

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.

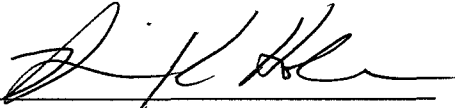
PLAINTIFF'S NOTICE OF SERVING INTERROGATORIES TO KENNETH A. FRANK

Pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, Plaintiff
Comerica Bank propounds the following written interrogatories to be answered by
Defendant Kenneth A. Frank separately and fully in writing under oath within
thirty (30) days after service hereof.

Dated: July 10, 2012

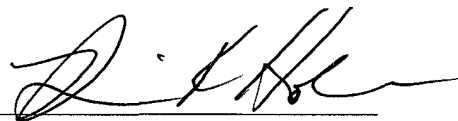
Respectfully Submitted,

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 July 10, 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> By regular U.S. Mail and facsimile	Michael Tobin, Esq. Rothman & Tobin, P.A. 11900 Biscayne Boulevard, Suite 740 Miami, Florida 33181 <i>Co- Counsel for Ocean 4660, LLC</i> By regular U.S. Mail and facsimile
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<p>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> By regular U.S. Mail and facsimile</p>	<p>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> By regular U.S. Mail and facsimile</p>
<p>Oceanside Lauderdale, Inc. 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 By regular U.S. Mail</p>	<p>Kenneth A. Frank 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 By regular U.S. Mail</p>
<p>Waste Management Inc. of Florida d/b/a Southern Sanitation Service c/o Registered Agent, CT Corporation System 1200 South Pine Island Road Plantation, FL 33324 By regular U.S. Mail</p>	<p>Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 By regular U.S. Mail</p>
<p>Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 By regular U.S. Mail</p>	<p>Angela Dipilato 1323 S.E. 3rd Avenue Pompano Beach, FL 33060 By regular U.S. Mail</p>
<p>Motion Elevator, Inc. c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 By regular U.S. Mail</p>	<p>Rose Portelli 5915 Park Drive Margate, FL 33063 By regular U.S. Mail</p>
<p>Euro Fist Choice Enterprises, Inc. c/o Registered Agent, Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 By regular U.S. Mail</p>	<p>Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 By regular U.S. Mail</p>

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SANITATION SERVICE, a Florida
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MECHANICAL INC., a Florida
corporation, and BROWARD
COUNTY, a political subdivision of
the State of Florida,

Defendants.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO KENNETH A. FRANK

Plaintiff Comerica Bank ("Plaintiff") propounds the following written interrogatories to be answered by Defendant Kenneth A. Frank ("Frank"), in writing under oath within the time provided by Rule 1.340, or within such time as may be agreed to or required by further order of Court.

DEFINITIONS AND INSTRUCTIONS

1. Throughout this request, the singular includes the plural, the masculine includes the feminine and neuter, “and” includes “or,” “any” includes “all,” and vice versa. The words “include” and “including” shall be construed without limitation.

2. “You” and “yours” shall mean Frank and all of his past or present employees, agents, or representatives; as well as all other persons acting or purporting to act on his behalf.

3. “Property” shall mean the real property located in Broward County, Florida that is more particularly described in paragraph 39 of the Complaint.

4. “Person” shall mean any natural person, firm, partnership, association, proprietorship, joint venture, corporation, company, governmental agency, or other organization or business entity.

5. “Documents” shall mean the original and any identical copy, whether in paper or electronic data form, regardless of origin or location, of any writing or record of any type or description in the possession, custody or control of you or of any other person or persons, representatives, agents or attorneys acting on behalf of you, whether relating to fact, opinion, event, recollection or intention, whether draft or final, original or reproduction, including but not limited to the original and any non-identical copy of the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: affidavits, agreements, communications, correspondence, telegrams, memoranda, letters, interoffice or intra-office communications, statements, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings or conferences, summaries or records, studies, surveys, notebooks, charts, graphs, certificates, licenses, drawings, drafts, working papers, applications, resumes, pamphlets, books, periodicals, photographs, tapes, discs, data sheets or data processing cards, or any other written, recorded, transcribed, filmed, or graphic matter.

6. “Communications” shall be construed in its broadest sense and shall mean directly or indirectly describing, setting forth, discussing, mentioning, commenting upon, supporting, contradicting, or referring to the subject or topic in question, either in whole or in part, whether by correspondence, telephone, meeting, telegrams, notes, letters, telecopy transmissions, e-mails, or any occasion of joint or mutual presence as well as the transfer of any document from one person to another.

