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

CIRCUIT CIVIL DIVISION

CASE NO. CACE-22-001852

KAMEKA MANAGEMENT SOLUTIONS, INC. and ERYCK DZOTSI,

Plaintiff,

-vs-

16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC and 2045 SW 127th Avenue, LLC.

Defendants.
_____/

DEFENDANTS' MOTION TO QUASH SERVICE OF PROCESS, SET ASIDE DEFAULT AND ORDER OF SALE

COMES NOW the Defendants, 16260 SADDLE CLUB ROAD, LLC; RYAN BURKE, VEW LIVE, LLC; and 2045 SW 127the Avenue, LLC (Collectively referred to hereafter as "The Defendants"), and move to quash service and set aside the Clerk's Default previously entered August 22, 2022 and alleges the following facts in support thereof.

1. All four of the Defendants were allegedly served by process on April 11, 2022. The returns of service are attached as exhibits 1 through 4 to this motion to quash.

2. No personal service was effected upon any of the Defendants. The return of service states that the process server merely left the documents at the door of the residence.

3. Merely leaving a complaint and summons at a door fails to comply with the requirements of Fla.Stat. 48.031.

4. None of the three corporate Defendants were served via the registered agent as required by Fla.Stat. 48.081 and 48.091.

5. Moreover, the Defendant RYAN BURKE was in Las Vegas, Nevada on April 11, 2022 as evidenced by his affidavit attached as exhibit 5 to this motion.

6. Attached to this motion is further evidence that Ryan Burke, as well as the three corporate defendants were not served in that Mr. Burke was in Las Vegas, Nevada from April 1, 2022 through April 14, 2022 as confirmed by his American Airlines trip confirmation and receipt attached as exhibit 6 to this motion.

MEMORANDUM OF LAW

Florida Statute 48.031 requires personal service to be performed "by leaving copies at his or her usual place of abode **WITH ANY PERSON** residing therein who is 15 years of age and informing the person of their contents".(emphasis added). Leaving the complaint and summons at the door of the residence is insufficient to perfect service on Ryan Burke.

Florida Statue 48.081, service on corporations provides in part that "process may be served on the president, vice president or other head of corporation (Fla.Stat. 48.081(a). Additionally, service on corporation may be perfected by service on a corporation by serving the registered agent under Fla.Stat. 48.081(3)(a)". No such service was perfected upon the registered agent. Merely leaving the complaint and summons at the door, does not comply with Fla.Stat. 48.081.

CONCLUSION

Both of the service attempted on Ryan Burke as well as the corporate defendants by leaving the complaint and summons at the door are insufficient service as a matter of law. Accordingly, the motion to quash on Ryan Burke and the three (3) corporate defendants should be granted, the default and sale order be set aside.

Respectfully Submitted,

/s/: ROBERT A. ROSENBLATT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court via e-filing and copies were furnished via email to: Raymond Carrero, Esq., 9771 S. Dixie Highway, Pinecrest, Florida 33156, at [redacted]

Dated this 22day of November, 2022.

Respectfully Submitted

THE ROSENBLATT LAW FIRM
7695 SW 104th Street, 2d Floor
Pinecrest, Fl 33156
[redacted]
rosenblattlaw@hotmail.com

/s/: ROBERT A. ROSENBLATT
Attorney for Defendants
Fla.Bar No. 153239

RETURN OF SERVICE

State of Florida **County of Broward** **Circuit Court**

Case Number: CACE-22-001852

Plaintiff: **KAMEKA MANAGEMENT SOLUTIONS, INC., and ERYCK DZOTSI**
vs.
Defendant: **16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC**

For:
Raymond Carrero
Raymond Carrero, P.A.
9771 South Dixie Highway
Pinecrest, FL 33156

Received by [redacted] on the 22nd day of February, 2022 at 6:44 pm to be served on **RYAN BURKE,** [redacted]

I, Shirley Lowe, do hereby affirm that on the **11th day of April, 2022** at **8:00 am, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **Summons and Complaint** with the date and hour of service endorsed thereon by me, to: **RYAN BURKE** at the address of: [redacted] and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:
4/11/2022 9:18 am Attempted service at [redacted] Server commenced surveillance at 7am. Vehicle [redacted] parked in front of home registered to defendant. Home is owned by defendant. At approximately 8am, server observed a man walking in from around the corner of the home approaching the front door. Server quickly exited her vehicle and called out his name Ryan, and he turned around and said "Yes". Server identified herself and explained she had documents for him. He asked what this was about, server gave him the case style and named the 3 corporations. He asked if I could mail documents to him or give to his attorney, server stated she could leave the documents at the door and he said ok, leaving at the door was ok. Server endorsed each summons and left 4 summons at the door.

