

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

TURNBERRY BANK,

Plaintiff,

GENERAL JURISDICTION DIV.

vs.

CASE NO.:08-3110 CA 02

WATERSIDE ACQUISITIONS, LLC, a Florida  
limited liability company; DANA J. BERMAN,  
Individually; MICHAEL I. GOLDBERG, as Receiver  
of Waterside Acquisitions, LLC;  
BISCAYNE PARK TERRACE  
CONDOMINIUM ASSOCIATION, INC.,  
a not-for-profit Florida corporation;  
JANE DOE, UNKNOWN TENANT;  
JOHN DOE, UNKNOWN TENANT,

Defendants.

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PLAINTIFF'S MOTION FOR DEFAULT AND FOR SUBSTITUTION  
OF PARTY DEFENDANT

Plaintiff, TURNBERRY BANK, pursuant to Fla. R. Civ. P. 1.500 (b), moves for entry of a default against Defendants, and states:

1. On March 4, 2008, Defendant, BISCAYNE PARK TERRACE CONDOMINIUM ASSOCIATION, INC. was served with a summons and copy of the complaint. A copy of the affidavit of service is attached hereto as composite Exhibit "A". Thereafter, on October 6, 2008, Defendant was served with a copy of the Amended Complaint.

2. On February 6, 2008, Defendant, JOHN DOE UNKNOWN TENANT now known as Domonot Jean Pierre, was served with a summons and copy of the complaint. A copy of the affidavit of service is attached hereto as composite Exhibit "B". Thereafter, on November 17, 2008, Defendant was served with a copy of the Amended Complaint.

3. As of the date of this motion, Defendants have failed to file with this Court an answer, motion, pleading, or other paper directed to the Amended Complaint within 20 days of service.

4. Plaintiff is entitled to entry of a Default against Defendants, BISCAYNE PARK TERRACE CONDOMINIUM ASSOCIATION, INC. and JOHN DOE UNKNOWN TENANT now known as DOMONOT JEAN PIERRE.

5. Subsequent to the filing of the above-action, Plaintiff has discovered an interested party whose names was previously unknown.

6. Pursuant to Rule 1.250 (c), *Fla.R.Civ.P.*, states, in part, "[p]arties may be added by order of court...on motion of any party at any stage of the action and on such terms as are just."

7. Accordingly, it is proper for DOMONOT JEAN PIERRE to be substituted in as party Defendant in place of JOHN DOE UNKNOWN TENANT, and the style of the case to reflect same.

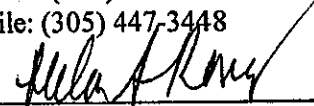
WHEREFORE, Plaintiff requests entry of an order of substituting party Domonot Jean Pierre as party Defendant, and entry of a Default against Defendants, BISCAYNE PARK TERRACE CONDOMINIUM ASSOCIATION, INC. and DOMONOT JEAN PIERRE and such other relief as is just and proper.

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to: James D. Gassenheimer, Esq., 1000 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, Florida 33131; Mr. Dana Berman, 1343 Castile Ave, Coral Gables, Florida 33134, Mr. Domonot Jean Pierre, 1370 N.E. 119<sup>th</sup> Street, Unit 17E, Miami, Florida 33161, this 19<sup>th</sup> day of January, 2009.

The Romanez Law Firm, P.A.  
Attorneys for Plaintiff, Turnberry Bank  
255 Alhambra Circle, Suite 850  
Coral Gables, Florida 33134  
Telephone: (305) 447-2399  
Facsimile: (305) 447-3448

By: \_\_\_\_\_

  
Helen Schwartz Romanez  
Fla. Bar No. 0095567

**AFFIDAVIT OF SERVICE**

State of FLORIDA

County of MIAMI DADE

11th Circuit Court

Case Number: 08-3110-CA-02

Plaintiff:  
**TURNBERRY BANK**

vs.

Defendant:  
**WATERSIDE ACQUISITIONS, LLC., et al.**

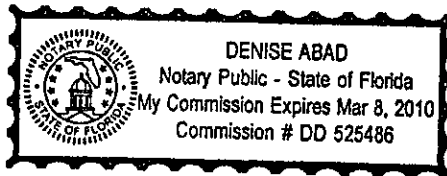
For:  
Helen Schwartz Romanez, Esq.  
THE ROMANEZ LAW FIRM, P.A.  
255 Alhambra Circle  
Suite 850  
Coral Gables, FL 33134

Received by Priority One Process Service, Inc. on the 22nd day of January, 2008 at 3:00 pm to be served on **JOHN DOE UNKNOWN TENANT, 1370 NE 119TH STREET, UNIT # 17E, MIAMI, FL 33161.**

