

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

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

MARGARET J. SMITH as Managing
General Partner of P&S ASSOCIATES,
GENERAL
PARTNERSHIP, a Florida limited
partnership, and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership; P&S ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE
TRUST, a charitable trust, DIANE M. DEN
BLEYKER, an individual, ETTOH LTD., a
Florida limited partnership, JOHN
AND/OR LOIS COMBS, an
individual, ERSICA P. GIANNA, Trustee,
CATHERINE B. & BERRY C. SMITH,
individuals, EDNA A. PROFE REV. LIV.
TRUST, HERBERT IRWIG
REVOCABLE TRUST, HAMPTON
FINANCIAL GROUP, INC ., a Florida
corporation, EDITH ROSEN, an
individual, RICHARD F. AND BETTE
WEST, individuals, GREGG WALLICK,
an individual, JAMES AND VALERIA
BRUCE JUDD, individuals, JULIANNE
M. JONES, an individual, JESSE A. AND

LOIS GOSS, Trustees, LISA RYAN, an individual, GERTRUDE GORDON, an individual, SAM ROSEN, an individual, PARAGON VENTURES, LTD., an Austrian limited partnership
HOLY GHOST FATHERS
INTERNATIONAL FUND #2, a Tax-exempt Organization, SUSAN E. MOLCHAN OR THOMAS A. WHITEMAN, individuals, JANET B. MOLCHAN TRUST DTD 05/19194, ROBERT A. UCHIN REV TRUST, HOLY GHOST FATHERS, COMPASSION FUND, a Tax-exempt Organization, HOLY GHOST FATHERS HG-MOMBASA, a Tax-exempt Organization, HOLY GHOST FATHERS INTERNATIONAL FUND #1, a Tax-exempt Organization, HOLY GHOST FATHERS HG-IRELAND/KENEMA, a Tax-exempt Organization, CONGREGATION OF THE HOLY GHOST - WESTERN PROVIDENCE, a Tax-exempt Organization, ABRAHAM OR RITA NEWMAN, individuals, JOHN J. CROWLEY, and/or JONATHAN CROWLEY, individuals, ALEX E. MOLCHAN TRUST DTD 05/19/94, and ANN OR MICHAEL SULLIVAN, individuals,

Defendants.

NOTICE OF FILING AFFIDAVIT OF JOSEPH GAGLIONE

Defendant, CONGREGATION OF THE HOLY GHOST - WESTERN PROVIDENCE, by and through undersigned counsel, gives Notice of the Filing of the Affidavit of Joseph Gaglione (Exhibit "1").

I HEREBY CERTIFY that a true copy of the foregoing, along with its exhibit, was served by email this 9th day of August, 2013, to:

<p>Thomas M. Messana Messana, P.A. PO Box 2485 Fort Lauderdale, Florida 33303-2485 United States Phone: 954.712.7400 Fax: 954.712.7401 E-Mail: tmessana@messana-law.com Attorney for Plaintiff</p>	<p>Eric N. Assouline Assouline & Berlowe, P A 213 E Sheridan St Ste 3 Dania Beach, Florida 33004-4607 United States Phone: 954.929.1899 Fax: 954.922.6662 E-Mail: ena@assoulineberlowe.com Attorney for Ersica P. Gianna</p>
<p>Etan Mark Berger Singerman LLP 1450 Brickell Ave Ste 1900 Miami, Florida 33131-3453 United States Phone: 305.755.9500 Fax: 305.714.4340 E-Mail: emark@bergersingerman.com Attorney for Plaintiff</p>	

Respectfully Submitted,
/s/ Marc S. Dobin
Marc S. Dobin
Florida Bar No. 997803
Jonathan T. Lieber
Florida Bar No. 92837
service@DobinLaw.com
Dobin Law Group, PA
500 University Boulevard
Suite 205
Jupiter, Florida 33458
561-575-5880; 561-246-3003 - Facsimile
Attorneys for Congregation of the Holy Ghost -
Western Providence

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

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

MARGARET J. SMITH as Managing
General Partner of P&S ASSOCIATES,
GENERAL
PARTNERSHIP, a Florida limited
partnership, and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership; P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE
TRUST, a charitable trust, DIANE M.
DEN BLEYKER, an individual, ETTOH
LTD., a Florida limited partnership, JOHN
AND/OR LOIS COMBS, an
individual, ERSICA P. GIANNA,
Trustee, CATHERINE B. & BERRY C.
SMITH, individuals, EDNA A. PROFE
REV. LIV. TRUST, HERBERT IRWIG
REVOCABLE TRUST, HAMPTON
FINANCIAL GROUP, INC., a Florida
corporation, EDITH ROSEN, an
individual, RICHARD F. AND BETTE
WEST, individuals, GREGG WALLICK,
an individual, JAMES AND VALERIA
BRUCE JUDD, individuals, JULIANNE
M. JONES, an individual, JESSE A. AND
LOIS GOSS, Trustees, LISA RYAN, an
individual, GERTRUDE GORDON, an
individual, SAM ROSEN, an individual,

Exhibit "1"

