

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

CASE NO.: 12-034121 (07)

P&S ASSOCIATES, GENERAL PARTNERSHIP,
A Florida limited partnership; S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership; Philip von Kahle as Conservator of a
Florida limited partnership; and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE TRUST, a
Charitable trust, *et al.*,

Defendant.

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

Defendant, Gregg Wallick ("WALLICK"), by and through his undersigned counsel, hereby moves this Court for entry of an Order quashing service of process and vacating the Clerk's default entered against him, and in support thereof states:

1. On September 4, 2014, Plaintiff served WALLICK with Plaintiff's Motion for Default Final Judgment Against Defendant, Gregg Wallick (the "Default Motion"). A true and correct copy of the Default Motion is attached hereto as **Exhibit "A."**

2. The Default Motion is the first document that WALLICK ever received in this action. *See* Affidavit of Gregg Wallick attached hereto as **Exhibit "B"** at ¶¶1-3.

3. Specifically, WALLICK was never served with summons or Complaint in this action. *See* Wallick Affidavit at ¶4.

4. Notwithstanding the fact that WALLICK was not served with process in this case, on July 11, 2014, the Clerk entered a Clerk's Default against WALLICK.

5. It appears from a review of the Default Motion and the attachments thereto that the Clerk's Default was premised upon a "Verified Return of Service" which falsely asserts that WALLICK was served with process at 11901 SW 3rd St., Plantation, Florida 33325 (the "Wallick Residence") at 7:00 p.m. on June 25, 2013.

6. Specifically, upon receipt of the Default Motion, WALLICK checked his calendar and confirmed that he was not at the Wallick Residence at 7:00 p.m. on June 25, 2013. Wallick Affidavit at ¶9.

7. As reflected on WALLICK's calendar, on Tuesday, June 25, 2013, at 5:30 p.m., WALLICK had dinner with several acquaintances at Chuck's Steakhouse located at 2428 E. Commercial Blvd, Fort Lauderdale, Florida. Wallick Affidavit at ¶¶10 and 12 and Exhibit "B."

8. From dinner, WALLICK drove to the Community Christian Association located at 5120 N. Federal Highway, Fort Lauderdale, Florida for his regular Men's Christian Bible study class which began at 6:30 p.m. Wallick Affidavit at ¶13.

9. As such, he was not at the Wallick Residence at the time set forth in the return of service.

10. Accordingly, the assertion in the return of service is false and WALLICK was not properly served. Consequently, this Court should vacate the default. *See, e.g. Grosheim v. Greenpoint Mortg. Funding, Inc.*, 819 So.2d 906 (Fla. 4th DCA 2002) (quashing service and vacating default is appropriate where there is a reasonable doubt as to the validity of service of process).

11. Moreover, it is well-established that a "judgment is void where the service of process is so defective that it amounts to no notice of the proceedings." See *Shepherd v. Deutsche Bank Trust Co. Americas*, 922 So.2d 340 (Fla. 5th DCA 2006).

12. As such, this Court should quash the improper service of process and vacate the Clerk's Default.

WHEREFORE, Defendant, GREGG WALLICK, respectfully requests that this Court enter and Order quashing service of process and vacating the clerk's default, and grant such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that in accordance with the Supreme Court of Florida's Administrative Order No. AOSC13-49, a true and correct copy of the foregoing has been filed with the Florida Courts E-Filing Portal on this 16th day of September, 2014, and a copy of same will be sent by the E-Filing Portal via E-Mail to: **Leonard K. Samuels, Esq., lsamuels@bergersingerman.com** Berger Singerman, LLLP, 350 East Las Olas Boulevard, Suite 1000, Ft. Lauderdale, FL 33301; **Thomas M. Messana, Esquire, tmessana@messana-law.com**; and all counsel listed on the attached e-mail list.

