

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

CASE NO. 11-028447 (03)

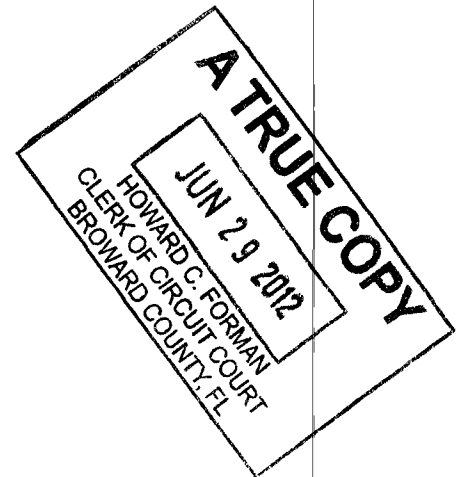
COMERICA BANK, a Texas banking  
association,

Plaintiff,

vs.

OCEAN 4660, LLC a Florida limited  
liability company, OCEANSIDE  
LAUDERDALE, INC., a Florida  
corporation, KENNETH A. FRANK,  
individually, ANGELA DIPILATO,  
individually, TOWN OF  
LAUDERDALE-BY-THE-SEA, a  
political subdivision of the State of  
Florida, WASTE MANAGEMENT  
INC. OF FLORIDA d/b/a SOUTHERN  
SANITATION SERVICE, a Florida  
corporation, AFFINITY  
MECHANICAL INC., a Florida  
corporation, and BROWARD  
COUNTY, a political subdivision of  
the State of Florida,

Defendants.



**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS  
TO DEFENDANT OCEAN 4660, LLC**

Pursuant to Florida Rule of Civil Procedure 1.370, Plaintiff Comerica Bank  
("Plaintiff") requests Defendant Ocean 4660, LLC to admit the following within  
thirty (30) days after service hereof:

1. You own real property located in Broward County, Florida with a street address of 4660 N. Ocean Drive, Lauderdale-by-the-Sea, Florida (the "Property").

2. You borrowed Ten Million Eight Hundred Fifty Thousand and No/Dollars (\$10,850,000.00) from Plaintiff on January 3, 2008 (the "First Loan").

3. On January 3, 2008, you also borrowed One Million and No/Dollars (\$1,000,000.00) from Plaintiff (the "Second Loan").

4. In connection with the First Loan, you executed and delivered to Plaintiff an Installment Note.

5. In connection with the Second Loan, you executed and delivered to Plaintiff a Draw-To Note.

6. On January 25, 2008, you entered into an ISDA Master Agreement, as confirmed by a written Confirmation Letter dated January 25, 2008 (the "Swap Agreement").

7. You made some payments to Plaintiff under the Swap Agreement.

8. On June 9, 2010, Plaintiff entered into a Forbearance Agreement with you, as amended on September 3, 2010 and again on May 5, 2011.

9. You owe money to Plaintiff in connection with the First Loan.

10. You owe money to Plaintiff in connection with the Second Loan.

11. You do not have sufficient funds to repay the First Loan in full.

12. You do not have sufficient funds to repay the Second Loan in full.

13. You owe money to Plaintiff in connection with the Swap Agreement.

14. You do not have sufficient funds to pay Plaintiff what you owe under the Swap Agreement.

15. You owe Plaintiff \$78,229.44 for 2009 and 2010 real property taxes that were due on the Property and that Plaintiff paid on your behalf.


16. You have not paid the real property taxes that are due on the Property for 2011.

17. You do not currently have insurance coverage for the Property.

Dated: June 28, 2012

Respectfully Submitted,


**HOLLAND & KNIGHT LLP**  
Counsel for Comerica Bank  
515 East Las Olas Boulevard  
Suite 1200  
Fort Lauderdale, Florida 33301  
Telephone No: (954) 525-1000  
Fax No: (954) 463-2030

By: 

Brian K. Hole  
Fla. Bar No. 0019968  
Nicole C. Velasco  
Fla. Bar No. 0028585

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2012, a true and correct copy of the foregoing was provided to all parties on the Service List below.

By:   
Brian K. Hole  
Fla. Bar No. 0019968

### SERVICE LIST

Krystol L. Rappuhn, Esq. 55 E. Long Lake Road, Suite 204 Troy, Michigan 48085-4738 <i>Co-Counsel for Ocean 4660, LLC</i> <b>By regular U.S. Mail and facsimile</b>	Michael Tobin, Esq. Rothman & Tobin, P.A. 11900 Biscayne Boulevard, Suite 740 Miami, Florida 33181 <i>Co- Counsel for Ocean 4660, LLC</i> <b>By regular U.S. Mail and facsimile</b>
Eduardo M. Soto, Esq. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. 2525 Ponce de Leon Blvd., Suite 700 Coral Gables, FL 33134 <i>Counsel for Town of Lauderdale-By-The-Sea</i> <b>By regular U.S. Mail and facsimile</b>	Maya A. Moore, Esq. Joni Armstrong Coffey, Esq. County Attorney for Broward County Office of the County Attorney Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, FL 33301 <i>Counsel for Broward County</i> <b>By regular U.S. Mail and facsimile</b>
Oceanside Lauderdale, Inc. 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>By regular U.S. Mail</b>	Kenneth A. Frank 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>By regular U.S. Mail</b>
Waste Management of Florida d/b/a Southern Sanitation Service c/o Registered Agent, CT Corporation System 1200 South Pine Island Road Plantation, FL 33324 <b>By regular U.S. Mail</b>	Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 <b>By regular U.S. Mail</b>

Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>By regular U.S. Mail</b>	Angela Dipilato 1323 S.E. 3rd Avenue Pompano Beach, FL 33060 <b>By regular U.S. Mail</b>
Motion Elevator, Inc. c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 <b>By regular U.S. Mail</b>	Rose Portelli 5915 Park Drive Margate, FL 33063 <b>By regular U.S. Mail</b>
Euro Fist Choice Enterprises, Inc. c/o Registered Agent, Michal Holovka 1261 S.E. 7 <sup>th</sup> Avenue Pompano Beach, FL 33060 <b>By regular U.S. Mail</b>	Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 <b>By regular U.S. Mail</b>

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