PARAGON VENTURES, LTD., an Austrian limited partnership
 HOLY GHOST FATHERS INTERNATIONAL FUND #2, a Tax-exempt Organization, SUSAN E. MOLCHAN OR THOMAS A. WHITEMAN, individuals, JANET B. MOLCHAN TRUST DTD 05/19194, ROBERT A. UCHIN REV TRUST, HOLY GHOST FATHERS, COMPASSION FUND, a Tax-exempt Organization, HOLY GHOST FATHERS HG-MOMBASA, a Tax-exempt Organization, HOLY GHOST FATHERS INTERNATIONAL FUND #1, a Tax-exempt Organization, HOLY GHOST FATHERS HG-IRELAND/ KENEMA, a Tax-exempt Organization, CONGREGATION OF THE HOLY GHOST - WESTERN PROVIDENCE, a Tax-exempt Organization, ABRAHAM OR RITA NEWMAN, individuals, JOHN J. CROWLEY, and/or JONATHAN CROWLEY, individuals, ALEX E. MOLCHAN TRUST DTD 05/19/94, and ANN OR MICHAEL SULLIVAN, individuals,

Defendants.

AFFIDAVIT OF _____

I, Joseph Gaglione, under penalties of perjury, state as follows:

1. My name is Joseph Gaglione I am over the age of eighteen years of age and

competent to testify to the matters set forth in this Affidavit. I have personal knowledge of the matters set forth in this Affidavit.

2. I am the former treasurer for the Congregation of the Holy Ghost -

Western Province.

3. On November 13, 2012, the Congregation of the Holy Ghost - Western Province

received a demand letter from Margaret J. Smith, the Managing General Partner of P&S Associates, General Partnership. A copy of the demand letter and corresponding attachment is attached hereto as Exhibit "A".

4. As former treasurer, I personally received and reviewed the demand letter

that was addressed to the Congregation of the Holy Ghost - Western Province.

5. The demand letter stated that a review of the Partnership's books and records as of December 31, 2008 indicated that the Congregation of the Holy Ghost - Western Province received excess distributions totaling \$182,532.35. Attached to the demand letter was a detailed account statement of the funds contributed and disbursed from the Congregation of the Holy Ghost - Western Province's capital account from December 1992 through December 2008.

6. A review of the account statement demonstrated that the Congregation of the Holy Ghost - Western Province contributed \$100,000 to the Partnership on December 20, 1995, and another \$100,000 on October 22, 1996. The statement also demonstrated that the Congregation of the Holy Ghost - Western Province received its first distribution on January 6, 1997. Based on my review of the demand letter and account statement, it was determined that the

last of the distributions to the Congregation of the Holy Ghost - Western Province was made on January 31, 2003.

7. Thus, a review of the account statement attached to the demand letter indicates that during the period from December 20, 1995 to January 31, 2003, the Congregation of the Holy Ghost - Western Province contributed \$200,000 to the Partnership and received \$382,532.35 in distributions. According to the account statement that was received in connection with the demand letter, no distribution was received by the Congregation of the Holy Ghost - Western Province during the last ten years.

8. Under penalty of perjury I state that the foregoing is true and correct. I am aware that if any statement made by me is false, I am subject to punishment.

Leo Jack Spina, P/W
August 9, 2013

By: _____



GLASSRATNER

November 13, 2012

Congregation of the Holy Ghost - Western Providence
1700 West Alabama Street
Houston, TX 77087

Re: **P&S Associates, General Partnership**
Case No.: 12-24051

Dear Sir or Madam:

Please be advised that on August 29, 2012, Michael D. Sullivan resigned and Margaret J. Smith was appointed as Managing General Partner of P&S Associates, General Partnership ("P&S" or the "Partnership"). Pursuant to ¶8.02 of the Amended and Restated Partnership Agreement dated December 1994, "the Managing General Partner [is] authorized and empowered to carry out and implement any and all purposes of the Partnership" including but not limited to (d) "to take any actions and to incur any expense on behalf of the Partnership that may be necessary or advisable in connection with the conduct of the Partnership's affairs".

Review of the Partnership books and records as of December 31, 2008 indicates you received funds in excess of contributions totaling **\$182,532.35**. Enclosed for your reference as **Exhibit A** is the detail of the funds contributed and funds disbursed from your capital account from December 1992 through December 2008. The immediate return of funds totaling \$182,532.35 to P&S is hereby requested.

To encourage a speedy and effective resolution of this matter prior to the commencement of litigation against you, we will accept **\$164,279.12** in full satisfaction of the amount claimed, if paid within 10 calendar days of the date of this letter. This represents a 10% discount of the amount which the Partnership may sue you for if this matter is not resolved as set forth above.

Accordingly, we demand payment of **\$164,279.12** in immediately available U.S. funds within 10 calendar days of the date of this letter, payable to:

Berger Singerman, LLP Trust Account
Attn: Etan Mark, Esq.
1450 Brickell Avenue
Suite 1900
Miami, FL 33131

In the absence of a timely, conforming payment, Berger Singerman, on behalf of P&S, will take appropriate action, including the filing of a Complaint seeking recovery of all sums due, plus interest and costs of collection.