DuBosar Navon, PLLC
1800 North Military Trail, Suite 470
Boca Raton, Florida 33431
Phone: (561) 544-8980/Fax: (561) 544-8988

By: /s/ Robert C. Sheres
Howard D. DuBosar
Florida Bar No. 729108
hdubosar@dubosarnavon.com
kdoyle@dubosarnavon.com
Robert C. Sheres
Florida Bar No. 057227
rsheres@dubosarnavon.com
tnovak@dubosarnaon.com

Counsel	E-mail Address:
Ana Hesny, Esq.	ah@assoulineberlowe.com ; ena@assoulineberlowe.com
Eric N. Assouline, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Annette M. Urena, Esq.	aurena@dkdr.com ; cmackey@dkdr.com ; service-amu@dkdr.com
Daniel W. Matlow, Esq.	dmatlow@danmatlow.com ; assistant@danmatlow.com
Debra D. Klingsberg, Esq.	dklingsberg@huntgross.com
Joanne Wilcomes, Esq.	jlwilcomes@mccarter.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Ryon M. McCabe, Esq.	rmccabe@mccaberabin.com ; e-filing@mccaberabin.com ; beth@mccaberabin.com
Evan H. Frederick, Esq.	efrederick@mccaberabin.com ; e-filing@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com
Mariaelena Gayo-Guitian, Esq.	mguitian@gjb-law.com
Barry P. Gruher, Esq.	bgruher@gjb-law.com
William G. Salim, Jr., Esq.	wsalim@mmslaw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com ; service@mayersohnlaw.com
Joseph P. Klapholz, Esq.	jklap@klapholzpa.com ; dml@klapholzpa.com ;
Julian H. Kreeger, Esq.	juliankreeger@gmail.com
L Andrew S Riccio, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Leonard K. Samuels, Esq.	lsamuels@bergersingerman.com ; vleon@bergersingerman.com ; drt@bergersingerman.com
Marc S Dobin, Esq.	service@dobinlaw.com ; mdobin@dobinlaw.com ;
Michael C Foster, Esq.	mfoster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com ; kmc@bunnellwoulfe.com
Louis Reinstein, Esq.	pleading@LJR@bunnellwoulfe.com
Peter Herman, Esq.	PGH@trippscott.com

Counsel	E-mail Address:
Robert J. Hunt, Esq.	bobhunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; nwendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L. Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messana, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P. Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com
Nadira Joseph	njoseph@moecker.com
D. Patricia Wallace, Esq.	pwallace@mathewslp.com ; assistant@wjmlawfirm.com
Walter J. Mathews, Esq.	wjm@mathewslp.com
Brian S. Pantaleo, Esq.	bpantaleo@edwardswild.com

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; S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership; Philip von Kahle as Conservator of
P&S ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership; and S&P
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership,

Plaintiffs,

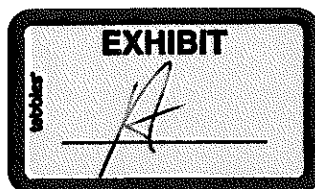
v.

JANET A. HOOKER CHARITABLE TRUST, a
charitable trust, *et al.*,

Defendants.

**PLAINTIFFS' MOTION FOR DEFAULT FINAL JUDGMENT
AGAINST DEFENDANT, GREGG WALLICK**

Plaintiffs, P & S Associates, General Partnership ("P&S"), S & P Associates, General Partnership ("S&P"), (collectively referred to as, the "Partnerships"), and Philip Von Kahle as Conservator on behalf of the Partnerships (the "Conservator", and collectively with the Partnerships, the "Plaintiffs"), by and through undersigned counsel and pursuant to Rule 1.500 of the Florida Rules of Civil Procedure, hereby move this Court for entry of a Default Final



CASE NO.: 12-034121 (07)

Judgment against Defendant, Greg Wallick (the "Defendant"), for its failure to file any responsive pleading or paper in this action, or otherwise assert any defense to this action, and in support of the Motion, Plaintiffs state as follows:

1. On or about June 21, 2013, Defendant, Gregg Wallick was served with process in this action. A true and correct copy of the Affidavit of Service is attached hereto as **Exhibit "A"**.

2. Defendant, despite being served with process, has failed to file or serve any responsive paper in this action within the twenty (20) days of service.

3. As a result, on or about July 11, 2014, the Clerk of this Court entered a Default against Gregg Wallick (the "Defendant"). A true and correct copy of the Clerk's Default is attached hereto as **Exhibit "B"**.

4. Accordingly, the allegations contained in the Complaint are deemed to be admitted by the Defendant.

5. Plaintiffs seek a final default judgment against Defendant, Gregg Wallick for damages in the amount of \$84,974.47, plus prejudgment interest in the amount of \$6,237.84.