7. The terms “relate to,” “related to,” or “relating to” shall be construed in their broadest sense and shall mean comprise, consist of, refer to, contain, mention,

describe, embody, constitute, support, corroborate, demonstrate, prove, evidence, show, refute, dispute, rebut, controvert, contradict, negate, reflect or be in any way logically or factually connected to, whether directly or indirectly.

8. "Identify," when used with reference to a natural person means state:

- (a) his full name and address (or if the present is not known, his last known address);
- (b) the full name and address of each of his employers, each corporation of which he is an officer or director and each business in which he is a principal;
- (c) his present (or, if the present is not known, his last known) position and his position or positions at the time of the act to which the interrogatory answer relates; and
- (d) such other information sufficient to enable Plaintiff to identify the person.

9. "Identify," when used with reference to any entity other than a natural person, means:

- (a) state the full name of the entity, the type of entity (e.g. corporation, partnership, etc.) the address of its principal place of business, its principal business activity and, if it is a corporation, the jurisdiction under the laws of which it has been organized and the date of such organization;
- (b) identify each of the entities' officers, directors, shareholders or other principals;
- (c) state whatever other information you may have concerning the existence or identity of the entity.

10. "Identify," when used with reference to a document or communication, means state:

- (a) its nature (e.g. letter, telegram, memorandum, chart, report, study), date, author, date and place of preparation and the name and address of each addressee, if there is an addressee;
- (b) the identify of each signer to the document or communication;
- (c) the title or heading of the document or communication;

- (d) its substance;
- (e) its present (or, if the present is not known, the last known) location and custodian;
- (f) the identity of each person to whom a copy was sent and each date of its receipt and each date of its transmittal or other disposition by (1) you and (2) any other person (naming such other person) who, at the time, either received, transmitted or otherwise disposed of such document or communication and each copy thereof;
- (g) the circumstances of each such receipt and each transmittal or other disposition, including identification of the person from whom received and the person to whom transmitted.

11. You may, in lieu of identifying any document, attach a true copy of such document or communications as an exhibit to your answers to these interrogatories, along with an explicit reference to the interrogatory to which each such attached document or communication relates.

12. In answering each interrogatory, identify each document or communication or act (a) relied upon in the preparation of each answer; (b) which forms all or part of the basis for that answer; (c) which corroborates the answer; and (d) the substance of which forms all or part of the answer.

13. If all of the information furnished in answer to all or part of an interrogatory is not within the personal knowledge of the affiant, identify each person to whom all or part of the information furnished is a matter of personal knowledge and each person who communicated to the affiant any part of the information furnished.

14. If additional space is required, please attach additional sheets.

INTERROGATORIES

1. Please explain in detail why you recorded a Notice of Mechanics Lien on November 4, 2010 in Official Records Book 47501 at Page 1818 of the Public Records of Broward County, Florida.
2. Please explain in detail why you recorded a Notice of Pendency on January 11, 2010 in Official Records Book 46790 at Page 604 of the Public Records of Broward County, Florida.

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5. Please explain in detail why you recorded a Notice of Mechanics Lien on July 8, 2011 in Official Records Book 48025 at Page 223 of the Public Records of Broward County, Florida.
6. Please explain in detail why you recorded a Notice of Lis Pendens in Book 48300 at Page 259 of the Public Records of Broward County, Florida.

7. Please explain in detail why you recorded a Lien on July 8, 2011 in Official Records Book 48025 at Page 217 of the Public Records of Broward County, Florida.

8. Please explain in detail why you recorded a Lien on July 8, 2011 in Official Records Book 48025 at Page 223 of the Public Records of Broward County, Florida.

9. Please explain in detail why you recorded an Affidavit on January 26, 2012 in Official Records Book 48472 at Page 776 of the Public Records of Broward County, Florida..
10. Please state whether you have obtained any judgments against Ocean 4660, LLC and, if so, please describe in detail the nature of the case(s), the case number(s) and court(s) where the action(s) was (were) filed, and the amount(s) of the judgment(s).

11. Please state whether you have obtained any judgments relating to the Property and, if so, please describe in detail the nature of the case(s) and the amount(s) of the judgment(s) (if applicable), and the case number and court where the action was filed.

12. Please explain in detail the basis for your belief that you have an interest in the Property.

13. Please answer whether you contend your interest in the Property is superior to that of Comerica Bank and, if so, explain in detail why your interest is superior to Comerica Bank.

VERIFICATION

I swear or affirm that the answers provided to the foregoing are true and correct.

KENNETH A. FRANK

STATE OF _____)

: SS.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by KENNETH A. FRANK, who is personally known to me or has produced _____ as identification.

Notary Public

Name of Notary Printed:

My commission expires:

(NOTARY SEAL)

My commission number is: