

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

CASE NO.: 11-28447(03)

COMERICA BANK, a Texas Banking
Association,

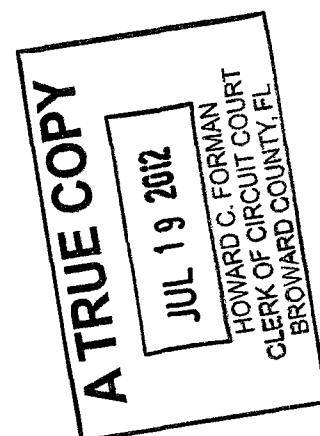
Plaintiff,

- against -

**AFFIDAVIT IN SUPPORT OF
DEFENDANTS MOTION TO
QUASH SERVICE OF PROCESS
AND DISMISS COMPLAINT**

OCEAN 4660, LLC, A Florida limited
liability company, OCEANSIDE
LAUDERDALE, INC., a Florida Corporation,
KENNETH A. FRANK, *et. al.*,

Defendants.



STATE OF FLORIDA)
)ss.:
COUNTY OF BROWARD)

KENNETH A. FRANK, being duly sworn, affirms the following:

1. I am one of the Defendants in this action, and I respectfully submit this Affidavit in Support of my Motion to Quash Service of Process, and Dismiss the Complaint and asking the court order the following relief:

The motion is scheduled to be heard on _____, 2012.

2. I have personal knowledge of facts which bear on this motion because I am one of the defendants.

3. This action was commenced by the filing of a summons and complaint on or about November 17, 2011.

4. I reside at 2310 East Atlantic Boulevard, Suite 206, Pompano Beach, Florida 33062.

5. I was never served with process (summons and complaint) in any fashion.

6. I was never served with process in any fashion pursuant to Florida Statutes.

7. I fortuitously found out about the pendency of this foreclosure action.

8. There is no proper Return of Service in this matter.

9. I was never given constitutionally sufficient ‘ notice ‘ of these proceedings under Florida’s laws, and/or other federal and state laws which are applicable.

10. The only Affidavit of Service is the Return of Service dated February 17, 2009. Said Return of Service is fatally defective as it does not comply with Fla. Stat. 48.21. Absent, are the date and time I was allegedly served endorsed by the process server, the manner of service, a description of the party allegedly served and virtually each of the statutes mandates to afford me my constitutionally protected right to due process of law.

11. Under these circumstances, I have been deprived of my constitutionally protected right to due process of law.

12. That the summons is fatally defective depriving the Court of jurisdiction over my person.

13. Upon information and belief, the Plaintiff is not the owner, holder and/or in possession of

the mortgage note, therefore, lacks standing to maintain the foreclosure action.

14. Upon information and belief, the Plaintiff and its predecessors have perpetrated a fraud in the securitization process and have unclean hands which should preclude mortgage foreclosure in this matter.

15. I have requested the Plaintiff produce the original mortgage note on numerous occasions the Plaintiff refused and continues to refuse to do so.

16. I have valid and meritorious defenses within this action.

17. The Plaintiff lacks standing to commence and maintain this foreclosure action.

18. Upon information and belief, there is no “ debt “ due to Plaintiff.

19. Upon information and belief, the entire loan has been satisfied.

20. I respectfully refer the Court to my Verified Motion to Quash Service of Process and to Dismiss Complaint and incorporate same herein by reference.

21. I assert a Federal Common Law Lien and Writ of Attachment which supersedes any and all mortgage and equity liens.

WHEREFORE, it is respectfully requested that this Court grant my Motion to Quash Service of Process, and Dismiss Complaint in its entirety and, for such other and further relief as to this Court deems just and proper.

I have read the foregoing affidavit and know the matters contained herein to be true accept to those matters stated upon information and belief and as to those matters I believe them to be true.

Dated: July 19th, 2012
Broward, Florida.

By: Kaz
Kenneth A. Frank, *Pro Se*
- Defendant -

Address:
2310 East Atlantic Blvd., Suite 206
Pompano Beach, Florida 33062

County of Broward)
)ss.:
State of Florida)

On the 19 day of July, 2012 before me personally appeared the above-named KENNETH A. FRANK, to me known and known to me to be the individual described in, and who executed, the foregoing Affidavit and duly acknowledged to me that he executed the same.

Neil Ian Rumbak
Notary Public
Neil Ian Rumbak

