

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

CASE NO. 12-034123

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.

MICHAEL D. SULLIVAN, an individual, STEVEN
JACOB, an individual, MICHAEL D. SULLIVAN &
ASSOCIATES, INC., a Florida corporation, STEVEN F.
JACOB, CPA & ASSOCIATES, INC., a Florida
corporation, FRANK AVELLINO, an individual,
MICHAEL BIENES, an individual, KELCO
FOUNDATION, INC., a Florida Non Profit
Corporation, and VINCENT T. KELLY, an individual,

Defendants.

JOINT MOTION TO SUBSTITUTE PARTY

Philip J. Von Kahle (the "Conservator"), as Conservator for P&S Associates,
General Partnership ("P&S") and S&P Associates, General Partnership ("S&P")
(together, the "Partnerships"), and Margaret Smith, as former court-approved Managing
General Partner of the Partnerships ("Smith"), by and through undersigned counsel,
pursuant Florida Rule of Civil Procedure 1.260 file this Agreed Motion to Substitute
Party (the "Motion"), and in support thereof states as follows:




8. Accordingly, this Court ought to authorize the replacement of Smith with Philip J. Von Kahle, as Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership, as a party plaintiff, pursuant to Fla. R. Civ. P. 1.260.

9. Smith joins in support of the relief sought in this Motion.

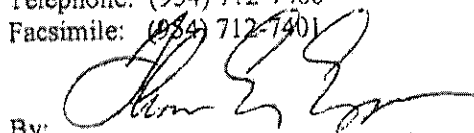
WHEREFORE, the Conservator requests that the Court enter an Order replacing Smith with Philip J. Von Kahle, as Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership, as a party plaintiff in the instant action pursuant to Fla. R. Civ. P. 1.260, directing the Clerk to revise the docket to reflect such change, and granting such other relief as the Court deems just and proper.

Dated: August 27, 2013

By: 
Philip J. von Kahle
Conservator

By: 
Margaret Smith

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SERVICE LIST

Smith v. Sullivan
Case No. 12-034123 (04)

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