6. In support of this Motion, an Affidavit of Indebtedness attesting to how this final judgment sum was derived, signed by Philip J. Von Kahle, Conservator of P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P"), is attached hereto as **Exhibit "C"**.

WHEREFORE, the Plaintiffs hereby respectfully request this Court enter a Final Judgment against Defendant, Gregg Wallick, in the amount of \$84,974.47, plus prejudgment

 **BERGER SINGERMAN**

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

CASE NO.: 12-034121 (07)

interest in the amount of \$6,237.84, and grant and all such other relief as the Court deems just and appropriate.

Respectfully Submitted,

BERGER SINGERMANN, LLP

Attorneys for Plaintiffs

350 East Las Olas Blvd, Suite 1000

Fort Lauderdale, FL 33301

Telephone: (954) 525-9900

Direct: (954) 712-5138

Facsimile: (954) 523-2872

By: s/Leonard K. Samuels

Leonard K. Samuels


Florida Bar No. 501610

Etan Mark

Florida Bar No. 720852

Steven D. Weber

Florida Bar No. 47543

 BERGER SINGERMANN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMANN.COM

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 25th day of August, 2014 upon the following:

Counsel	E-mail Address:
Ana Hesny, Esq.	ah@assoulineberlowe.com; ena@assoulineberlowe.com
Eric N. Assouline, Esq.	ena@assoulineberlowe.com; ah@assoulineberlowe.com
Annette M. Urena, Esq.	aurena@dkdr.com; cmackey@dkdr.com; service-amu@dkdr.com
Daniel W. Matlow, Esq.	dmatlow@danmatlow.com; assistant@danmatlow.com
Debra D. Klingsberg, Esq.	dklingsberg@huntgross.com
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Etan Mark, Esq.	emark@bergersingerman.com; drt@bergersingerman.com; lyun@bergersingerman.com
Ryon M. McCabe, Esq.	rmccabe@mccaberabin.com; e-filing@mccaberabin.com; beth@mccaberabin.com
Evan H. Frederick, Esq.	efrederick@mccaberabin.com; e-filing@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com
Mariaelena Gayo-Guitian, Esq.	mguitian@gjb-law.com
Barry P. Gruher, Esq.	bgruher@gjb-law.com
William G. Salim, Jr., Esq.	wsalim@mmslaw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com; service@mayersohnlaw.com
Joseph P. Klapholz, Esq.	jklap@klapholzpa.com; dmi@klapholzpa.com;
Julian H. Kreeger, Esq.	juliankreeger@gmail.com
L. Andrew S Riccio, Esq.	ena@assoulineberlowe.com; ah@assoulineberlowe.com
Leonard K. Samuels, Esq.	lsamuels@bergersingerman.com; vleon@bergersingerman.com; drt@bergersingerman.com

BERGER SINGERMAN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
 T: 954-525-9900 | F: 954-523-2872 | WWW.BERGERSINGERMAN.COM

Counsel	E-mail Address:
Marc S Dobin, Esq.	service@dobinlaw.com ; mdobin@dobinlaw.com ;
Michael C Foster, Esq.	mfoster@dkdr.com ; emackey@dkdr.com ; kdominguez@dkdr.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com ; kinc@bunnellwoulfe.com
Louis Reinstein, Esq.	pleading@LJR@bunnellwoulfe.com
Peter Herman, Esq.	PGH@trippscott.com
Robert J. Hunt, Esq.	boh hunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; nwendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L. Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messina, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P. Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com
Nadira Joseph	njoseph@moecker.com
D. Patricia Wallace, Esq.	pwallace@mathewslp.com ; assistant@wjmlawfirm.com
Walter J. Mathews, Esq.	wjm@mathewslp.com
Brian S. Pantaleo, Esq.	bpantaleo@edwardswild.com

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

 BERGER SINGERMAN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

EXHIBIT A

VERIFIED RETURN OF SERVICE

IN THE CIRCUIT COURT OF THE 17TH
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 21th day of June, 2013.

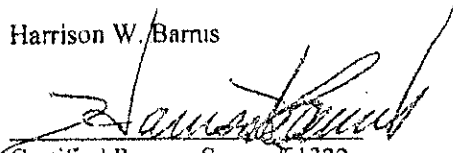
To be served on: Gregg Wallick 11901 SW 3rd St. Plantation, Florida 33325.

