

**COLLECTING THE SPOILS...
HOW TO
OBTAIN, ENFORCE AND
COLLECT UPON YOUR VERDICT**

Scott M. Behren, Esq.
2853 Executive Park Drive

Suite 103

Weston, FL 33331

(954) 385-5433

Florida NELA Conference

April 28, 2006

PREPARATION OF YOUR FINAL JUDGMENT

- Include Address and Socials of Prevailing Party and Judgment Debtor (Florida Statute § 55.01)
- Include Legal Rate of Interest in Judgment. If Rate of Interest is Not in Judgment, Sheriff Can Refuse Execution (Florida Statute § 55.03 (2) and (4))
- Include Magic Language “For Which Let Execution Issue”
- Include Language Reserving Jurisdiction for Award of Attorney’s Fees and Court Costs if Necessary
- Include language set forth in Fla. R. Civil P. Rule 1.560 (c) relating to requirement that judgment debtor complete Civil Fact Information Sheet (Form 1.977) within 45 days
- “A-#” Refers to the Attached Appendix of Documents
- For Form of Final Judgment (A-1)

FLORIDA JUDGMENT INTEREST RATES

- Prior to 1995---12%
- 1995---8%
- 1996-2000---10%
- 2001---11%
- 2002---9%
- 2003---6%
- 2004---7%
- 2005---7%
- 2006---9%

Federal Judgment Interest Rates

- On civil judgments is calculated pursuant to 28 U.S.C. §1961
- Can look up present and past interest rates at <http://www.uscourts.gov/postjud/postjud.html>

Perfection of Your Judgment Lien

- Record Certified Copy of Judgment In Each County Where Judgment Debtor Has Real Property (Even Though Clerk of Court May Record Judgments, This is Not Sufficient Since it is Not Certified Copy)
- Pursuant to Fla. Stat. § 55.201 *et. seq.*, Prepare and File A Judgment Lien Certificate with Florida Department of State Which Creates Lien on Personal Property Throughout State of Florida (A-2)
- Replaced Old Procedure of Docketing Writ of Execution with Sheriff
- Judgment Lien Certificate is Valid for 5 years and May Then Record Another Judgment Lien Certificate (Fla. Stat. § 55.204) For Another 5 years So Long as Its Filed 6 Months Prior to Expiration
- Can be Done with Division of Corporations On-Line or By Mail
- \$20 Fee for Lien Certificate With One Debtor and \$5 for Each Additional Debtor

Locating Debtor's Assets

- Investigator's Asset Reports or Online Services Such as Lexis Accurint
- Review Fact Information Sheet (Form 1.977) Furnished by Judgment Debtor Due Within 45 days of Judgment Pursuant to Fla. R. Civ. P. 1.560 (c) (A-3)
- If Judgment Did not Contain Language Contained in 1.560 (c), File Motion for Judgment Debtor to Complete Form 1.977 Pursuant to Fla. R. Civ. P. 1.560(b) (A-4)
- Serve Upon Judgment Debtor Interrogatories and Requests for Production in Aid of Execution (A-5)(A-6)
- Upon Receiving Responses to Form 1.977 and Discovery in Aid of Execution, Schedule Deposition in Aid of Execution of Judgment Debtor (A-7)

Stay On Top of Your Debtor

- Many instances party that allows judgment to be entered against it/him/her will not diligently respond to requests for Civil Fact Information Sheets and Discovery in Aid of Execution
- Follow up With Motions to Compel
- If debtor continues to fail to respond to requests for information, Court will issue Order to Show Cause for debtor to appear and explain non-compliance
- Order to Show Cause should have language in it that says that debtor may be jailed if he/her fails to appear, this gets their attention and usually gets compliance (A-8)
- If Debtor fails to appear at Order to Show Cause hearing, obtain Writ of Bodily Attachment against debtor

Wage Garnishments

- Fla. Stat. § 77.0305 provides for continuing writs of garnishment as to debtors wages (A-9)
- Continuing Writ of Garnishment Must be Issued by Court and Signed by Judge
- Writ is Served on Employer and Employer Has 20 days to Answer Writ of Garnishment (During that time Employer Needs to Commence withholding of 25% of disposable wages)
- Upon Receipt of Answer from Employer, Garnishing Party must Serve Notice of Garnishment upon debtor (Fla. Stat. § 77.055)
- Debtor Can then Attempt to Claim Statutory Exemptions Within 20 days
- If No Valid Exemption is Raised by Employer, Final Judgment of Garnishment gets Entered and Employer Must continue to withhold wages until Judgment is Satisfied

Bank Account Garnishments

- Make sure that debtor has bank account with balance worth garnishing (many times I will continue to monitor account until it has worthwhile balance in it). Probably only get one shot at that account since debtor may close account and relocate funds once it has been garnished
- Obtain issuance of Writ of Garnishment from Clerk of Court (on ex parte basis) and serve upon any branch of bank (A-10)(A-11)
- On date it is served bank must freeze the account and, if available, freeze at least the amount of the judgment
- Bank has 20 days to answer Writ of Garnishment
- Upon receipt of Answer, Garnishing Party must serve Notice of garnishment upon debtor (A-12)
- Debtor then gets 20 days to Raise Exemptions and Move to Dissolve
- Garnishment procedure set forth in Fla. Stat. § 77.01 *et. seq.*
- Motion for Final Judgment of Garnishment and Final Judgment of Garnishment (A-13)(A-14)

Other Types of Garnishments

- May use same statutory garnishment procedure to garnish third parties that hold property of debtor
- For instance, if a corporate debtor is owed receivables, the judgment holder can garnish these receivables from the third parties
- If debtor has securities or brokerage accounts (that are not retirement accounts), these can be garnished
- Periodic debts are not garnishable, but if its presently due and payable it can be garnished

Sheriff's Levy

- Obtain Issuance of Writ of Execution (A-15)
- Procedure Set Forth in Fla. Stat. § 56.011 *et. seq.*
- Can Execute Upon real property, personal property, stock in corporation, etc.
- Must Provide Instructions to Sheriff for Levy with Description of Location and Type of Property to be taken (find out process from local sheriff's office)
- After statutory Notice Provisions are complied with, Sheriff may sell property at public sale to highest bidder

Proceedings Supplementary

- Remedy Set Forth in Fla. Stat. § 56.29
- Procedure to Bring in Third Parties such as wife where husband keeps all assets in his name
- Procedure to pierce corporate veil of corporation to go after officers, directors or shareholders that have taken assets of business or failed to comply with corporate dissolution statutes
- Procedure to bring in other companies that are alter egos of debtor or have received assets of debtor without compensation
- Method to recover fraudulent transfers under the Uniform Fraudulent Transfer Act
- Obtain Order Impleading Third Party and Serve Third Party Complaint (A-16)
- Process is then handled like a post-judgment litigation with entitlement to a jury trial

Exemptions to Consider

- Homestead, Fla. Stat. § 222.01-222.10
- \$1,000 of Personal Property
- Wages Earned by Head of Family, Fla. Stat. § 222.11
- \$1,000 in One Motor Vehicle, Fla. Stat. § 222.25
- Disability Income Benefits, Fla. Stat. § 222.18
- Life Insurance Proceeds, Fla. Stat. §222.13
- Annuities, Fla. Stat. §222.14
- Retirement Benefits, Fla. Stat. §222.21
- Unemployment Compensation, Fla. Stat. § 222.15

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants.

