

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

COMERICA BANK,
a Texas banking association,

CASE NO. 11-028447 (03)

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.

**NOTICE OF FILING BRIAN K. HOLE, ESQ.'S ORIGINAL
AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY**

Plaintiff Comerica Bank hereby files the Brian K. Hole, Esq.'s original Affidavit of
Diligent Search and Inquiry.

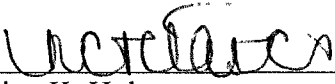
Dated: January 20, 2012

HOLLAND & KNIGHT, LLP
Counsel for Plaintiff
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, FL 33302
(954) 525-1000
(954) 463-2030

By: 
Brian K. Hole
Florida Bar No. 019968
Nicole C. Velasco
Florida Bar No. 0028585

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 20th day of January, 2012, a copy of the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the Service List below by regular U.S. Mail.



Brian K. Hole
Florida Bar No. 019968
Nicole C. Velasco
Florida Bar No. 0028585

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>	Michael Tobin, Esq. Rothman & Tobin, P.A. 11900 Biscayne Boulevard, Suite 740 Miami, Florida 33181 <i>Co- Counsel for Ocean 4660, LLC</i>
William Watson Trick, Jr., Esq. William Watson Trick, Jr., P.A. 1216 E. Atlantic Boulevard, Suite 7 Pompano Beach, FL 33060 <i>Counsel for Oceanside Lauderdale, Inc. and Kenneth A. Frank</i>	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>
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>	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
Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306	

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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.

_____ /

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

STATE OF FLORIDA)
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority duly appeared Brian K. Hole, Esq. who, after
being duly sworn, deposed and stated as follows:

1. I am the attorney of record for Plaintiff Comerica Bank, and as such, I have the
personal knowledge and authority to make this affidavit.
2. I have made a diligent search and inquiry to discover the whereabouts of
Defendant Angela Dipilato ("Dipilato").

3. Despite this diligent search and inquiry, the whereabouts of Dipilato remain unknown to me.

4. Upon information and belief, Dipilato is over the age of eighteen (18).

5. In an attempt to serve Dipilato, I engaged the services of Professional Process Servers, a certified process server (“PPS”) to locate Dipilato for service of the summons, Complaint for Foreclosure and Notice of Lis Pendens filed in this Action.

6. PPS attempted to serve Dipilato on numerous occasions at the addresses discovered as the result of a search conducted through a locator database. PPS has still been unable to perfect service. *See* service status reports and affidavit of non-service from PPS, attached hereto as **Composite Exhibit “A.”**


7. The last known address of Dipilato is 1035 S. Riverside Drive, Pompano Beach, FL 33062.

8. We also have addresses for Dipilato at 1323 S.E. 3rd Avenue, Pompano Beach, FL 33060-9325 and 2310 East Atlantic Boulevard, Suite 206, Pompano Beach, FL 33062, at which we have also attempted service.

9. After diligent search and inquiry for any forwarding addresses, Dipilato could not be found for service of process of the Complaint for Foreclosure and Notice of Lis Pendens.

10. Comerica Bank is therefore obliged to seek alternate remedies of service of process pursuant to Florida Rules of Civil Procedure 1.070(d) and section 49.011, *Florida Statutes*, et seq.

FURTHER AFFIANT SAYETH NAUGHT.



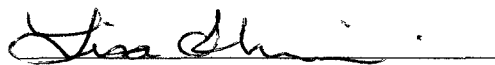
Brian K. Hole

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 20th day of January, 2012,
by Brian K. Hole, who is personally known to me or has produced
_____ as Identification.

(SEAL)





Lisa Shislowksi
Notary Public-State of Florida

Swain, Martell R (FTL - X27992)

From: Professional Process Servers [ng@proprocessservers.com]
Sent: Wednesday, November 23, 2011 9:23 AM
To: Swain, Martell R (FTL - X27992)
Subject: FIS Status on (DIPILATO, ANGELA)

To: Brian Hole
HOLLAND & KNIGHT LLP

This is an automated message relating to:

Our Job Number: 2011018947

Your Reference Number:

Party to be Served: DIPILATO, ANGELA

Case Info: Florida Broward 11-28447 03

COMERICA BANK, a Texas banking association, vs.