I, **JOSEPH M. GRECO**, being duly sworn, depose and say that on the **6th day of February, 2008 at 1:00 pm, I:**

**INDIVIDUALLY SERVED** this Personal Service on an Individual, Notice of Lis Pendens, Complaint with Exhibits by leaving a true copy with the date and hour endorsed thereon by me with **DOMONOT JEAN PIERRE** as **JOHN DOE** in possession of the subject property named herein, in compliance with State Statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the Eleventh Judicial Circuit in which the process was served. "Under penalty of perjury, I declare that I have read the foregoing Affidavit of Service and that the facts stated in it are true."



Subscribed and Sworn to before me on the 13th day of February, 2008 by the affiant who is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
**JOSEPH M. GRECO**  
C.P.S. # 946

**Priority One Process Service, Inc.**  
5891 Sunset Drive  
South Miami, FL 33143  
(305) 669-1518

Our Job Serial Number: 2008014462  
Ref: TURNBERRY BANK v WATERSIDE  
ACQUISITIONS

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GENERAL JURISDICTION DIV.

Plaintiff,

vs.

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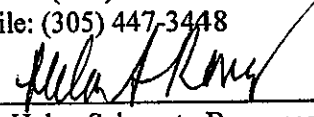
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Attorneys for Plaintiff, Turnberry Bank  
255 Alhambra Circle, Suite 850  
Coral Gables, Florida 33134  
Telephone: (305) 447-2399  
Facsimile: (305) 447-3448

By: \_\_\_\_\_

  
Helen Schwartz Romanez  
Fla. Bar No. 0095567

# AFFIDAVIT OF SERVICE

State of FLORIDA

County of MIAMI DADE

11th Circuit Court

Case Number: 08-3110-CA-02

Plaintiff:

**TURNBERRY BANK**

vs.

Defendant:

**WATERSIDE ACQUISITIONS, LLC., et al.**

For:

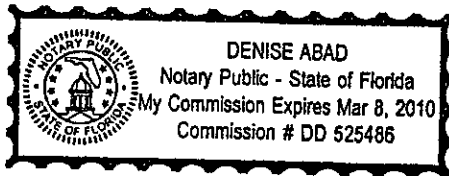
Helen Schwartz Romanez, Esq.  
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Subscribed and Sworn to before me on the 13th day of February, 2008 by the affiant who is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC

  
\_\_\_\_\_  
**JOSEPH M. GRECO**  
C.P.S. # 946

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Our Job Serial Number: 2008014462  
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ACQUISITIONS

# AFFIDAVIT OF SERVICE

State of FLORIDA

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11th Circuit Court

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Plaintiff:

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For:

Helen Schwartz Romanez, Esq.  
THE ROMANEZ LAW FIRM, P.A.  
255 Alhambra Circle  
Suite 850  
Coral Gables, FL 33134

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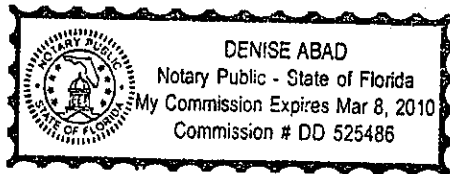
I, JOSEPH M. GRECO, being duly sworn, depose and say that on the **4th day of March, 2008 at 4:00 pm, I:**

**CORPORATE SERVED** the within named corporation by delivering a true copy of this Corporate Summons, Complaint, Notice of Lis Pendens with Exhibits with the date and hour endorsed thereon by me, to **JAMES GASSENHEIMER, ESQ.** as the REGISTERED AGENT of the within named corporation, and informed said person of the contents therein, in compliance with Florida state statutes.

**Additional Information pertaining to this Service:**


REGISTERED AGENT JAMES D. GASSENHEIMER, ESQ. IS NO LONGER WORKING AT THE FIRST ADDRESS ATTEMPTED; 3250 MARY STREET, SUITE 307, MIAMI, FL 33133. UNABLE TO MAKE CONTACT WITH ANYONE AT THE SECOND ADDRESS ATTEMPTED; 1360 NORTHEAST 119TH STREET, MIAMI, FL 33161.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the Eleventh Judicial Circuit in which the process was served. "Under penalty of perjury, I declare that I have read the foregoing Affidavit of Service and that the facts stated in it are true."



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NOTARY PUBLIC

  
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JOSEPH M. GRECO  
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Our Job Serial Number: 2008014459  
Ref: TURNBERRY BANK v WATERSIDE  
ACQUISITIONS