

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.

PLAINTIFF'S MOTION FOR JUDICIAL DEFAULT AGAINST KENNETH A. FRANK

Plaintiff Comerica Bank ("Comerica"), by and through its undersigned counsel and pursuant to Florida Rule of Civil Procedure 1.500(b), hereby files this Motion for Judicial Default against Defendant Kenneth A. Frank ("Frank") as to Comerica's Second Amended Complaint for Foreclosure and Damages ("Second Amended Complaint"). In support of this Motion, Comerica states:

1. On May 30, 2012, Comerica obtained leave from this Court to file its Second Amended Complaint. A true and correct copy of the Agreed Order Granting Plaintiff's Amended Motion for Leave to Amend Complaint ("Order") is attached hereto as **Exhibit "A."**

2. Upon entry of the Order, the Second Amended Complaint was deemed served upon Frank. Ex. A ¶ 2.

3. Frank was required to respond to the Second Amended Complaint on or before June 19, 2012, or twenty (20) days from the date the Order was entered. *See* Ex. A ¶ 3.

4. As of the date of this filing, however, Frank has failed to respond in any way to the Second Amended Complaint.

5. Comerica is thus entitled to the entry of a judicial default against Frank as to the Second Amended Complaint.

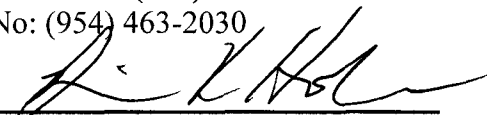
WHEREFORE, Comerica Bank respectfully requests this Court to grant its Motion for Judicial Default against Kenneth A. Frank, and for such additional and further relief as this Court deems proper and just.

Dated: June 20, 2012.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

Counsel for Comerica Bank
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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 20, 2012**, a true and correct copy of the foregoing was served on all parties on the Service List below in the manner specified.



Brian K. Hole
Fla. Bar No. 0019968

SERVICE LIST

<p>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</p>	<p>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</p>
<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 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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Plaintiff,

vs.

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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,

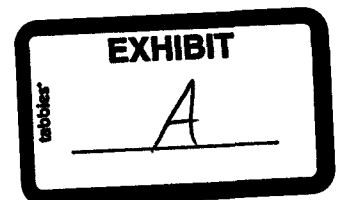
Defendants.

Agreed
ORDER GRANTING PLAINTIFF'S AMENDED
MOTION FOR LEAVE TO AMEND COMPLAINT

THIS MATTER came for hearing before the Court on May 30, 2012 upon Plaintiff Comerica Bank's Amended Motion for Leave to Amend Complaint (the "Motion"), and the Court having heard the argument of counsel and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED that:

1. The Motion is hereby GRANTED;



2. Plaintiff's Second Amended Complaint for Foreclosure and Damages is hereby deemed filed and served; and

3. Defendants shall have 20 days from the date of this order within which to respond to the Second Amended Complaint for Foreclosure and Damages.

DONE AND ORDERED in Chambers, in Broward County, Florida, on this ____ day of May, 2012.

MILY RODRIGUEZ-POWELL

MAY 30 2012

A TRUE COPY

CIRCUIT COURT JUDGE

Copies to:

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