

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

COMERICA BANK,  
a Texas banking association,

Plaintiff

vs.

CASE NO.: CACE 11-028447 (03)

OCEAN 4660, LLC., a Florida limited  
liability company, et.al.

Defendants

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**MOTION FOR MORE DEFINITE STATEMENT**

DEFENDANTS, OCEANSIDE LAUDERDALE, INC., and KENNETH A. FRANK, by and through the undersigned counsel, move for the entry of an order by this Court requiring a more definite statement by Plaintiff, and as grounds therefore, state:

1. Plaintiff has sued in foreclosure alleging as the basis for foreclosure the mortgage attached as Exhibit "D" to Plaintiff's complaint.
2. While Plaintiff's complaint sets forth a general allegation in Paragraph 11 thereof that Plaintiff has complied with all conditions precedent to the institution of this action, Plaintiff's complaint also, in paragraphs 13 and 14 thereof, sets forth that Plaintiff "agreed to loan Ocean 4660" the sums set forth therein, and in Paragraph 15 of the complaint that "each

party agreed to enter into a series of transactions resulting in certain payments between the parties”, but the complaint does not otherwise make reference to the dates upon which the loans and payments were actually made..

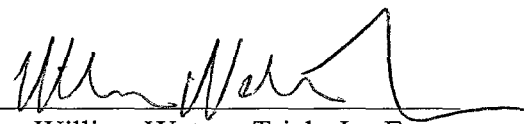
3. Plaintiff’s complaint in Section 25.a) thereof also makes reference to “protective advances” made by Plaintiff, again, without specifying the dates thereof and amounts advanced on those respective dates.
4. The copy of the mortgage attached to Plaintiff’s complaint as Exhibit “D” thereto, on the first page thereof, sets forth on its face that recovery of principal thereunder is limited to \$11,850,000.00; which appears to contradict the statements as to said mortgage securing future advances contained in the clause entitled Future Advances on page 3 thereof, and the definition of Indebtedness, contained on Page 2 thereof.
5. In order to adequately defend this action, and assert any affirmative defenses available to these Defendants with respect to the priority of any sums which these defendants may have paid to or on behalf of the mortgagor defendant Ocean 4660 LLC, these defendants need to know the dates on which the alleged loans and advances were made to the mortgagor defendant Ocean 4660 LLC, and in light of the limitation on recovery contained in the copy of the mortgage attached to Plaintiff’s complaint as Exhibit “D” thereto, the amount claimed due by Plaintiff from the mortgagor defendant Ocean 4660 LLC.

WHEREFORE, DEFENDANTS, OCEANSIDE LAUDERDALE, INC., and KENNETH A. FRANK WHEREFORE, Defendant requests that this court enter its Order requiring the filing of a more definite statement by Plaintiff setting forth (a) the dates on which the alleged loans and advances were made

to the mortgagor defendant Ocean 4660 LLC, and (b) the amount claimed due by Plaintiff from the mortgagor defendant Ocean 4660.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished all parties on the attached service list, by U.S. Mail this January 6, 2012

WILLIAM WATSON TRICK, JR., P.A.  
Attorneys for Defendants  
OCEANSIDE LAUDERDALE, INC.,  
and KENNETH A. FRANK  
1216 E. Atlantic Boulevard, Suite 7  
Pompano Beach, Florida 33060  
Telephone: (954) 942-9774  
Facsimile: (954) 942-9223

By:   
William Watson Trick, Jr., Esq  
FBN: 267104

**SERVICE LIST**

Brian K. Hole, Esq  
HOLLAND & KNIGHT, LLP  
515 East Las Olas Boulevard  
Suite 1200  
Fort Lauderdale, FL 33301  
Phone: (954) 525-1000  
Fax: (954) 463-2030  
*Counsel for Comerica Bank*

Krystol L. Rappuhn, Esq.  
55 E. Long Lake Road, Suite 204  
Troy, Michigan 48065-4738  
(248) 645-5400 - Office  
(313) 319-0743 - Cellular  
(248) 879-3124 - Facsimile  
krystol\_rappuhn@yahoo.com  
*Counsel for Ocean 4660, LLC*

Michael Tobin, Esq.  
Rothman & Tobin, P.A.  
11900 Biscayne Blvd., Suite 740  
Miami, FL 33181  
Phone: (305) 895-7175  
Fax: (305) 895-7175  
*Co-Counsel for Ocean 4660, LLC*

Eduardo M. Soto, Esq.  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, FL 33134  
Phone: (305) 854-0800  
Fax: (305) 854-2323  
*Counsel for Town of Lauderdale-By-The-Sea*

John Armstrong Coffee, Esq.  
County Attorney for Broward County  
Office of the County Attorney  
Governmental Center, Suite 423  
115 South. Andrews Avenue  
Fort Lauderdale, FL 33301  
Phone: (954) 357-7600  
Fax: (954) 357-7641  
*Counsel for Broward County*

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