

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

CASE NO.: 12-034121 (04)

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.

**NOTICE OF FILING EXHIBIT "A" TO THE AFFIDAVIT MARGARET J. SMITH IN
SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT HOLY GHOST –
WESTERN PROVIDENCE'S MOTION FOR SUMMARY JUDGMENT
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiffs P & S Associates, General Partnership ("P&S"), and S & P Associates, General Partnership ("S&P") and Philip Von Kahle as Conservator on behalf of P&S and S&P ("Conservator") (collectively and individually referred to as, the "Partnerships" or "Plaintiffs"), by and through undersigned attorneys, hereby file Exhibit "A" to the Affidavit of Margaret J.

Smith in Support of Plaintiff's Response to Defendant Holy Ghost – Western Providence's
Motion for Summary Judgment.

Dated: October 17, 2013

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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 this 17th day of October, 2013, upon the following:

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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: Eitan 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

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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@glassratter.com or by phone at 305-358-6092.

Sincerely,



Margaret J. Smith
msmith@glassratter.com

Exhibit A

P & S Associates, General Partnership

General Partner Statement - Cash Basis

Bank	Account	Transfer/ Transfers	Statement Clearing Date	Check #	General Partner	Funds Received	Funds Disbursed	Net Funds Received (Disbursed)
S.O.A.	3-907867-3		12/29/95		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		01/09/97	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		8,258.76	
S.O.A.	3-907867-3		07/03/97	1445	Congregation of the Holy Ghost - Western Providence		6,449.46	
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		04/08/98	1492	Congregation of the Holy Ghost - Western Providence		6,608.72	
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	1506	Congregation of the Holy Ghost - Western Providence		6,600.00	
SouthTrust	39-078-673		01/14/99	1517	Congregation of the Holy Ghost - Western Providence		6,745.43	
SouthTrust	39-078-673		04/21/99	1530	Congregation of the Holy Ghost - Western Providence		6,669.28	
SouthTrust	39-078-673		07/19/99	1549	Congregation of the Holy Ghost - Western Providence		6,638.92	
SouthTrust	39-078-673		10/22/99	1564	Congregation of the Holy Ghost - Western Providence		7,102.15	
SouthTrust	39-078-673		01/18/00	1578	Congregation of the Holy Ghost - Western Providence		7,074.41	
SouthTrust	39-078-673		04/17/00	1592	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		7,096.03	
SouthTrust	39-078-673		10/19/00	1727	Congregation of the Holy Ghost - Western Providence		7,168.58	
SouthTrust	39-078-673		01/17/01	1740	Congregation of the Holy Ghost - Western Providence		7,071.63	
SouthTrust	39-078-673		04/11/01	1755	Congregation of the Holy Ghost - Western Providence		6,639.46	
SouthTrust	39-078-673		07/13/01	1778	Congregation of the Holy Ghost - Western Providence		6,975.48	
SouthTrust	39-078-673		10/29/01	1794	Congregation of the Holy Ghost - Western Providence		7,007.68	
SouthTrust	39-078-673		01/24/02	1813	Congregation of the Holy Ghost - Western Providence		8,856.61	
SouthTrust	39-078-673		04/23/02	1830	Congregation of the Holy Ghost - Western Providence		6,621.75	
SouthTrust	39-078-673		07/16/02	1854	Congregation of the Holy Ghost - Western Providence		6,886.72	
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	1908	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		518.00	
Providence Total						\$ 200,000.00	\$ 382,532.35	\$ (182,532.35)

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