Description of Person Served: Age: 39, Sex: M, Race/Skin Color: BLACK, Height: 6'0", Weight: 195, Hair: BLACK, Glasses: N

I do hereby certify that I have no interest in the above styled action; that I am over the age of eighteen years; and that I am a Special Appointed Process Server in and for Broward County, Florida. Under penalty of perjury, I declare that I have read the foregoing [redacted] and the facts contained herein are true and correct to the best of my [redacted] REQUIRED PURSUANT TO F.S. [redacted]

[redacted]

[redacted] Process, LLC.
[redacted] 56[redacted]
[redacted] 33175

Our Job Serial Number: [redacted]

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exhibit 1

RETURN OF SERVICE

State of Florida **County of Broward** **Circuit Court**

Case Number: CACE-22-001852

Plaintiff: **KAMEKA MANAGEMENT SOLUTIONS, INC., and ERYCK DZOTSI**
vs.
Defendant: **16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC**

For:
Raymond Carrero
Raymond Carrero, P.A.
9771 South Dixie Highway
Pinecrest, FL 33156

Received by L & L Process, LLC. on the 23rd day of February, 2022 at 6:44 pm to be served on **2045 SW 127TH AVENUE, LLC C/O RYAN BURKE,** [redacted]

I, Shirley Lowe, do hereby affirm that on the **4th day of April, 2022** at **8:00 am**, I:

served a **CORPORATION** by delivering a true copy of the **Summons and Complaint** with the date and hour of service endorsed thereon by me, to: **RYAN BURKE as REGISTERED AGENT/AUTHORIZED** for **2045 SW 127TH AVENUE, LLC**, at the address of: [redacted] and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:
4/11/2022 9:18 am Attempted service at [redacted] Server commenced surveillance at 7am. Vehicle [redacted] parked in front of home registered to defendant. Home is owned by defendant. At approximately 8am, server observed a man walking in from around the corner of the home approaching the front door. Server quickly exited her vehicle and called out his name Ryan, and he turned around and said "Yes". Server identified herself and explained she had documents for him. He asked what this was about, server gave him the case style and named the 3 corporations. He asked if I could mail documents to him or give to his attorney, server stated she could leave the documents at the door and he said ok, leaving at the door was ok. Server endorsed each summons and left 4 summons at the door.

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[redacted]

L & L Process, LLC.
[redacted]56[redacted]
[redacted]33175

Our Job Serial Number: [redacted]

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exhibit 2

RETURN OF SERVICE

State of Florida **County of Broward** **Circuit Court**

Case Number: CACE-22-001852

Plaintiff: **KAMEKA MANAGEMENT SOLUTIONS, INC., and ERYCK DZOTSI**
vs.
Defendant: **16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC**

For:
Raymond Carrero
Raymond Carrero, P.A.
9771 South Dixie Highway
Pinecrest, FL 33156

Received by L & L Process, LLC. on the 23rd day of February, 2022 at 6:44 am to be served on **16260 SADDLE CLUB ROAD, LLC C/O RYAN BURKE,** [redacted]

I, Shirley Lowe, do hereby affirm that on the **11th day of April, 2022** at **8:00 am, I:**

served a **CORPORATION** by delivering a true copy of the **Summons and Complaint** with the date and hour of service endorsed thereon by me, to: **RYAN BURKE as REGISTERED AGENT/AUTHORIZED** for **16260 SADDLE CLUB ROAD, LLC**, at the address of: [redacted] and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:
4/11/2022 9:18 am Attempted service at [redacted] Server commenced surveillance at 7am. Vehicle [redacted] parked in front of home registered to defendant. Home is owned by defendant. At approximately 8am, server observed a man walking in from around the corner of the home approaching the front door. Server quickly exited her vehicle and called out his name Ryan, and he turned around and said "Yes". Server identified herself and explained she had documents for him. He asked what this was about, server gave him the case style and named the 3 corporations. He asked if I could mail documents to him or give to his attorney, server stated she could leave the documents at the door and he said ok, leaving at the door was ok. Server endorsed each summons and left 4 summons at the door.