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

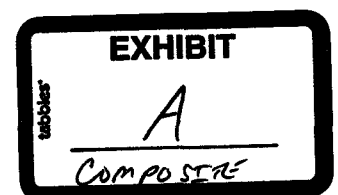
Documents: SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER SEQUESTERING RENTS

Original Service Address: ANGELA DIPILATO, 1035 S. RIVERSIDE DRIVE, POMPANO BEACH, FL 33062

Latest Status: 11/23/2011 9:20 am SERVER WENT 11/22 AT 1:30 PM TO SECOND ADDRESS: 1323 SE 3RD AVENUE, POMPANO BEACH AND IT IS A GATED COMMUNITY. SERVER GOT IN AND THERE WAS NO ANSWER. WILL CONTINUE ATTEMPTING. (HJF)

Thank you,
Professional Process Servers
ng@proprocessservers.com
Phone: (954) 566-2523

More detailed status is available at www.PstProStatus.net



Swain, Martell R (FTL - X27992)

From: Professional Process Servers [ng@proprocessservers.com]
Sent: Wednesday, November 30, 2011 11:53 AM
To: Swain, Martell R (FTL - X27992)
Subject: FIS Status on (DIPILATO, ANGELA)

To: Brian Hole
HOLLAND & KNIGHT LLP

This is an automated message relating to:

Our Job Number: 2011018947

Your Reference Number:

Party to be Served: DIPILATO, ANGELA

Case Info: Florida Broward 11-28447 03

COMERICA BANK, a Texas banking association, vs.

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

Documents: SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER SEQUESTERING RENTS

Original Service Address: ANGELA DIPILATO, 1035 S. RIVERSIDE DRIVE, POMPANO BEACH, FL 33062

Latest Status: 11/30/2011 11:52 am SERVER WENT 11/29 AT 8:30 PM TO GIVEN ADDRESS AND SPOKE TO A MIKE THROUGH THE GLASS DOORS AND STATED SUBJECT DOES NOT LIVE HERE AND DID NOT PROVIDE ANY OTHER INFORMATION. PLEASE ADVISE (HJF)

Thank you,
Professional Process Servers
ng@proprocessservers.com
Phone: (954) 566-2523

More detailed status is available at www.PstProStatus.net

Swain, Martell R (FTL - X27992)

From: Professional Process Servers [ng@proprocessservers.com]
Sent: Monday, December 12, 2011 12:30 PM
To: Swain, Martell R (FTL - X27992)
Subject: FIS Status on (DIPILATO, ANGELA)

To: Brian Hole
HOLLAND & KNIGHT LLP

This is an automated message relating to:

Our Job Number: 2011018947

Your Reference Number:

Party to be Served: DIPILATO, ANGELA

Case Info: Florida Broward 11-28447 03

COMERICA BANK, a Texas banking association, vs.

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

Documents: SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER SEQUESTERING RENTS

Original Service Address: ANGELA DIPILATO, 1035 S. RIVERSIDE DRIVE, POMPANO BEACH, FL 33062

Latest Status: 12/12/2011 11:20 am SERVER WENT TO THIRD ADDRESS; 2310 EAST ATLANTIC BLVD SUITE 206 ON 12/12 AT 11:00 AM AND SPOKE TO KEN FRANK AND STATED THAT ANGELA WAS STILL IN NEW YORK AND PROVIDED NO ADDITIONAL INFORMATION LIKE WHEN SHE WILL BE RETURNING OR AN ADDRESS IN NY. PLEASE ADVISE (HJF)

Thank you,
Professional Process Servers
ng@proprocessservers.com
Phone: (954) 566-2523

More detailed status is available at www.PstProStatus.net

Swain, Martell R (FTL - X27992)

From: Professional Process Servers [ng@proprocessservers.com]
Sent: Wednesday, January 18, 2012 9:12 AM
To: Swain, Martell R (FTL - X27992)
Subject: FIS Status on (DIPILATO, ANGELA)

To: Brian Hole
HOLLAND & KNIGHT LLP

This is an automated message relating to:

Our Job Number: 2011018947

Your Reference Number:

Party to be Served: DIPILATO, ANGELA

Case Info: Florida Broward 11-28447 03

COMERICA BANK, a Texas banking association, vs.

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

Recipient was NON-SERVED on Jan 18 2012 9:00AM

Type of Service: .NON-SERVE - COMMENTS

Documents: SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER SEQUESTERING RENTS

Original Service Address: ANGELA DIPILATO, 1035 S. RIVERSIDE DRIVE, POMPAÑO BEACH, FL 33062

Service Details: NON-SERVED the SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER SEQUESTERING RENTS for the reason that I failed to find ANGELA DIPILATO or any information to allow further search. Read the comments below for further details.

Comments for Affidavit: GIVEN ADDRESS IS VACANT. THERE IS A NOTE FROM CODE ENFORCEMENT BLDG OFFICIALS ON THE DOOR. ATTEMPTED SERVICE AT SECOND ADDRESS, 1323 SE 3RD AVENUE, POMPAÑO BEACH, FL 33060 AND SPOKE TO MIKE THROUGH THE GLASS DOORS, WHO STATED SUBJECT DOES NOT LIVE HERE AND DID NOT PROVIDE ANY OTHER INFORMATION. ATTEMPTED SERVICE AT THIRD ADDRESS, 2310 EAST ATLANTIC BLVD., SUITE 206, POMPAÑO BEACH, FL 33062. SPOKE TO KEN FRANK, WHO STATED THAT ANGELA WAS STILL IN NEW YORK AND PROVIDED NO ADDITIONAL INFORMATION LIKE WHEN SHE WILL BE RETURNING OR AN ADDRESS IN NY.

More detailed status is available at www.PstProStatus.net

Attachments: [Link to Invoice](#) [Link to Affidavit](#)

Thank you,
Professional Process Servers

ng@proprocessservers.com

Phone: (954) 566-2523

AFFIDAVIT OF NON-SERVICE

State of Florida

County of Broward

Circuit Court

Case Number: 11-28447 03

Plaintiff:

COMERICA BANK, a Texas banking association,

vs.

Defendant:

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

For:

Brian Hole
HOLLAND & KNIGHT LLP
515 East Las Olas Blvd.
Suite 1200
Ft Lauderdale, FL 33301

Received by Professional Process Servers on the 18th day of November, 2011 at 9:00 am to be served on
ANGELA DIPILATO, 1035 S. RIVERSIDE DRIVE, POMPANO BEACH, FL 33062.

I, Roberto de Lemos, being duly sworn, depose and say that on the **18th day of January, 2012 at 9:00 am, I:**

**NON-SERVED the SUMMONS AND COMPLAINT FOR FORECLOSURE AND DAMAGES, LIS PENDENS, AND
MOTION FOR APPOINTMENT OF RECEIVER OR ALTERNATIVELY, MOTION FOR AN ORDER
SEQUESTERING RENTS** for the reason that I failed to find **ANGELA DIPILATO** or any information to allow further
search. Read the comments below for further details.

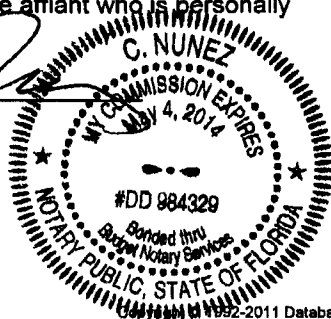
Additional Information pertaining to this Service:

GIVEN ADDRESS IS VACANT. THERE IS A NOTE FROM CODE ENFORCEMENT BLDG OFFICIALS ON THE
DOOR. ATTEMPTED SERVICE AT SECOND ADDRESS, 1323 SE 3RD AVENUE, POMPANO BEACH, FL 33060
AND SPOKE TO MIKE THROUGH THE GLASS DOORS, WHO STATED SUBJECT DOES NOT LIVE HERE AND
DID NOT PROVIDE ANY OTHER INFORMATION. ATTEMPTED SERVICE AT THIRD ADDRESS, 2310 EAST
ATLANTIC BLVD., SUITE 206, POMPANO BEACH, FL 33062. SPOKE TO KEN FRANK, WHO STATED THAT
ANGELA WAS STILL IN NEW YORK AND PROVIDED NO ADDITIONAL INFORMATION LIKE WHEN SHE WILL
BE RETURNING OR AN ADDRESS IN NY.

Under penalty of perjury, I do hereby certify that I have read the foregoing Affidavit of Service and that the facts
stated in it are true. I have no interest in the above action. I am a Special Process Server in the county in which it
was served in good standing.

Subscribed and Sworn to before me on the 18th day
of January, 2012 by the affiant who is personally
known to me.

NOTARY PUBLIC



Roberto de Lemos
1114

**Professional Process Servers
& Investigators, Inc.**
1749 N.E. 26th Street, Suite A
Wilton Manors, FL 33305
(954) 566-2523
Our Job Serial Number: FIS-2011018947