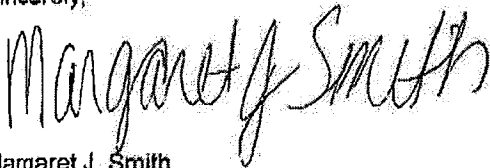
Exhibit "A"

November 13, 2012

Page 2

Be assured that we want to treat everyone fairly and to minimize the cost of responding to this demand letter for return of funds. Should you wish to do so, we are willing to schedule a call or meeting with you to discuss this matter. However, because time is of the essence, and to avoid litigation, we must receive either payment, a request for a timely call or meeting or an explanation (**including** copies of **all** cancelled checks, wire transfer advices and relevant agreements) of why you do not owe the sum demanded within 10 calendar days of this letter. If we elect to forbear from the commencement of litigation, entry into an acceptable tolling agreement may be required. To discuss this matter further, you may contact me via email at msmith@glassratner.com or by phone at 305-358-6092.

Sincerely,



Margaret J. Smith
msmith@glassratner.com

P & S Associates, General Partnership

General Partner Statement - Cash Basis

Bank	Account	Transferor/ Transferee	Statement Clearing Date	Check #	General Partner	Funds Received	Funds Disbursed	Net Funds Received (Disbursed)
S.O.A.	3-907867-3		12/20/95		Congregation of the Holy Ghost - Western Providence	\$ 100,000.00	\$ -	
S.O.A.	3-907867-14		10/22/96		Congregation of the Holy Ghost - Western Providence	100,000.00	-	
S.O.A.	3-907867-3		01/08/97	1418	Congregation of the Holy Ghost - Western Providence	-	5,539.53	
S.O.A.	3-907867-3		04/04/97	1431	Congregation of the Holy Ghost - Western Providence	-	6,258.76	
S.O.A.	3-907867-3		07/03/97	1445	Congregation of the Holy Ghost - Western Providence	-	6,446.46	
S.O.A.	3-907867-17		10/08/97	1463	Congregation of the Holy Ghost - Western Providence	-	6,672.05	
S.O.A.	3-907867-3		01/05/98	1474	Congregation of the Holy Ghost - Western Providence	-	6,657.59	
S.O.A.	3-907867-3		04/06/98	1492	Congregation of the Holy Ghost - Western Providence	-	6,508.72	
S.O.A.	3-907867-3		07/08/98	1504	Congregation of the Holy Ghost - Western Providence	-	6,656.37	
SouthTrust	39-078-673		10/07/98	1606	Congregation of the Holy Ghost - Western Providence	-	6,808.00	
SouthTrust	39-078-673		01/14/99	1617	Congregation of the Holy Ghost - Western Providence	-	6,745.43	
SouthTrust	39-078-673		04/21/99	1630	Congregation of the Holy Ghost - Western Providence	-	6,689.29	
SouthTrust	39-078-673		07/19/99	1649	Congregation of the Holy Ghost - Western Providence	-	6,838.82	
SouthTrust	39-078-673		10/22/99	1664	Congregation of the Holy Ghost - Western Providence	-	7,102.15	
SouthTrust	39-078-673		01/18/00	1679	Congregation of the Holy Ghost - Western Providence	-	7,074.41	
SouthTrust	39-078-673		04/17/00	1692	Congregation of the Holy Ghost - Western Providence	-	6,990.49	
SouthTrust	39-078-673		07/17/00	1710	Congregation of the Holy Ghost - Western Providence	-	7,096.08	
SouthTrust	39-078-673		10/18/00	1727	Congregation of the Holy Ghost - Western Providence	-	7,156.58	
SouthTrust	39-078-673		01/11/01	1740	Congregation of the Holy Ghost - Western Providence	-	7,071.63	
SouthTrust	39-078-673		04/11/01	1758	Congregation of the Holy Ghost - Western Providence	-	6,838.46	
SouthTrust	39-078-673		07/13/01	1778	Congregation of the Holy Ghost - Western Providence	-	6,975.46	
SouthTrust	39-078-673		10/29/01	1794	Congregation of the Holy Ghost - Western Providence	-	7,007.58	
SouthTrust	39-078-673		01/24/02	1813	Congregation of the Holy Ghost - Western Providence	-	6,896.61	
SouthTrust	39-078-673		04/23/02	1836	Congregation of the Holy Ghost - Western Providence	-	6,821.75	
SouthTrust	39-078-673		07/16/02	1854	Congregation of the Holy Ghost - Western Providence	-	6,686.72	
SouthTrust	39-078-673		07/16/02	1863	Congregation of the Holy Ghost - Western Providence	-	217,000.00	
SouthTrust	39-078-673		01/23/03	1909	Congregation of the Holy Ghost - Western Providence	-	9,477.41	
SouthTrust	39-078-673		01/31/03	1913	Congregation of the Holy Ghost - Western Providence	-	516.00	
Congregation of the Holy Ghost - Western Providence Total						\$ 200,000.00	\$ 382,532.35	\$ (182,532.35)

DRAFT
Privileged and Confidential