I, Harrison W. Barrus, do hereby affirm that on the 25th 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:

- 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

*9/6/2013
- Communist Christian
Federal Highway Association*

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

MARGARET SMITH, et al.,

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

Plaintiffs,

vs.

*1302
7:00 PM
6-25-13*

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.

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:

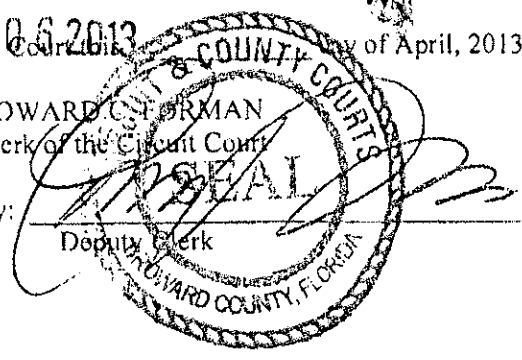
Thomas M. Messana, Esq.
Messana, P.A.
401 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
954-712-7400

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. BERMAN
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 notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría 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 guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá 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 été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

EXHIBIT B

Filing # 15829055 Electronically Filed 07/11/2014 03:52:24 PM

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.

DEFAULT

A default is entered in this action against the defendant GREGG WALLICK, as named in the foregoing motion for failure to serve or file any paper as required by law.

Dated on 7-11-, 2014

HOWARD C. FORMAN
As Clerk of the Court

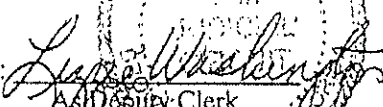
By: 
As Deputy Clerk
Broward County, Florida

EXHIBIT C

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.

**AFFIDAVIT OF INDEBTEDNESS IN SUPPORT OF
MOTION FOR FINAL DEFAULT JUDGMENT**

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Philip J. Von Kahle, who
deposes and states:

1. I, Philip J. Von Kahle, am above the legal age of majority and otherwise
competent to make this affidavit. I make this affidavit of my own personal knowledge, except
where otherwise indicated, and have personal knowledge of the facts contained in this Affidavit
because I am the Conservator of P&S Associates, General Partnership ("P&S") and S&P
Associates, General Partnership ("S&P").

2. I have examined the books, records and documents kept by P&S and S&P
concerning the investments made by Defendant, Gregg Wallick (the "Defendant"). These

records are now maintained in the ordinary course of the business of S&P and P&S, and I am responsible for their maintenance or oversee their maintenance. As such, I am intimately familiar with the amount of money that Gregg Wallick invested in S&P and how much money Gregg Wallick received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Gregg Wallick, personally invested \$1,030,375.00 in S&P and personally received \$1,115,349.47. Gregg Wallick received \$84,974.47 in excess of his capital contribution with S&P. Accordingly, Gregg Wallick is obligated to pay \$84,974.47 to S&P.

4. To be as conservative as possible, I have calculated prejudgment interest from the date of my appointment through August 1, 2014, at a rate of 4.75% per annum (daily rate of .0130137%). The amount of prejudgment interest due and owed totals \$6,237.84. Accordingly, Gregg Wallick owes a total of \$91,212.31 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$91,212.31.

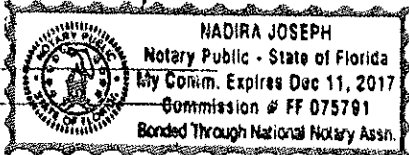
FURTHER AFFIANT SAYETH NAUGHT


Philip J. Von Kahle

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

BEFORE ME, the undersigned authority, on 25th of August 2014, personally appeared [PHILIP VON KAHLE] who states after being sworn that the foregoing is true based upon his personal knowledge, information and belief. He is personally known to me or has produced _____ as identification.

Nadira Joseph
Notary Public, State of Florida
Commission No. _____
My Commission expires: _____



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

CASE NO.: 12-034121 (07)

P&S ASSOCIATES, GENERAL PARTNERSHIP,
A Florida limited partnership; S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership; Philip von Kahle as Conservator of a
Florida limited partnership; and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership

Plaintiffs,

v.

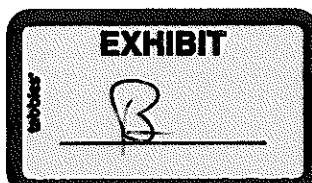
JANET A. HOOKER CHARITABLE TRUST, a
Charitable trust, *et al.*,

Defendant.