DEFAULT FINAL JUDGMENT

This action was heard by this Court against the Defendant, Regional Construction Specialists, Inc., in this regard and it is

ADJUDGED that:

1. Plaintiff, Michael Fay, P.A., recover from the Defendant, Regional Construction Specialists, Inc., the principal sum of \$ 30,050.00, that shall bear interest at the rate of 7 % per year (or the statutory rate prevailing) for which sum let execution issue.

2. The address for Michael Fay, P.A. is 4197 N.W. 88th Ave., Plantation, FL 33351.

3. The address for Regional Construction Specialists, Inc., is 751 S.E. 6th Ave., Pompano Beach, FL 33060.

4. It is further ordered and adjudged that the judgment debtor shall complete under oath Florida Rule of Civil Procedure Form 1.977(Fact Information Sheet), including all required attachments; and serve it on the judgment creditors' attorney within forty-five (45) days from the date of this Final Judgment, unless the Final Judgment is satisfied or post-judgment discovery is stayed.

5. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor to complete Form 1.977, including all required attachments,

and serve it on the judgment creditor's attorney.

6. Jurisdiction is reserved by this Court to enter Judgment against David A. Mingus in the event that the bankruptcy he has filed is dismissed as he has similarly defaulted with this Court.

7. Jurisdiction is reserved by this Court to award reasonable attorneys' fees to Plaintiff.

ORDERED at Ft. Lauderdale, Broward County, Florida on ____ day of _____, 2005.

Circuit Court Judge

copies furnished to:

Scott M. Behren, Esq., Scott M. Behren, P.A., 2853 Executive Park Drive, Weston, FL 33331

Regional Construction Specialists, Inc., 751 S.E. 6th Ave., Pompano Beach, FL 33060

JUDGMENT LIEN CERTIFICATE

FOR PURPOSES OF FILING A JUDGMENT LIEN, THE FOLLOWING INFORMATION IS SUBMITTED IN ACCORDANCE WITH s. 55.203, FLORIDA STATUTES.

DO NOT PHOTOCOPY THIS FORM PRIOR TO USE.
BAR CODE MUST BE LEGIBLE.



1. JUDGMENT DEBTOR (DEFENDANT) NAME AS SHOWN ON JUDGMENT, IF AN INDIVIDUAL, IS:

LAST NAME	FIRST NAME	M. I.
MAILING ADDRESS		
CITY	ST	ZIP

2. ADDITIONAL JUDGMENT DEBTOR, IF AN INDIVIDUAL, IS:

LAST NAME	FIRST NAME	M. I.
MAILING ADDRESS		
CITY	ST	ZIP

3. JUDGMENT DEBTOR (DEFENDANT) NAME AS SHOWN ON JUDGMENT, IF A BUSINESS ENTITY, IS:

BUSINESS ENTITY NAME		
MAILING ADDRESS		
CITY	ST	ZIP

4. FEDERAL EMPLOYER IDENTIFICATION NUMBER: _____

5. DEPARTMENT OF STATE DOCUMENT FILE NUMBER: _____

PLEASE CHECK BOX IF DOCUMENT NUMBER IS NOT APPLICABLE

6. JUDGMENT CREDITOR (PLAINTIFF) NAME AS SHOWN ON JUDGMENT OR CURRENT OWNER OF JUDGMENT, IF ASSIGNED:

CREDITOR NAME (S)		
MAILING ADDRESS		
CITY	ST	ZIP

7. DEPARTMENT OF STATE DOCUMENT FILE NUMBER: _____

PLEASE CHECK BOX IF DOCUMENT NUMBER IS NOT APPLICABLE

8. OWNER'S ATTORNEY OR AUTHORIZED REPRESENTATIVE: (ACKNOWLEDGMENT OF FILING WILL BE SENT TO THIS ADDRESS)

NAME		
MAILING ADDRESS		
CITY	ST	ZIP

9. AMOUNT DUE ON MONEY JUDGMENT: _____

10. APPLICABLE STATUTORY INTEREST RATE: _____

THIS SPACE FOR USE BY FILING OFFICER

11. NAME OF COURT: _____

12. CASE NUMBER: _____

13. DATE OF ENTRY: _____ MONTH _____ DAY _____ YEAR

UNDER PENALTY OF PERJURY, I hereby certify that: (1) The judgment above described has become final and there is no stay of the judgment or its enforcement in effect; (2) All of the information set forth above is true, correct, current and complete; (3) I have not previously filed a Judgment Lien Certificate regarding the above judgment with the Department of State; and, (4) I have complied with all applicable laws in submitting this Judgment Lien Certificate for filing.

SIGNATURE OF CREDITOR OR AUTHORIZED REPRESENTATIVE

PRINT NAME

NON-REFUNDABLE PROCESSING FEE:

JUDGMENT LIEN WITH ONE DEBTOR \$20.00
EACH ATTACHED PAGE, IF NECESSARY \$ 5.00

EACH ADDITIONAL DEBTOR \$ 5.00
(NO CHARGE FOR CREDITOR AFFIDAVIT)

CERTIFIED COPY REQUESTED \$10.00

Division of Corporations • P.O. Box 6250 • Tallahassee, FL 32314 • 850-245-6039

FORM 1.977. FACT INFORMATION SHEET

(a) For Individuals.

(CAPTION)

FACT INFORMATION SHEET

Full Legal Name: _____
 Nicknames or Aliases: _____
 Residence Address: _____
 Mailing Address (if different): _____
 Telephone Numbers: (Home) _____ (Business) _____
 Name of Employer: _____
 Address of Employer: _____
 Position or Job Description: _____
 Rate of Pay: \$ _____ per _____. Average Paycheck: \$ _____ per _____
 Average Commissions or Bonuses: \$ _____ per _____. Commissions or bonuses are based on _____
 Other Personal Income: \$ _____ from _____
 (Explain details on the back of this sheet or an additional sheet if necessary.)
 Social Security Number: _____ Birthdate: _____
 Driver's License Number: _____
 Marital Status: _____ Spouse's Name: _____

Spouse Related Portion

Spouse's Address (if different): _____
 Spouse's Social Security Number: _____ Birthdate: _____
 Spouse's Employer: _____
 Spouse's Average Paycheck or Income: \$ _____ per _____
 Other Family Income: \$ _____ per _____. (Explain details on back of this sheet or an additional sheet if necessary.)
 Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or on an additional sheet if necessary.

