lucie, Florida, which was my mother's address; however, it is not my address. My mother's name is Theresa Mataragas and she died in 2004.

which was my mother's address; however, it is not my address. My mother's name is Theresa Mataragas and she died in 2004.

5. I ultimately received a copy of the complaint via mail.

FURTHER AFFIANT SAYETH NAUGHT

Julianne Mataragas
JULIANNE MATARAGAS

SWORN TO and subscribed before me this 3rd day of June
2014.

[Signature]
Notary Public

NOTARY STAMP.

KATHLEEN M. MCGOFF
Notary Public, State of New York
No. 01MC6165102
Qualified in Suffolk County
Commission Expires June 30, 2015
Suffolk, NY