

**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 CLERK'S ENTRY OF DEFAULT  
AS TO DEFENDANT GREGG WALLICK**

Plaintiffs P & S Associates, General Partnership ("P&S"), S & P Associates, General Partnership ("S&P") (collectively, the "Partnerships"), Margaret J. Smith, as Managing General Partner of the Partnerships, by and through undersigned counsel, moves for entry of a default by the Clerk against Defendant, Gregg Wallick (the "Defendant"), for failure to appear, answer or otherwise plead to Plaintiffs' Complaint.

As reflected by the Verified Return of Service filed with the Clerk, a copy of which is attached hereto as Exhibit A, Defendant was served with the Complaint on June 25, 2013. Pursuant to Fla. R. Civ. P. 1.140, the period for filing papers with this Court has

expired and therefore, Plaintiffs are hereby entitled to a default against Defendant, Gregg Wallick.

Respectfully submitted,

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## **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 11th day of July, 2014, upon the following:

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

## **EXHIBIT “A”**

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**VERIFIED RETURN OF SERVICE**

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

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

Margaret Smith, et al.,

Plaintiff,

v.

Janet A Hooker Charitable Trust, et al.,

Defendants.

At the Request of: Michael Moecker & Associates, Inc.

Received by Rogue Intelligence Services Corp. on the 21<sup>th</sup> day of June, 2013.

To be served on: Gregg Wallick 11901 SW 3<sup>rd</sup> St. Plantation, Florida 33325.

I, Harrison W. Barrus, do hereby affirm that on the 25<sup>th</sup> day of June, 2013 at 7:00 PM, I executed service by delivering a true copy of this Alias Summons, and Complaint in accordance with state statutes in the manner marked below:

☒ (X) INDIVIDUAL SERVICE: service on the within named person.

☐ () SUBSTITUTE SERVICE: by serving .

☐ () POSTED SERVICE: after attempting service on \_\_\_ / \_\_\_ / \_\_\_ at \_\_\_ and \_\_\_ / \_\_\_ / \_\_\_ at \_\_\_ service was posted in a conspicuous place on the property described herein.

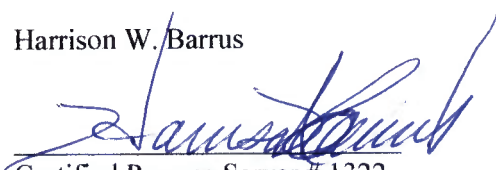
☐ () NON SERVICE: see comments below.

**Comments:**

I certify that I am over the age of 18 and have no interest in the above action and that I am a Special process server in good standing in the judicial circuit in which the process was served.

Notary not required pursuant to Florida Statute § 92.525.

Harrison W. Barrus

  
Certified Process Server # 1322

Affidavit Date: 06/28/2013

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

MARGARET SMITH, et al.,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.

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

1322  
7:00PM  
6-25-13

**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:

**Gregg Wallick  
11901 SW 3rd St.  
Plantation, FL 33325**

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**

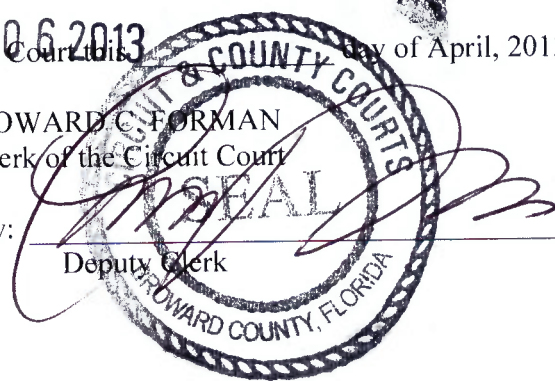
within **twenty (20) days** after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service of the Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will 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 C. FORMAN  
Clerk of the Circuit Court

By:

Deputy Clerk



### 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 oblige de deposer 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 deposer 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.