Names and Ages of All Your Children (and addresses if not living with you): _____
 Child Support or Alimony Paid: \$ _____ per _____
 Names of Others You Live With: _____
 Who is Head of Your Household? _____ You _____ Spouse _____ Other Person
 Checking Account at: _____ Account # _____
 Savings Account at: _____ Account # _____

For Real Estate (land) You Own or Are Buying:
 Address: _____
 All Names on Title: _____
 Mortgage Owed to: _____
 Balance Owed: _____
 Monthly Payment: \$ _____
 (Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an

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additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:

Year/Make/Model: _____ Color: _____

Vehicle ID #: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____

(List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property, market value, and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$ _____

Name and Address of Person Owing Money: _____

Reason money is owed: _____

Please attach copies of the following:

- a. Your last pay stub.
- b. Your last 3 statements for each bank, savings, credit union, or other financial account.
- c. Your motor vehicle registrations and titles.
- d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.
- e. Your financial statements, loan applications, or lists of assets and liabilities submitted to any person or entity within the last 3 years.
- f. Your last 2 income tax returns filed.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this day of, (year), by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, this day of, (year).

Notary Public
State of Florida

My Commission expires:

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

(b) For Corporations and Other Business Entities.

(CAPTION)

FACT INFORMATION SHEET

Name of entity: _____
Name and title of person filling out this form: _____
Telephone number: _____
Place of business: _____
Mailing address (if different): _____
Gross/taxable income reported for federal income tax purposes last three years:
\$ _____ /\$ _____ \$ _____ /\$ _____ \$ _____ /\$ _____
Taxpayer identification number: _____
Is this entity an S corporation for federal income tax purposes? _____ Yes _____ No
Average number of employees per month _____
Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

Names of officers, directors, members, or partners: _____

Checking account at: _____ Account # _____
Savings account at: _____ Account # _____
Does the entity own any vehicles? _____ Yes _____ No
For each vehicle please state:
Year/Make/Model: _____ Color: _____
Vehicle ID No: _____ Tag No: _____ Mileage: _____
Names on Title: _____ Present Value: \$ _____
Loan Owed to: _____
Balance on Loan: \$ _____
Monthly Payment: \$ _____
Does the entity own any real property? _____ Yes _____ No
If yes, please state the address(es): _____

Please check if the entity owns the following:

- _____ Boat
- _____ Camper
- _____ Stocks/bonds
- _____ Other real property
- _____ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real

- property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.-
 7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
 8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
 9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

STATE OF FLORIDA
 COUNTY OF

 Judgment Debtor's Designated Representative/Title

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, this day of,(year).....

 Notary Public
 State of Florida

My Commission expires:

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

Committee Notes

2000 Adoption. This form is added to comply with amendments to rule 1.560.
FORM 1.980. DEFAULT

MOTION FOR DEFAULT

Plaintiff moves for entry of a default by the clerk against defendant for failure to serve any paper on the undersigned or file any paper as required by law.

 Attorney for Plaintiff

DEFAULT

A default is entered in this action against the defendant named in the foregoing motion for failure to serve or file any paper as required by law.

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

CASE NO. 03-922764 CACE 04

SANDRA N. FITZGERALD,

Plaintiff,

vs.

LISA ROSE, DONNA FAZIO, and
ROSALIE LEEMAN, jointly and
severally

Defendants.

**PLAINTIFF'S MOTION FOR COMPLETION OF RULE
1.560 FACT INFORMATION SHEET**

Plaintiff, Sandra Fitzgerald ("Fitzgerald"), by and through her undersigned counsel and pursuant to Rule 1.560 Fla. R. Civ. P., hereby moves this Court for an Order in accordance with Rule 1.560(b) and states as follows:

1. On March 8, 2005, a Default Final Judgment was entered against Rose, Fazio and Leeman in the amount of \$66,411.62.

2. In accordance with Rule 1.560 (b), Fitzgerald requests that this Court enter an Order requiring the Defendants to complete a Rule 1.560 (b) Fact Information Sheet in the form attached hereto as Exhibit "A" within 45 days.

WHEREFORE, Fitzgerald, respectfully requests that this Court enter an Order requiring each of the Defendants to complete a Rule 1.560 (b) Fact Information Sheet, in the form attached hereto as Exhibit "A" and for any and all other relief as this Court deems just and proper under the circumstances.

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to: Lisa Rose, 3555 S.W. 174th Drive, Miramar, FL 33029, Donna Fazio, 3555 S.W. 174th Drive, Miramar, FL 33029 and Rosalie Leeman, 3555 S.W. 174th Drive, Miramar, FL 33029 this ____ day of April, 2006.

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive
Suite 103
Weston, Florida 33326
Telephone (954) 385-5433
Facsimile (954) 384-8635

By: _____
Scott M. Behren
Florida Bar No. 987786

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

CASE NO. 01-8277 (04)

AM-CAN LOGISTICS, a division of FFE
TRANSPORTATION SERVICES, INC.,

Plaintiff,

vs.

CHARLES BRAHA, INC. d/b/a NEW DAY
FOOD SERVICES OF FLORIDA and
CHARLES BRAHA, individually,

Defendants.

PLAINTIFF'S NOTICE OF SERVING INTERROGATORIES IN AID OF EXECUTION

COMES NOW Plaintiff, Am-Can Logistics, by and through its undersigned counsel,
and gives notice of serving Interrogatories upon Defendant, Charles Braha to be answered
in writing, under oath, within thirty (30) days pursuant to the applicable Florida Rules of
Civil Procedure

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
furnished via U.S. Mail to: Mitchell D. Klein, Esq., 1120 East Hallandale Beach Boulevard,
Hallandale, Florida 33009 this ____ day of April, 2006.

WALDMAN FELUREN & TRIGOBOFF, P.A.
One Financial Plaza, Suite 1500
Fort Lauderdale, Florida 33394
Tel: (954) 467-8600
Fax: (954) 467-6222

By: _____
Scott M. Behren
Florida Bar No. 987786

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INSTRUCTIONS

In answering these interrogatories, you are required to furnish all information that is available to you or subject to your reasonable inquiry including information in the possession of your attorneys, accountants, advisors or other persons directly or indirectly employed by, or connected with, you or your attorneys, and anyone else otherwise subject to your control.

In answering these interrogatories, you must make a diligent search of your records and of other papers and materials in your possession or available to you or your representatives. If an interrogatory has subparts, answer each part separately and in full, and do not limit your answer to the interrogatory as a whole. If these interrogatories cannot be answered in full, answer to the extent possible, specify the reason for your inability to answer the remainder, and state whatever information and knowledge you have regarding the unanswered portion. With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify and describe all documents to which you refer in preparing your answers. The interrogatories are continuing and the answers thereto must be supplemented to the maximum extent authorized by law and the applicable rules.

DEFINITIONS

Unless otherwise indicated, the following definitions shall be applicable to these interrogatories:

A. "Person" shall mean and include a natural person, partnership, firm or corporation or any other kind of business or legal entity, its agents or employees.

In each instance wherein you are asked to "identify" a person, or the answer to the interrogatory refers to a person, state with respect to each such person:

- (1) his name;
- (2) his last known residence, business address and telephone number;
- (3) his company affiliation at the date of the transaction referred to;
- (4) his title and duties in the company with which he was affiliated.

(the male gender includes the female; and singular pronoun includes the plural).