**AFFIDAVIT OF GREGG WALLICK IN SUPPORT OF MOTION TO QUASH
SERVICE OF PROCESS AND VACATE CLERK'S DEFAULT**

This day personally appeared before me, the undersigned officer, duly authorized to administer oaths and take acknowledgements, GREGG WALLICK, who, after being by me duly sworn, deposes and says:

1. I am an individual over the age of 18 and attest, under penalty of perjury, that the statements set forth herein are true and correct.
2. On September 4, 2014, I was made aware for the first time that I am a defendant in this action. Specifically, on September 4, 2014, I was served with Plaintiff's Motion for Default Final Judgment Against Defendant, Gregg Wallick (the "Default Motion"). A true and correct copy of the Default Motion is attached hereto as **Exhibit "A."**
3. The Default Motion is the first document that I ever received in this action.
4. I was never served with summons or Complaint in this action.



5. I am a businessman who is familiar with the litigation process and had I been served with the summons and complaint I would have immediately forwarded the same to my counsel to ensure that a response was timely filed.

6. In fact, that is exactly what I did when I received a copy of the Default Motion.

7. Prior to forwarding the Default Motion to my counsel on September 5, 2013, I reviewed same and ascertained that a Clerk's Default was entered against me based upon a document entitled "Verified Return of Service."

8. The "Verified Return of Service" which was attached to the Default Motion states that I was personally served with the summons and complaint at 7:00 p.m. on June 25, 2013 at my residence located at 11901 SW 3rd St., Plantation, Florida 33325. That assertion is false.

9. Upon review of this document, I checked my calendar to ascertain where I was at 7:00 p.m. on June 25, 2013. A true and correct copy of a printout of my calendar on this date is attached hereto as **Exhibit "B."**

10. As reflected in my calendar I was at a "Bible Study dinner at Chucks" beginning at 5:30 p.m.

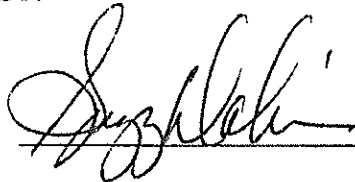
11. Specifically, almost every Tuesday evening that I am in town I attend a Men's Christian Bible study class at the Community Christian Association located at 5120 N. Federal Highway, Fort Lauderdale, Florida beginning at 6:30 p.m.

12. As reflected on my calendar, on Tuesday, June 25, 2013, at 5:30 p.m, I had dinner with several acquaintances at Chuck's Steakhouse located at 2428 E. Commercial Blvd, Fort Lauderdale, Florida.

13. After dinner, I went to Bible study class at the Community Christian Association located at 5120 N. Federal Highway, Fort Lauderdale, Florida

14. Bible study class runs from 7:00 p.m. to 8:00 p.m. and I generally do not return home until approximately 8:45 p.m. Therefore, it would have been impossible for me to have been at my residence to be served at 7:00 p.m. on June 25, 2013 to have accepted service of process.

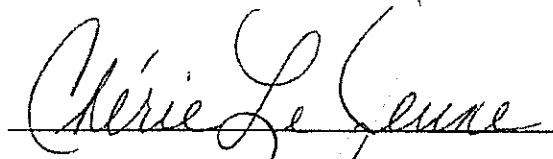
FURTHER AFFIANT SAYETH NOT.



GREGG WALLICK

STATE OF Wisconsin
COUNTY OF Sheboygan) ss:

SWORN TO AND SUBSCRIBED before me this 16th day of September, 2014, by GREGG WALLICK, who is personally known to me, or who produced his driver's license as identification.



NOTARY PUBLIC, STATE OF FLORIDA

Print Name: Cherie LeJeune

My Commission Expires: 6/9/17

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; S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership; Philip von Kahle as Conservator of
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, *et al.*,

Defendants.

**PLAINTIFFS' MOTION FOR DEFAULT FINAL JUDGMENT
AGAINST DEFENDANT, GREGG WALLICK**

Plaintiffs, P & S Associates, General Partnership ("P&S"), S & P Associates, General Partnership ("S&P"), (collectively referred to as, the "Partnerships"), and Philip Von Kahle as Conservator on behalf of the Partnerships (the "Conservator", and collectively with the Partnerships, the "Plaintiffs"), by and through undersigned counsel and pursuant to Rule 1.500 of the Florida Rules of Civil Procedure, hereby move this Court for entry of a Default Final



CASE NO.: 12-034121 (07)

Judgment against Defendant, Greg Wallick (the "Defendant"), for its failure to file any responsive pleading or paper in this action, or otherwise assert any defense to this action, and in support of the Motion, Plaintiffs state as follows:

1. On or about June 21, 2013, Defendant, Gregg Wallick was served with process in this action. A true and correct copy of the Affidavit of Service is attached hereto as **Exhibit "A"**.

2. Defendant, despite being served with process, has failed to file or serve any responsive paper in this action within the twenty (20) days of service.

3. As a result, on or about July 11, 2014, the Clerk of this Court entered a Default against Gregg Wallick (the "Defendant"). A true and correct copy of the Clerk's Default is attached hereto as **Exhibit "B"**.

4. Accordingly, the allegations contained in the Complaint are deemed to be admitted by the Defendant.

5. Plaintiffs seek a final default judgment against Defendant, Gregg Wallick for damages in the amount of \$84,974.47, plus prejudgment interest in the amount of \$6,237.84.

6. In support of this Motion, an Affidavit of Indebtedness attesting to how this final judgment sum was derived, signed by Philip J. Von Kahle, Conservator of P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P"), is attached hereto as **Exhibit "C"**.

WHEREFORE, the Plaintiffs hereby respectfully request this Court enter a Final Judgment against Defendant, Gregg Wallick, in the amount of \$84,974.47, plus prejudgment

BERGER SINGERMAN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

CASE NO.: 12-034121 (07)

interest in the amount of \$6,237.84, and grant and all such other relief as the Court deems just and appropriate.

Respectfully Submitted,

BERGER SINGERMANN, LLP

Attorneys for Plaintiffs

350 East Las Olas Blvd, Suite 1000

Fort Lauderdale, FL 33301

Telephone: (954) 525-9900

Direct: (954) 712-5138

Facsimile: (954) 523-2872

By: s/Leonard K. Samuels

Leonard K. Samuels

Florida Bar No. 501610

Etan Mark

Florida Bar No. 720852

Steven D. Weber

Florida Bar No. 47543

BERGER SINGERMANN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMANN.COM

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 25th day of August, 2014 upon the following:

Counsel	E-mail Address:
Ana Hesny, Esq.	ah@assoulineberlowe.com ; ena@assoulineberlowe.com
Eric N. Assouline, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Annette M. Urena, Esq.	aurena@dkdr.com ; cmackey@dkdr.com ; service-amu@dkdr.com
Daniel W. Matlow, Esq.	dmatlow@danmatlow.com ; assistant@danmatlow.com
Debra D. Klingsberg, Esq.	dklingsberg@huntgross.com
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Ryon M. McCabe, Esq.	rmccabe@mccaberabin.com ; e-filing@mccaberabin.com ; beth@mccaberabin.com
Evan H. Frederick, Esq.	efrederick@mccaberabin.com ; e-filing@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com
Mariaelena Gayo-Guitian, Esq.	mguitian@gjb-law.com
Barry P. Gruher, Esq.	bgruher@gjb-law.com
William G. Salim, Jr., Esq.	wsalim@mmsslaw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com ; service@mayersohnlaw.com
Joseph P. Klapholz, Esq.	jklap@klapholzpa.com ; dml@klapholzpa.com ;
Julian H. Kreeger, Esq.	juliankreeger@gmail.com
L. Andrew S Riccio, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Leonard K. Samuels, Esq.	lsamuels@bergersingerman.com ; vleon@bergersingerman.com ; drt@bergersingerman.com

BERGER SINGERMAN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
 t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

Counsel	E-mail Address:
Marc S Dobin, Esq.	service@dobinlaw.com ; mdobin@dobinlaw.com ;
Michael C Foster, Esq.	mfoster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com ; kmc@bunnellwoulfe.com
Louis Reinstein, Esq.	pleading@LJR@bunnellwoulfe.com
Peter Herman, Esq.	PGH@trippscott.com
Robert J. Hunt, Esq.	boh hunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; nwendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L. Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messana, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P. Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com
Nadira Joseph	njoseph@moecker.com
D. Patricia Wallace, Esq.	pwallace@mathewslp.com ; assistant@wjmlawfirm.com
Walter J. Mathews, Esq.	wjm@mathewslp.com
Brian S. Pantaleo, Esq.	bpantaleo@edwardswild.com

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

 BERGER SINGERMAN

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
 t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

EXHIBIT A

VERIFIED RETURN OF SERVICE

IN THE CIRCUIT COURT OF THE 17TH
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 21th day of June, 2013.

