

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2018-CA-002317-XXXX-MB

WALTER E. SAHM and
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC,
BRIAN O'CONNELL, AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE
OF SIMON L. BERNSTEIN;
ALEXANDER BERNSTEIN,
ERIC BERNSTEIN,
MICHAEL BERNSTEIN,
MOLLY SIMON,
PAMELA B. SIMON,
JILL IANTONI,
MAX FRIEDSTEIN,
LISA FRIEDSTEIN, INDIVIDUALLY AND TRUSTEES OF THE SIMON L. BERNSTEIN
REVOCABLE TRUST AGREEMENT DATED MAY 20, 2008, AS AMENDED AND
RESTATED;
ELIOT BERNSTEIN, AND CANDICE BERNSTEIN, INDIVIDUALLY AND AS NATURAL
GUARDIANS OF JOSHUA, JAKE AND DANIEL BERNSTEIN; AND
ALL UNKNOWN TENANTS.

Defendants

_____ /

AFFIDAVIT OF BERKLEY SWEETAPPLE, ESQUIRE

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

LAW OFFICES OF SWEETAPPLE, BROEKER & VARKAS, P.L.
4800 NORTH FEDERAL HIGHWAY SUITE D306, BOCA RATON, FLORIDA 33431

BEFORE ME, the undersigned authority, personally appeared Berkley Sweetapple, who, after being duly sworn, deposes and says that:

1. My name is Berkley Sweetapple.
2. I am over the age of eighteen (18).
3. I am a resident of Palm Beach County, Florida.
4. I have personal knowledge of each and every fact which I assert in this Affidavit, as I am counsel for the Plaintiffs.

5. The instant action is for foreclosure of real property owned by Defendants Bernstein Family Realty, LLC., which is in default to the Plaintiff's or "mortgagees" who hold the Note, Mortgage and Amendment to Mortgage.

6. On July 29, 2019, the Court entered an Order granting Plaintiff's Motion for Leave to File Third Amended Complaint for Foreclosure, adding additional Defendants who are family members and Trustees of the Simon L. Bernstein Revocable Trust Agreement dated May 20, 2008.

7. Diligent search and inquiry have been made to discover the true domicile and status of the Defendants.

8. The firm of Rock Legal Investigations was hired by the Plaintiffs to perform skip traces on all Defendants' current residences. The process server for Rock Legal was unable to deliver a Summons and Third Amended Complaint to the following Defendants: Molly Simon – "no good address", Michael Bernstein – "no good address", Max Bernstein – "believed to be out of country", and Alexandra Bernstein – skip trace "non-locatable". Affidavits of Non-Service are

attached for Molly Simon and Michael Bernstein; and an email from the investigator as to Max Bernstein (**Exhibit 1**).

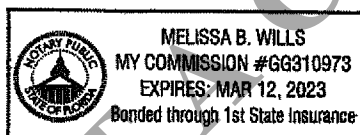
9. The addresses of the above Defendants are unknown to the affiant. Attempts were made to serve the Summons to the last known addresses, some of which were out of the state of Florida.

10. Attorney for Plaintiff's will proceed with publication of Notices of Action in Foreclosure Proceedings in the Palm Beach Post, a newspaper in the jurisdiction of Palm Beach County where this action was filed. The Notice will be published once each week, for two consecutive weeks.

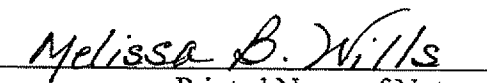
FURTHER AFFIANT SAYETH NAUGHT.


BERKLEY SWEETAPPLE, ESQ.

SWORN TO AND SUBSCRIBED before me this 25th day of November, 2019.




NOTARY PUBLIC


Printed Name of Notary

Personally known
 Produced Identification
Identification produced:
My Commissions Expires:

AFFIDAVIT OF SERVICE

State of Florida

County of Palm Beach

15th Circuit Court

Case Number: 502018CA002317



ROC2019013917

Plaintiff:

WALTER E. SAHM and PATRICIA SAHM

vs.

Defendant:

BERNSTEIN FAMILY REALTY, LLC and ALL UNKNOWN TENANTS

For: Robert A. Sweetapple
Sweetapple, Broker & Varkas, PL

Received by Rock Legal Services & Investigations Inc on the 5th day of August, 2019 at 10:26 am to be served on Molly Simon, 2114 N Catalina Avenue, Tucson, AZ 85712. I, ERIC HAHN, being duly sworn, depose and say that on the 06 day of AUGUST, 2017 at 8:00 a.m., executed service by delivering a true copy of the Summons, Motion for Leave to File Third Amended Complaint for Foreclosure, Third Amended Complaint for Foreclosure, Exhibits, and Agreed Order in accordance with state statutes in the manner marked below:

INDIVIDUAL SERVICE/ SUBSTITUTE SERVICE by serving _____ as _____ /co-resident, who stated they resided together. I informed the person served of the contents therein.

MILITARY STATUS: Based upon inquiry of party served, Defendant is _____ /is not _____ in the military.

MARITAL STATUS: Based upon inquiry of party served, Defendant is _____ /is not _____ married.

NON SERVICE: For the reason detailed in the Comments below.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

COMMENTS: ¹⁰⁰⁷ 08.06.19 (UNKNOWN PER NEW REMINDER OF ONE MONTH), UNABLE TO CONTACT THE DEFENDANT. (NON-SERVICE)

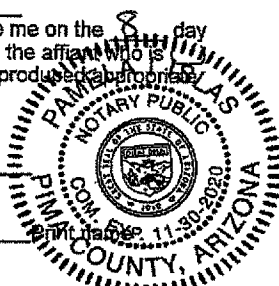
Age _____ Sex M F Race _____ Height _____ Weight _____ Hair _____ Glasses Y N

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

State of Arizona
County of Pima

Subscribed and Sworn to before me on the 8 day of AUGUST, 2019 by the affiant who is personally known to me or produced appropriate identification.

[Signature]
NOTARY PUBLIC
Pamela Islas



[Signature] 8/8/19
ERIC HAHN

PROCESS SERVER # 547 PIMA COUNTY #547
Appointed In accordance with State Statutes

Rock Legal Services & Investigations Inc
2048 Ponce De Leon Avenue
West Palm Beach, FL 33407
(561) 296-7574

Our Job Serial Number: 2019013917
Ref: Sahn v Bernstein Family

RETURN OF NON-SERVICE

State of Florida

County of Palm Beach

15th Circuit Court

Case Number: 502018CA002317

Plaintiff:
WALTER E. SAHM and PATRICIA SAHM

vs.

Defendant:
BERNSTEIN FAMILY REALTY, LLC and ALL UNKNOWN TENANTS

For:
Robert A. Sweetapple, Esq.
Sweetapple, Broker & Varkas, PL
4800 N. Federal Highway
Suite B105
Boca Raton, FL 33431



ROC2019014124

Received by Michael Gonedes on the 5th day of August, 2019 at 12:12 pm to be served on Michael Bernstein Individually and Trustees of the Simon L. Bernstein Revocable Trust Agreement dated May 20, 2008, As Amended and Restated, 880 Berkeley St, Boca Raton, FL 33487.

I, Michael Gonedes, do hereby affirm that on the 8th day of August, 2019 at 10:04 am, I:

NONSERVED: I was unable to deliver the Summons, Motion for Leave to File Third Amended Complaint for Foreclosure, Third Amended Complaint for Foreclosure, Exhibits, and Agreed Order for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

I attempted 880 Berkeley St, Boca Raton, FL 33487 but was advised by the defendant's father, Ted, that the defendant moved to Texas. There was no further information provided.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true. I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the county in which service was effected in accordance with State Statutes.

NOT A

Michael Gonedes
Process Server 1980

Rock Legal Services & Investigations Inc
2048 Ponce De Leon Avenue
West Palm Beach, FL 33407
(561) 296-7574

Our Job Serial Number: ROC-2019014124
Ref: Sahn v Bernstein Family

Lisa Wills

From: WSP Server <DBSServer@dbsinfo.net> on behalf of Rock Legal Services & Investigations <office@rocklegal.com>
Sent: Tuesday, June 4, 2019 4:17 PM
To: Lisa Wills
Subject: ROC Status on Sahm v. Bernstein (Friedstein - Skip, Max)

To: Sweetapple, Broeker & Varkas, P.L.

This is an automated message relating to:

Our Job Number: 2019010535

Your Reference Number: Sahm v. Bernstein

Party To Be Served: Friedstein - Skip, Max

Documents To Be Served:

Case Info: Florida Palm Beach 502018CA002317

Case Style: WALTER E. SAHM and PATRICIA SAHM vs. BERNSTEIN FAMILY REALTY, LLC and ALL UNKNOWN TENANTS

Original Service Address: Max Friedstein - Skip

Latest Status: 6/4/2019 4:15 pm Good afternoon We located the address 273 W 138TH ST, APT 4B, NEW YORK, NY 10030 for Max Friedstein but it looks like might be a temporary address. It looks like Max travels a lot and he is currently in Kathmandu, Nepal. Please advise on how you would like to proceed.

Thank you,
Rock Legal Services & Investigations
office@rocklegal.com
Phone: (561) 296-7574

More detailed status is available at www.rocklegal.com/status.htm