B. The words "Document" and "Documents" mean all written, recorded or graphic matters, however produced or reproduced, whether or not privileged, pertaining in any way to the subject matter of this action. This definition includes, but is not limited to, any and all originals, copies, or drafts of any and all of the following: records; notes; summaries; schedules; contracts or agreements; drawings; sketches; invoices, orders or acknowledgement; diaries, reports, forecasts or appraisals; memoranda or telephone or in person conversations by or with any person, or any other memoranda; letters, telegrams, telexes, or cables prepared, drafted, received or sent; tapes, transcripts or recordings; photographs, pictures or films; computer programs or data or other graphic symbolic, recorded or written materials of any nature whatsoever. Any document which contains any comment, notation, addition, insertion or marking of any kind which is not part of another

document or any document which does not contain any comment, notation, addition, insertion, or marking of any kind which is part of another document, is to be considered a separate document.

In each instance wherein you are asked to "identify" or describe a document, your description should be sufficient to satisfy the requirements of Federal Rule of Civil Procedure 33, and should include, but not be limited to:

- (1) "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;
 - (d) Each position he has ever held with you and the date such positions were held; and
 - (e) Such other information sufficient to enable Plaintiff(s)/Defendant(s) to identify the person.
- (2) "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; and
 - (c) State whatever other information you may have concerning the existence of identity of the entity.
- (3) "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 know) 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; and

(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.

(4) You may, in lieu of identifying any document, attach a true copy of such document or communication as an Exhibit to its answers to these Interrogatories along with an explicit reference to the Interrogatory to which each such attached document or communication relates.

(5) "Identify", when used with reference to an oral transaction or communication, means:

- (a) State its nature (e.g., telephone call, conversation in person, etc.);
- (b) State the date and place thereof;
- (c) Identify each person participating therein or present during or witness to any part thereof; and
- (d) Identify each document in which such transaction or communication was recorded, described or referred to.

(6) "Identify", when used with reference to a contract, means:

- (a) State the date and place it was made;
- (b) State the name, address and telephone number of each party thereto;

- (c) State its terms including, but not limited to, the performance to be rendered by each party;
 - (d) State whether the performance was rendered; and
 - (e) State whether there has been any litigation with reference to said contract.
- (7) "Identify", when used with reference to a statement or representation, means:
- (a) State the date and place it was made;
 - (b) State whether the statement or representation was oral or written;
 - (c) If the statement or representation was oral, identify the oral communication in which it was made; and
 - (d) If the statement or representation was in writing, identify the document in which it was made, indicating the page and line on which the statement or representation was made and the opening and closing words of the statement or representation.
- (8) "Identify", when used in any other context than herein-above set forth, means:
- (a) Describe the act, word, situation, event, etc., (and/or conduct, course of action of any nature whatsoever, including without limitation any failure to act, engage in any conduct, or to pursue any course of action), to be identified as fully as possible, and identify each document or communication

in which such act, word, situation, event, conduct or course of action, etc., was recorded, described and referred to.

C. "You" shall refer to yourself, your counsel and any consultants, experts, investigators, agents or other person acting on your behalf.

D. "Knowledge" includes first-hand information and information derived from any other source including hearsay knowledge.

INTERROGATORIES

1. State your name, age, present address, telephone number and length of time you have resided at that address.

2. State whether you have ever been known by any other name.

3. State your Social Security Number.

4. Please state your present job or occupation and the name, address and telephone number of the place where you carry out your job or occupation.

5. Are you engaged in business in an individual, partnership or corporate form?

6. If engaged in business, please state your business address and name of your firm.
7. If you employed, please state the name and address of your employer and the nature of the business.
8. In what capacity are you employed?
9. Please state whether or not you are employed under a written contract.

10. If the answer to Interrogatory number 8 is in the affirmative, please explain the terms of the contract.

11. Please state the length of time you have worked with your present employer.

12. What share or interest do you have in the firm with which you are connected?

13. What is your present salary.

14. When is your salary payable.

15. Please state whether your salary is payable by check or cash.

16. Do you receive any bonus or emolument other than your salary? If so, please explain.

17. Do you have a drawing account?

18. Do you receive any shares of stock as part of your compensation? If so, please explain.

19. What amount of income have you received from your trade or profession during each of the two years immediately preceding the entry of judgment in this action?

20. What amount of income have you received from other sources during each of these two years?

21. Are you married?

22. What is your spouse's full name?

23. Please state whether or not your spouse is engaged in an independent business.

24. If the answer to Interrogatory number 23 is in the affirmative, please state the name and address and nature of such business.

25. Is your spouse employed? If so, please state the name and address of the employer.

26. What is the nature of your spouse's occupation?

27. What is your spouse's present salary?

28. When is your spouse's salary payable?

29. Please state whether your spouse's salary is payable by check or cash.

30. Does your spouse receive any bonus or emolument other than his or her salary?
If so, please explain.

31. Does your spouse have a drawing account?

32. What amount of income has your spouse received from his or her trade or profession during each of the two years immediately preceding the entry of judgment in this action?

33. What amount of income has your spouse received from other sources during each of these two years?

34. Please state the names and ages of your children, if any.
35. Are any of your children employed?
36. State the names and addresses of the employers of any of your children.
37. State the amount of income received by each of your children.
38. Do you occupy an apartment or house?
39. If an apartment, please state the landlord's name and address.

40. Do you have a written lease?

41. Who pays the rent?

42. Please state whether the rent is paid by cash or check.

43. Please state the amount of the rent.

44. Please state whether you have security on deposit with your landlord and, if so, how much.

45. If a house, please state its present value.

46. Please state what mortgages are presently on the house, by whom the mortgages are held, and the amounts to be paid on such mortgages.

47. Please state whether or not you are the owner of the household furnishings in your home or apartment.

48. If the answer to Interrogatory number 46 is in the affirmative, please state whether said furnishings were purchased on an installment plan.

49. Are said furnishings covered by a security agreement such as a chattel mortgage or conditional sales contract? If so, please explain.

50. Please state whether said furnishings are insured and, if so, please state the name of the insured and the name of the insurance company.

51. Please state the present value of the household furnishings now owned by you.

52. Do you or your spouse own any interest in real estate other than your home? Please describe.

53. Please state what mortgages are presently on said real estate, by whom said mortgages are held, and the amounts to be paid on said mortgages.

54. Do you or does your spouse have shares or a proprietary lease in a cooperative or condominium? If so, please describe.

55. Do you or does your spouse own any chattel or real estate mortgages? If so, please describe.

56. Do you or does your spouse hold any participating interest in a real estate or chattel mortgage? If so, please describe.

57. Do you or does your spouse receive any income from trust funds? If so, please explain.
58. Do you or does your spouse own any stocks, bonds, defense bonds or other securities? If so, please describe each item.
59. Do you or does your spouse own a piano, phonograph, radio, television set, horses, carriages, trucks, paintings or silverware? If so, please describe each item.
60. Do you or does your spouse own any rugs or tapestries? If so, please describe such items.
61. Do you or does your spouse have a library, collection of curios, coins, stamps, antiques or statuary? If so, please describe each item.

62. Do you or does your spouse receive royalties from any patent, copyright or invention? If so, please explain.

63. Do you or does your spouse own any seat in any stock, cotton, produce, commercial or other exchange? If so, please explain.

64. Do you or does your spouse have any property in pawn? If so, please describe any such item.

65. Have you ever borrowed money and pledged or deposited as collateral security any property, real or personal? If so, please state the names and addresses of persons with whom such security was deposited.

66. Do you or does your spouse own an automobile, airplane or boat? If so, please give a description of same.

67. Are the items described in your answer to the previous question covered by a chattel mortgage; conditional sale or other security agreement? If so, please explain.

68. Were any of the items described in your answer to question number 66 above purchased on an installment plan? If so, please explain.

69. Where are the items described in your answer to question number 66 presently located?

70. Do you or does your spouse own any jewelry? If so, please describe each item of jewelry and give the approximate present value of each item of jewelry.

71. Give the dates of purchase of each item of jewelry described in the preceding answer.

72. Are you an officer, director or shareholder in any corporation? If so, please state the name and address of such corporation or corporations.
73. Is your spouse an officer, director or shareholder in such corporation or corporations?
74. Are any of your children officers, directors or shareholders in any corporation? If so, please state the name and address of such corporation or corporations.
75. Do you have a bank checking or savings account? If so, give the names and addresses of banks where you have such accounts.

76. Have you closed any bank accounts in the last two (2) years? If so, please give the name and address of the bank.
77. If the answer to question 76 is in the affirmative, please answer the following:
- a. How much was on deposit at the time the account was closed.
 - b. Please state the date, name and address of payee of the last check drawn on said account.
 - c. What was the amount of said check and the consideration therefor.
 - d. Is the payee related to you, or to a member of your family?
78. Does your spouse have a bank checking or savings account? If so, give the names and addresses of banks where your spouse has such accounts.

79. Has your spouse closed any bank account in the last two (2) years? If so, please give the name and address of the bank.
80. If the answer to question 79 is in the affirmative, please answer the following:
- a. How much was on deposit at the time the account was closed.
 - b. Please state the date, name and address of payee of the last check drawn on said account.
 - c. What was the amount of said check and the consideration therefor.
 - d. Is the payee related to you, or to a member of your family?
81. Do you have any life, accident, health or any other kind of insurance? If so, what are the names of the companies and the numbers and amounts of each policy.
82. Who are the beneficiaries in each policy?

83. Were the beneficiaries changed? If so, when?
84. Does your spouse have any life, accident, health or other kind of insurance? If so, what are the names of the companies and the numbers and amounts of each policy.
85. Who are the beneficiaries in each said policy?
86. Were the beneficiaries changed. If so, when?
87. Have you and/or your spouse one or more safe deposit boxes? If so, please give the location of each and the names of all persons having access to each box.

88. Do you or does your spouse have access to any other safe deposit box? If so, please explain.
89. Have you borrowed money from any bank or other lending institution within the past two (2) years? If so, please state the name and address of the institution and the amount of the loan.
90. Are you a trustee, executor or administrator under any last will or testament, insurance policy or trust agreement? If so, please explain.
91. Are you a beneficiary under any trust or last will, if so, please explain.
92. Are you a lessee of any real estate? If so, where is the property located?

93. Do you have any interest in a mortgage, mechanic's lien or other lien on real property? If so, please explain.
94. Have any judgments been entered in your favor? If so, please give details and amounts.
95. Do you have any right or interest in any action now pending in any Court? If so, please explain.
96. Are you a party to any action presently pending in any court? If so, please explain.
97. Do you have any claims for damages against any person or entity which are not yet pending in any court? If so, please explain.

98. Have you sold, conveyed or assigned any of your property, real or personal, within the past two years? If so, please explain.

99. Have you made a gift of any of your real or personal property to anyone since the summons in the above entitled action was served on you? If so, please explain.

100. Are you named as beneficiary under a life insurance policy issued to some other person? If so, please state the name of the insured, the name of the company and the number and the amount of said policy of insurance.

101. Have you received any money or property under any will or by inheritance?

102. Does anyone hold any property or money in trust for you? If so, please explain.

103. Have you filed federal or state income tax returns for the past two years? If so, where and when were such returns filed?

104. Are you entitled to any refund for federal or state income taxes paid? If so, how much?

105. Do you have deposits with any utility company? If so, please state the name of the company and the amount of the deposit.

106. Do you receive or are you entitled to receive money from retirement, trust or pension funds? If so, please explain.

107. Do you have an interest in insurance or other claims now pending? If so, please give details.

108. Have any judgments been entered against you? If so, please give details and amounts.

109. Have you ever before been examined by a judgment creditor? If so, please state the name of the examiner and the date and location of the examination.

110. Has a receiver of your property ever been appointed? If so, please explain.

111. Does anybody owe you money? If so, please give details.

112. How do you pay for your living expenses?

113. What is the source of your income which you use to support yourself?

114. Do you receive any money from others to help support yourself? If so, give the names and addresses of such persons.

115. Give the amounts that such persons contribute for your support.

116. Do you receive such monies by check or in cash?

117. How much cash do you have on hand, or in your home?

118. Do you have any sources of income other than as previously testified to herein? If so, please explain.

119. Are you the head of household for your family?

120. Do you pay for most of the necessities of life for the members of your family? If not, please state the name and address of the person who makes such payments.

121. Do you keep any records relating to your income and expenses? If so, state the present location of such reports.

122. Do you employ an accountant? If so, please state the name and address of your accountant.

123. Have you prepared a last will and testament?

Charles Braha

COUNTY OF }
 }ss:
STATE OF FLORIDA }

Before me this day personally appeared Charles Braha, who, being first duly sworn, deposed and said that the foregoing Answers to Interrogatories are true and correct based upon his own personal knowledge.

Notary Public, State of Florida

My Commission Expires:

Personally Known _____ or
Type of Identification Produced _____

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants.

**PLAINTIFF'S REQUEST FOR PRODUCTION IN AID OF EXECUTION
TO REGIONAL CONSTRUCTION SPECIALISTS, INC.**

Plaintiff by and through its undersigned counsel, hereby requests that Defendant, Regional Constructions Specialists, Inc., produce all materials requested herein at the offices of the undersigned counsel within thirty (30) days from the date hereof, or such shorter time as may be ordered by the Court, pursuant to Rule 1.350, *Fla. R. Civ. P.*

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail this _____ day of April, 2006 to: David Mingus, Regional Construction Specialists, Inc., 1 Pompano Square, C24, Pompano Beach, FL 33062.

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive-Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____
Scott M. Behren
Fla. Bar No. 987786

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DEFINITIONS AND INSTRUCTIONS

1. This request for production is directed to all documents in your possession or control, or in the possession or control of your agents, attorneys, accountants, or other representatives.

2. In the event that you seek to withhold production of any documents(s) on the basis of a claim of privilege, identify separately each such document by its date, description, author, recipient and number of pages and explain the basis on which you assert a privilege.

3. In accordance with Rule 1.350(b) of the Florida Rules of Civil Procedure, you are additionally requested to file a written response to these requests for production and identify the documents and things which you produce in accordance with the categories set out in this request.

4. The term "person" includes any natural person, firm, partnership, joint venture, corporation, or group of natural persons or such entities.

5. The term "document(s)" is intended to be comprehensive and to include, without limitation, all original writings of any nature whatsoever, copies and drafts which, by reason of notes, changes, initials, or identification marks are not identical to the originals. In all cases where the original and/or copies or drafts are not available, documents also means a copy thereof.