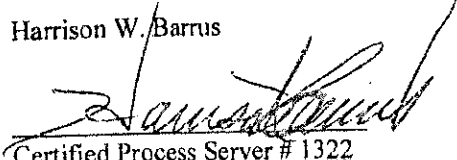
To be served on: Gregg Wallick 11901 SW 3rd St. Plantation, Florida 33325.

I, Harrison W. Barrus, do hereby affirm that on the 25th 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:

- 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

*Agreement
- Commit Christen
Federal Highway Association*

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

MARGARET SMITH, et al.,
Plaintiffs,

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

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,
Defendants.

*1302
7:00 PM
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:

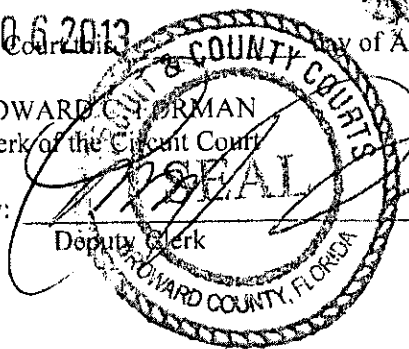
**Thomas M. Messana, Esq.
Messana, P.A.
401 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
954-712-7400**

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 06 day of April, 2013.

HOWARD C. BERMAN
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 obligee 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 relai 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.

EXHIBIT B

Filing # 15829055 Electronically Filed 07/11/2014 03:52:24 PM

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.

DEFAULT

A default is entered in this action against the defendant GREGG WALLICK, as
named in the foregoing motion for failure to serve or file any paper as required by law.

Dated on 7-11-, 2014

HOWARD C. FORMAN
As Clerk of the Court

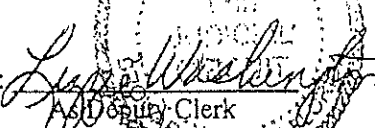
By: 
As Deputy Clerk
Broward County, Florida

EXHIBIT C

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.

**AFFIDAVIT OF INDEBTEDNESS IN SUPPORT OF
MOTION FOR FINAL DEFAULT JUDGMENT**

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared Philip J. Von Kahle, who deposes and states:

1. I, Philip J. Von Kahle, am above the legal age of majority and otherwise competent to make this affidavit. I make this affidavit of my own personal knowledge, except where otherwise indicated, and have personal knowledge of the facts contained in this Affidavit because I am the Conservator of P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P").

2. I have examined the books, records and documents kept by P&S and S&P concerning the investments made by Defendant, Gregg Wallick (the "Defendant"). These


records are now maintained in the ordinary course of the business of S&P and P&S, and I am responsible for their maintenance or oversee their maintenance. As such, I am intimately familiar with the amount of money that Gregg Wallick invested in S&P and how much money Gregg Wallick received from S&P in connection with her investment in S&P.

3. Pursuant to the allegations in the Complaint(s), Defendant, Gregg Wallick, personally invested \$1,030,375.00 in S&P and personally received \$1,115,349.47. Gregg Wallick received \$84,974.47 in excess of his capital contribution with S&P. Accordingly, Gregg Wallick is obligated to pay \$84,974.47 to S&P.

4. To be as conservative as possible, I have calculated prejudgment interest from the date of my appointment through August 1, 2014, at a rate of 4.75% per annum (daily rate of .0130137%). The amount of prejudgment interest due and owed totals \$6,237.84. Accordingly, Gregg Wallick owes a total of \$91,212.31 to S&P, inclusive of interest.

5. S&P is therefore entitled to a final default judgment in the amount of \$91,212.31.

FURTHER AFFIANT SAYETH NAUGHT


Philip J. Von Kahle

STATE OF FLORIDA }
 }
COUNTY OF BROWARD }

BEFORE ME, the undersigned authority, on 2nd of August 2014, personally appeared [PHILIP VON KAHLE] who states after being sworn that the foregoing is true based upon his personal knowledge, information and belief. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida
Commission No. _____
My Commission expires: _____