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I do hereby certify that I have no interest in the above styled action; that I am over the age of eighteen years; and that I am a Special Appointed Process Server in and for Broward County, Florida. Under penalty of perjury, I declare that I have read the foregoing [redacted] and the facts contained herein are true and correct to the best of my knowledge. SIGNATURE REQUIRED PURSUANT TO F.S. [redacted]

[redacted]

L & L Process, LLC.
[redacted]
33175

Our Job Serial Number: [redacted]

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exhibit 3

RETURN OF SERVICE

State of Florida **County of Broward** **Circuit Court**

Case Number: CACE-22-001852

Plaintiff: **KAMEKA MANAGEMENT SOLUTIONS, INC., and ERYCK DZOTSI**
vs.
Defendant: **16260 SADDLE CLUB ROAD, LLC, RYAN BURKE, VEW LIVE, LLC, and 2045 SW 127TH AVENUE, LLC**

For:
Raymond Carrero
Raymond Carrero, P.A.
9771 South Dixie Highway
Pinecrest, FL 33156

Received by L & L Process, LLC on the 22nd day of February, 2022 at 6:44 pm to be served on **RYAN BURKE,** [redacted]

I, Shirley Lowe, do hereby affirm that on the **11th day of April, 2022** at **8:00 am, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **Summons and Complaint** [redacted] with the date and hour of service endorsed thereon by me, to: **RYAN BURKE** at the address of: [redacted] and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:
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[redacted]

L & L Process, LLC.
[redacted]
33175

Our Job Serial Number: [redacted]

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exhibit 4

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

CIRCUIT CIVIL DIVISION

CASE NO. CACE22001852

KAMEKA MANAGEMENT SOLUTIONS, INC.

Plaintiff,

-vs-

16260 SADDLE CLUB ROAD, et al.

Defendant.
_____/

AFFIDAVIT OF RYAN BURKE

Affiant, RYAN BURKE, being duly sworn deposes as follows:

1. My name is Ryan Burke. I am the registered agent for VEW Live, LLC; 2045 SW 127the Avenue, LLC and 16260 Saddle Club Road, the Defendants named in the complaint.

2. On April 11, 2022, I was not present at my residence located at [redacted]

3. I was present in Las Vegas, NV on business from April 1, 2022 until my return to my residence on April 14, 2022.

4. I was never served with any summons on April 11, 2022.

5. Moreover, I was never notified of Plaintiff's Motion for a Default filed by Plaintiff on or about May 3, 2022.

6. Attached to this affidavit are my travel documents which reflect my absence from Florida between April 1st and April 14th, 2022. (See Exhibit 1 attached hereto).

exhibit 5

FURTHERMORE AFFIANT SAYETH NAUGHT.

Dated this 17th day of October, 2022.

[redacted]

RYAN BURKE

STATE OF FLORIDA

COUNTY OF MIAMI DADE

BEFORE ME the undersigned authority personally appeared Ryan Burke, who after being dully sworn sates that the information contained in the foregoing is true and correct to the best of his knowledge and belief.

Dated this 17th day of October, 2022.

[redacted]

NOTARY PUBLIC

My Commission Expires: 4/15/2024

Your trip confirmation (MIA - LAS)

From: American Airlines [redacted]

To: [redacted]

Date: Thursday, March 31, 2022 at 06:45 PM EDT

American Airlines

Issued: March 31, 2022

Record Locator: [redacted]

We charged $817.20 to your card ending in [redacted] for your ticket purchase.

A face covering is required while flying on American, except for children under 2 years old. You are also required to wear a face covering while in the airport before and after your flight. Read more about travel requirements.

You'll need your record locator to find your trip at the kiosk and when you call Reservations.

Manage your trip

Friday, April 1, 2022

MIA	LAS	Seat:
10:09 AM	12:45 PM	Class: Economy (L)
Miami	Las Vegas	Meals: Refreshment

AA 462

exhibit 6