6. The term "document(s)" means any tangible thing from or on which information can be stored, recorded, processed, transmitted, inscribed, or memorialized in any way by and means, regardless of technology or form and including, but not being limited to: papers, books, accounts, newspapers and magazine articles, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversation, or of interviews of conferences, or of other meetings, occurrences, or transactions, affidavits, transcripts of depositions or hearings, statements, summaries, opinions, reports, tests, experiments, analyses, evaluations, contracts, agreements, ledgers, journals, books or records of account, receipts, summaries of accounts, balance sheets, income statements, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, mechanical means, and things similar to any of the foregoing however, denominated. Each copy of a document which contains any separate notations or writings thereon shall be deemed to be a separate document for purposes of these discovery requests.

7. In the event that any document called for herein has been destroyed, that document is to be identified as follows: author, addressor, addressee, recipients of indicated or "blind" copies, date, subject matter, number of pages, attachments or

appendices, all persons believed at any time to have had a copy of the document, date of destruction, place and manner of destruction, persons authorizing destruction and person destroying the document.

DOCUMENTS REQUESTED

1. Copies of all federal and state income tax and/or state property tax returns filed by you for the years 1998 through 2005.
2. The originals of all certificates of stock, bonds or other securities, including evidence of ownership of uncertificated securities, owned or beneficially held you, either alone or jointly with any other person or persons.
3. Copies of all financial statements issued or prepared by or on behalf of you showing your financial condition during the years 1998 through 2005.
4. All applications for financing or loans made by you to any bank, savings and loans institution, or lending institution of any kind during the years 1998 through 2005
5. All original notes, deeds, title certificates, mortgages, financing statements, security instruments or liens of any kind showing or tending to show the existence of debts owed to you.
6. All financial, business and property records, and all papers, passbooks, record books and books of account, which tend to disclose the extent and the nature of all financial interests, property and property rights owned by you and the location thereof.
7. All passbooks with respect to all savings accounts, checking accounts and savings and loan association share accounts owned by you solely or jointly, with any individual or business entity.
8. The most recent bank ledger sheets, statements, certificates, reports or other writings in your possession, custody or control, with respect to all bank accounts owned by you solely or jointly, with any individual or business entity.
9. All checkbooks or checking accounts owned by you solely or jointly.
10. The original deeds to all real property owned by you solely or jointly.
11. The latest available balance sheets and other financial statements in your possession, custody or control with respect to any and all business enterprises of whatever nature in which you possesses any ownership interest, whether as a partner, joint venture, stockholder or otherwise.

12. Your accounts receivable ledger or other record which sets forth the names and addresses of all persons or business enterprises that are indebted to you , and the amounts of each indebtedness.
13. Any bills of sale, deeds, contracts or other documents showing transfer of any and all property executed by you during the years 1998 through 2005.
14. Any listing of inventories or other records showing property owned in the years 1998 through 2005 by you.
15. All policies of insurance or applications for policies of insurance covering any personalty, valuables, jewelry, art works, antiques or other insurable items owned by you.
16. All titles to any motor vehicles, boats/yachts or aircraft in which you have any ownership or beneficial interest.

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

CASE NO. 05-04629 CACE 21

MICHAEL STANLEY,

Plaintiffs,
vs.

FIFTH TASTE CONCEPTS, LLC

Defendant.
_____ /

RE-NOTICE OF TAKING DEPOSITION
DUCES TECUM IN AID OF EXECUTION

PLEASE TAKE NOTICE that the undersigned will take the deposition duces tecum
in aid of execution of:

<u>Name</u>	<u>Date</u>	<u>Time</u>
Ian Berkowitz	April 13, 2006	10:00 a.m.

upon oral examination before an officer qualified to administer oaths at the offices of Scott M. Behren, P.A., 2853 Executive Park Drive, Suite 103, Weston, FL 33331 for the above-styled cause. The deposition shall be conducted pursuant to local rules and shall continue day to day, weekends and holidays excepted, until completed. **Witness is required to bring with him to the deposition, the items listed on the attached Exhibit "A."**

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I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile this _____ day of April, 2006 to: S. Brian Bull, Esq., Scott, Harris, Bryan, Barra & Jorgensen, P.A., 4400 PGA Blvd., Suite 800, Palm Beach Gardens, FL 33410; Ian M. Berkowitz, Esq., Berkowitz & Associates, P.A., 2385 Executive Center Drive, Suite 190, Boca Raton, FL 33431 and Harry Ross, Esq., Harry J. Ross, Esq., 6100 Glades Road, Suite 211, Boca Raton, FL 33434 and Joseph Glick, Esq., 1112 SE 3rd Ave., Ft. Lauderdale, FL33316.

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive-Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____
Scott M. Behren
Fla. Bar No. 987786

SCHEDULE "A"

1. Copies of all federal and state income tax and/or state property tax returns filed by Fifth Taste Concepts, LLC for the years 2000 through 2005.
2. The originals of all certificates of stock, bonds or other securities, including evidence of ownership of uncertificated securities, owned or beneficially held by Fifth Taste Concepts, LLC, either alone or jointly with any other person or persons.
3. Copies of all financial statements issued or prepared by or on behalf of Fifth Taste Concepts, LLC showing her financial condition during the years 2000 through 2005.
4. All applications for financing or loans made by Fifth Taste Concepts, LLC to any bank, savings and loans institution, or lending institution of any kind during the years 2000 through 2005.
5. All original notes, deeds, title certificates, mortgages, financing statements, security instruments or liens of any kind showing or tending to show the existence of debts owed to Fifth Taste Concepts, LLC or property owned by her in which he has a security interest.
6. All financial, business and property records, and all papers, passbooks, record books and books of account, which tend to disclose the extent and the nature of all financial interests, property and property rights owned by Fifth Taste Concepts, LLC and the location thereof.
7. All passbooks with respect to all savings accounts, checking accounts and savings and loan association share accounts owned by Fifth Taste Concepts, LLC, solely or jointly, with any individual or business entity.
8. The most recent bank ledger sheets, statements, certificates, reports or other writings in your possession, custody or control, with respect to all bank accounts owned by Fifth Taste Concepts, LLC solely or jointly, with any individual or business entity.
9. All checkbooks or checking accounts owned by Fifth Taste Concepts, LLC solely or jointly, in any business enterprise, or owned by him in which Fifth Taste Concepts, LLC has an interest.
10. The original deeds to all real property owned by Fifth Taste Concepts, LLC, solely or jointly.

11. The latest available balance sheets and other financial statements in your possession, custody or control with respect to any and all business enterprises of whatever nature in which Fifth Taste Concepts, LLC possesses any ownership interest, whether as a partner, joint venturer, stockholder or otherwise.

12. Fifth Taste Concepts, LLC's accounts receivable ledger or other record which sets forth the names and addresses of all persons or business enterprises that are indebted to him, and the amounts of each indebtedness.

13. Any bills of sale, deeds, contracts or other documents showing transfer of any and all property executed by Fifth Taste Concepts, LLC during the years 2000 through 2005.

14. Any listing of inventories or other records showing property owned in the years 2000 through 2005.

15. All policies of insurance or applications for policies of insurance covering any personalty, valuables, jewelry, art works, antiques or other insurable items owned by Fifth Taste Concepts, LLC.

