

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

P & S ASSOCIATES, GENERAL  
PARTNERSHIP and S & P ASSOCIATES,  
GENERAL PARTNERSHIP,

Case No: 12-028324(07)  
Complex Litigation Unit

Plaintiffs,

vs.

ROBERTA P. ALVES,  
et al.,

Defendants.

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ANSWER AND DEFENSES  
OF DEFENDANTS SUSAN E. MOLCHAN OR THOMAS A. WHITEMAN, JANET B.  
MOLCHAN TRUST DTD 05/19/94 AND ALEX E. MOLCHAN TRUST DTD 05/19/94  
TO THIRD AMENDED COMPLAINT

Defendants SUSAN E. MOLCHAN OR THOMAS A. WHITEMAN (collectively, "SUSAN MOLCHAN"), JANET B. MOLCHAN TRUST DTD 05/19/94 ("JANET MOLCHAN") and ALEX E. MOLCHAN TRUST DTD 05/19/94 ("ALEX MOLCHAN" and, collectively with SUSAN MOLCHAN and JANET MOLCHAN, the "Defendants"), answer the Third Amended Complaint (the "Complaint") of the Plaintiffs, P&S ASSOCIATES, GENERAL PARTNERSHIP ("P&S") and S&P ASSOCIATES, GENERAL PARTNERSHIP ("S&P"), as follows:

1. The Defendants deny each and every allegation of the Complaint not specifically admitted herein.

2. The Defendants state affirmatively that they are not stakeholders in this action and are not Partners in either S&P or P&S. They never invested any money in or received any distributions from S&P. They are not currently Partners in P&S, having withdrawn from that partnership on or about the following dates, respectively:

ALEX MOLCHAN:           02/10/1998

SUSAN MOLCHAN:        03/16/1999

JANET MOLCHAN:        01/29/2001

Consequently, the Defendants do not claim an interest in the subject property. The balances reflected on their last statements received from P&S were \$0.00. Since they are no longer Partners in P&S, they currently have neither a positive nor a negative capital account balance in P&S. All distributions received by them from P&S were taken in good faith and for a reasonably equivalent value, which consisted of the antecedent debt to them reflected on the books and/or financial records of P&S.

3. Defendant THOMAS A. WHITEMAN, who was a joint account holder with SUSAN MOLCHAN in P&S, further states affirmatively that he was served with process with regard to DANIEL WHITEMAN as a purported defendant in this action, but who is in fact his brother, who does not reside at the same address and was never a Partner in either S&P or P&S. Similarly, he was served with process for ALEXANDER WHITEMAN, another purported defendant in this action, but who was in fact his grandfather, has been deceased since 1995 and was never a Partner in either S&P or P&S.

Dated: September 4, 2013

Respectfully submitted,

Michael R. Casey  
Attorney for Defendants  
SUSAN E. MOLCHAN OR THOMAS A.  
WHITEMAN, JANET B. MOLCHAN TRUST  
DTD 05/19/94 and ALEX E. MOLCHAN  
TRUST DTD 05/19/94  
1831 NE 38<sup>th</sup> Street, #707  
Oakland Park, FL 33308  
Tel. (954) 444-2780  
Email: mcasey666@gmail.com

\_\_\_\_\_/s/\_\_\_\_\_  
Michael R. Casey  
Florida Bar No. 217727

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon counsel for the Plaintiffs by email and hand delivery this 4<sup>th</sup> day of September 2013 to the following address(es):

Messana, P.A.  
401 East Las Olas Blvd., Suite 1400  
Fort Lauderdale, FL 33301  
**Attorneys for Plaintiffs/Conservator**  
tmessana@messana-law.com

\_\_\_\_\_/s/\_\_\_\_\_  
Michael R. Casey