16. All titles to any motor vehicles, boats/yachts or aircraft in which Fifth Taste Concepts, LLC has an ownership or beneficial interest.

17. All customer lists, payments received from all customers and/or invoices sent to customers since 2000.

18. All accounting records of Fifth Taste Concepts, LLC, Inc. from 2000 through 2005 in electronic format (either Quickbooks, Quicken, Peachtree, etc.).

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

vs.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
A Florida Corporation and DAVID A MINGUS

Defendants.

_____/

**ORDER TO SHOW CAUSE WHY DAVID MINGUS SHOULD NOT BE HELD IN
CONTEMPT OF COURT AND JAILED ACCORDINGLY**

THIS CAUSE, having come before this Court on Michael Fay, P.A.'s Motion for Contempt against David A. Mingus and for order to show cause and the Court being advised that this Court's Orders have not been complied with, and being otherwise fully informed in the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

1. This Court entered an Order against Regional and Regional, through Mingus, was required to complete and furnish to Fay a Rule 1.977 Fact Information Sheet.

2. To date, Mingus and Regional have still failed to complete a form 1.977 Fact Information Sheet.

3. Accordingly, this Court hereby orders that David Mingus appear before the Honorable Patricia Englander-Henning on _____, at the Broward County Courthouse, 201 S.E. 6th Street, 10th Floor, Ft. Lauderdale, FL.

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6. Pursuant to this Order the failure of David Mingus to appear on the above date may result in a warrant for his arrest.

7. David Mingus must appear on this date and must be governed accordingly.

DONE and ORDERED in Chambers in Ft. Lauderdale, Broward County, Florida on this ____ day of February, 2006.

CIRCUIT COURT JUDGE

cc: Scott M. Behren, Esq.
Joseph Casaci, Esq.
Michael Fay, P.A.

copy furnished by process server to: David Mingus

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

CASE NO. 02-24095 CACE 18

OLYMPIA TITLE, INC.

Plaintiff,

vs.

RICHARD DEUTSCH,

Defendant.

vs

ERIC B. KAZANJIAN,

Defendant/Cross-Defendant,

and

OPEN SOURCE DEVELOPMENT NETWORK
a/k/a OPEN SOURCE TECHNOLOGY GROUP a wholly
owned subsidiary of VA SOFTWARE CORP.,

Garnishee.

_____/

**CONTINUING WRIT OF GARNISHMENT OF SALARY OR
WAGES(POSTJUDGMENT)IN ACCORDANCE WITH FLA. STAT. §77.0305**

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to summon the Garnishee, Open Source Development Network a/k/a Open Source Technology Group as a wholly owned subsidiary of VA Software Corp., 46939 Bayside Parkway, Fremont, CA 94538 (by serving its registered agent, CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324), to

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serve an answer to this Writ on Plaintiffs' attorney, Scott M. Behren, Esq., whose address is 3230 Stirling Road, Suite 1A, Hollywood, FL 33021, (954) 893-6868, Fax (954) 893-6870, within twenty (20) days after service on the Garnishee, exclusive of the day of service, and to file the original with the Clerk of this Court either before service on the attorney or immediately thereafter, stating whether the Garnishee is indebted to **Defendant, Eric B. Kazanjian (Social Security No.033-38-9133)**. The Garnishee's Answer shall state whether the Garnishee is the employer of Kazanjian, and whether the Garnishee is indebted to Kazanjian by reason of salary or wages. The Garnishee's Answer shall specify the periods of payment (for example, weekly, biweekly, or monthly) and amount of salary or wages and be based on Kazanjian's earnings for that pay period during which this Writ is served on the Garnishee.

During each pay period, a portion of Kazanjian's salary or wages as it become due shall be held and not disposed or transferred until further Order of the Court. The amount of salary or wages to be withheld for each pay period shall be made in accordance with the following paragraph. This Writ shall continue until Plaintiff's Judgment is paid in full or until otherwise provided by Court Order.

Federal law (15 U.S.C. §§ 1671-1673) limits the amount to be withheld from salary or wages to no more than 25% of any individual Defendant's disposable earnings (the part of earnings remaining after deduction fo any amounts required by law to be deducted) for any pay period or to no more than the amount by which the individual's disposable earnings for the pay period exceed 30 times the federal minimum hourly wage, whichever

is less.

For administrative costs, the Garnishee may collect \$5.00 against the salary or wages of the Defendant for the first deduction and \$1.00 for each deduction thereafter.

The total amount of the final judgment outstanding is approximately \$5,282.00, together with interest thereon from the date of said Judgment at the rate of 7% from November 17, 2004.

FAILURE TO FILE AN ANSWER WITHIN THE TIME REQUIRED MAY RESULT IN THE ENTRY OF JUDGMENT AGAINST THE GARNISHEE FOR THE ABOVE TOTAL AMOUNT OF \$ 5,282.00 together with interest thereon.

WITNESS my hand and seal of this Court of this ____ day of April, 2006.

CIRCUIT COURT JUDGE

Scott M. Behren, Esq.
Law Offices of Scott M. Behren, P.A.
2835 Executive Park Drive-Suite 103
Weston, FL 33326
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants

and

BANKATLANTIC,

Garnishee

MOTION FOR WRIT OF GARNISHMENT

Michael Fay, P.A. ("Fay"), by and through their undersigned counsel, moves the Clerk of this Court to issue a Writ of Garnishment against Garnishee, BankAtlantic, as follows:

1. On July 20, 2005, a Default Final Judgment was entered against Regional Construction Specialists, Inc. ("Regional") in favor of Fay, in the total sum of \$ 30,050.00, plus interest at the statutory rate, for all of which let execution issue
2. Fay does not believe that Regional has in its possession visible property upon which a levy can be made sufficient to satisfy the Final Judgment.
3. Defendant suggests that BankAtlantic is indebted to, or has tangible or intangible personal property of **Regional Construction Specialists, Inc. (FEI # 65-0817642)**. In its hands, possession or control, and moves that the Clerk of the above Court issue a Writ of Garnishment commanding the Garnishee named above to answer according to law in such cases provided.

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DATED this _____ day of April, 2006.

Respectfully submitted,

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive-Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____
Scott M. Behren
Fla. Bar No. 987786

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants

and

BANKATLANTIC,

Garnishee

WRIT OF GARNISHMENT

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to summon the Garnishee, BankAtlantic, to serve an answer to this Writ on Plaintiffs' attorney, Scott M. Behren, Esq., whose address is Scott M. Behren, P.A., 2853 Executive Park Drive, Suite 103, Weston, Florida 33331, within twenty (20) days after service on the Garnishee, exclusive of the day of service, and to file the original with the Clerk of this Court either before service on the attorney or immediately thereafter, stating whether the Garnishee is indebted to **Regional Construction Specialists, Inc. (FEI # 65-0817642)**, individually and/or jointly and severally at the time of the answer or was indebted at the time of service of the Writ, or at any time between such times, and in what sum and what tangible and intangible personal property of Regional Construction Specialists, Inc. the Garnishee is in possession or control of at the time of the answer or had at the time of service of this Writ, or at any time between such

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times, and whether the Garnishee knows of any other person indebted to the Plaintiff or who may be in possession of control of any of the property of the Plaintiff.

The amount set forth in the Default Final Judgment against Regional Construction Specialists, Inc. is \$ 30,050.00 plus statutory interest.

WITNESS my hand and seal of this Court of this ____ day of April, 2006.

HOWARD FOREMAN
As Clerk of the Court

By: _____
As Deputy Clerk

Scott M. Behren, Esq.
SCOTT M. BEHREN, P.A.
2853 Executive Park Drive-Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants

and

BANKATLANTIC,

Garnishee

NOTICE OF GARNISHMENT

TO: Joseph R. Casacci, Esq.
Joseph R. Cassacci, P.A.,
14 Rose Drive
Ft. Lauderdale, FL 33316

You are notified that a Writ of Garnishment has been served on the above-named garnishee, and the garnishee has filed its answer, a copy of which is attached. You must move to dissolve the Writ within the time period set forth in Florida Statute 77.001(2) or be defaulted. You may have exemptions from the garnishment that must be asserted as a defense.

Michael Fay, P.A., by and through its undersigned attorney, certifies that copies of the notice of the Writ of Garnishment, the Writ of Garnishment and garnishee's Answer have been served upon Regional Construction Specialists, Inc.'s counsel who appears to have an ownership interest in the deposit account or other present property in the possession and control of garnishee.

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I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile this ____ day of April, 2006 to: Joseph R. Casacci, Esq., Joseph R. Cassacci, P.A., 14 Rose Drive, Ft. Lauderdale, FL 33316.

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive
Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____
Scott M. Behren
Florida Bar No. 987786

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.

Plaintiff,

vs.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,

Defendants

vs.

BANKATLANTIC

Garnishee

FINAL JUDGMENT OF GARNISHMENT

THIS CAUSE having come on this day to be heard upon Michael Fay's Motion for Final Judgment of Garnishment, and the Court having reviewed the file in this cause, having determined that the Garnishee has been properly served with the Writ of Garnishment and has admitted a debt to the Defendant, Regional Construction Specialists, Inc. ("Regional"), and Regional has failed to objection thereto or to plead any defenses, and the Court being otherwise fully advised in the premises, it is therefore

ORDERED AND ADJUDGED as follows:

1. That Plaintiff's Motion for Final Judgment of Garnishment is GRANTED.
2. That Plaintiff shall have, receive and recover from Garnishee, BankAtlantic, the sum of \$ 29,471.83, for which amount let execution issue.
3. That the Clerk of the Court shall pay to Garnishee, the statutory attorney fee of

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\$100. filed with the Clerk of the Court, as the reasonable attorney fee in this cause.

DONE AND ORDERED in Chambers in Ft. Lauderdale, Broward County, Florida
this ____ day of February, 2006.

CIRCUIT COURT JUDGE

cc: Scott M. Behren, Esq.
Joseph Casaci, Esq.
William C. Davell, Esq.
Michael Fay, P.A.

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants

and

BANKATLANTIC,

Garnishee

MOTION FOR FINAL JUDGMENT OF GARNISHMENT

Michael Fay, P.A. ("Fay"), by and through its undersigned counsel, moves this Court to enter a Final Judgment of Garnishment against Garnishee, BankAtlantic, as follows:

1. Plaintiff garnished the bank account of Defendant, Regional Construction Specialists, Inc ("Regional").
2. Garnishee answered that it is holding \$29,471.83 in the account of Regional.
3. On January 10, 2006, Plaintiff served its Notice of Garnishment upon Regional.
4. Regional has filed no reply or response to the Notice within the required time frame and Plaintiff is entitled to Final Judgment in Garnishment against Regional and Garnishee.

WHEREFORE, Plaintiff respectfully requests that this Court enter a Final Judgment of Garnishment in favor of Plaintiff in the amount of \$29,471.83 and for any and all other relief that this Court deems just and proper under the circumstances.

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I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile this ____ day of April, 2006 to: Joseph R. Casacci, Esq., Joseph R. Cassacci, P.A., 14 Rose Drive, Ft. Lauderdale, FL 33316 and William C. Davell, Esq., May, Meacham & Davell, P.A., One Financial Plaza, Suite 2602, Ft. Lauderdale, FL 33394.

Respectfully submitted,

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive-Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____
Scott M. Behren
Fla. Bar No. 987786

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

CASE NO. 01-015136 CACE 14

ERIC YOUNGBERG,

Plaintiff,

vs.

AMERICAN MASTERCRAFT
STEEL BUILDINGS CORPORATION,

Defendant.
_____ /

WRIT OF EXECUTION

TO THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

YOU ARE COMMANDED to levy on the property subject to execution of American Mastercraft Steel Buildings Corporation in the sum of \$28,712.50, with interest at 6% per annum from February 20, 2003, until paid and to have this Writ before the Court when satisfied.

DATED on _____, 2003.

HOWARD C. FORMAN
as Clerk of the Court

By: _____
As Deputy Clerk

Copies furnished to:

Mark D. Cohen, Esq., Presidential Circle, #400 North, 4000 Hollywood Boulevard,
Hollywood, Florida 33021

Scott M. Behren, Esq., Waldman Feluren & Trigoboff, PA, 2200 North Commerce Parkway,
Suite 202, Weston, Florida 33326

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

CASE NO. 04-02763 CACE 03

MICHAEL FAY, P.A.,

Plaintiff,

v.

REGIONAL CONSTRUCTION SPECIALISTS, INC.,
a Florida Corporation and DAVID A. MINGUS,

Defendants.

**MOTION TO JOIN THIRD PARTY DEFENDANT, ROSEMARIE C. MINGUS
TO COMMENCE PROCEEDINGS SUPPLEMENTARY**

Plaintiff, MICHAEL FAY, P.A., ("Fay"), moves to join Rosemarie C. Mingus, as a party to this action, and alleges as follows:

1. A Judgment previously entered against Regional Construction Specialists, Inc., remains unsatisfied.

2. Rosemarie C. Mingus is either an officer, director and/or shareholder of Regional Construction Specialists or is related to the officers, directors and shareholders.

3. She is an insider under Florida law.

4. Rosemarie C. Mingus has incurred liability for debts of Regional Construction Specialists by virtue of law of any or all of the following:

a. Fraudulent transfer of money or other assets from Regional Construction Specialists, Inc., and/or a conspiracy to do so, at a time when Regional Construction Specialists, Inc., was insolvent and/or previously indebted to Plaintiff.

5. All conditions precedent to instituting these proceedings have occurred.

WHEREFORE, the Plaintiff, FAY, requests an Order of Joinder of Rosemarie C. Mingus to commence proceedings supplementary against her in this matter.

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I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served via U.S. Mail this _____ day of April, 2006 to: David Mingus, Regional Construction Specialists, Inc., 751 S.E. 6th Ave., Pompano Beach, FL 33060.

SCOTT M. BEHREN, P.A.
2853 Executive Park Drive
Suite 103
Weston, Florida 33331
Telephone: (954) 385-5433
Facsimile: (954) 384-8635

By: _____

Scott M. Behren
Florida Bar No. 987786