

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)  
CASE NO. 09-20865-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN, Esq., as court  
appointed Receiver of Creative Capital  
Consortium, LLC, et al.,

Plaintiff,

v.

GABRIELLE ALEXIS, et al.,

Defendants,

WACHOVIA BANK, A DIVISION OF  
WELLS FARGO BANK, N.A.,

Garnishee.

---

**PLAINTIFFS' MOTION FOR ENTRY OF FINAL JUDGMENT IN GARNISHMENT  
AGAINST GARNISHEE, WACHOVIA BANK**

Plaintiff, Jonathan E. Perlman, Esq., the court-appointed Receiver (the "Receiver") of Creative Capital Consortium, LLC and related receivership entities, by and through his undersigned counsel and pursuant to Florida Statutes Section 77.083, hereby moves this Court for the entry of a Final Judgment In Garnishment, and in support thereof states as follows:

1. On August 2, 2010, the Receiver served its Writ of Garnishment on Wachovia Bank (hereinafter the "Garnishee").

2. On August 18, 2010, the Garnishee served its Answer to the Writ of Garnishment, a copy of which is attached hereto as **Exhibit A**.

3. In its Answer, the Garnishee stated it is indebted to Defendants on accounts in the total amount of \$25,226.64.

4. As required by Section 77.055 of the Florida Statutes, the Receiver provided requisite notice to the Defendants, Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and



**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Carmen D. Contreras-Martinez  
Carmen D. Contreras-Martinez

**SERVICE LIST**

**JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of Creative Capital Consortium, LLC, et al. v. GABRIELLE ALEXIS, et al.  
CASE NO. 09-20865-CIV-HURLEY/HOPKINS  
United States District Court, Southern District of Florida**

David C. Cimo

[dcimo@gjb-law.com](mailto:dcimo@gjb-law.com)

Carmen D. Contreras-Martinez

[ccontreras@gjb-law.com](mailto:ccontreras@gjb-law.com)

GENOVESE JOBLOVE & BATTISTA, P.A.

4400 Miami Tower

100 Southeast Second Street

Miami, Florida 33131

Telephone: (305) 349-2300

Facsimile: (305) 349-2310

*Attorneys for Receiver Jonathan E. Perlman, Esq.*

**Via CM/ECF**

John B. Kent

[jkent@marksgray.com](mailto:jkent@marksgray.com)

MARKS GRAY, P.A.

P.O. Box 447

Jacksonville, FL 32201

Telephone: (904) 398-0900

Facsimile: (904) 399-8440

*Attorneys for Garnishee Wachovia Bank, a Division of Wells Fargo Bank, N.A.*

**Via CM/ECF**

**Via US Mail:**

Gabrielle Alexis

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067

Law Offices of Gabrielle Alexis, P.A.

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067

Mondesir & Alexis Title Services, Inc.

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)

CASE NO.:09-20865-CIV-Hurley/Hopkins

JONATHAN E. PERLMAN, ESQ., AS  
COURT APPOINTED RECEIVER OF CREATIVE  
CAPITAL CONSORTIUM, LLC,

Plaintiff,

v.

GABRIELLE ALEXIS,

Defendant,

v.

WACHOVIA BANK, A DIVISION OF  
WELLS FARGO BANK, N.A.,

Garnishee.

---

**ANSWER OF GARNISHEE  
AND  
DEMAND FOR GARNISHMENT DEPOSIT**

COME NOW Garnishee, Wachovia Bank, A Division of Wells Fargo Bank, N.A., by and through its undersigned attorneys, and answers the Writ of Garnishment served herein on it and says:

1. At the time of service of said Writ (plus sufficient time not to exceed one business day for Garnishee to act expeditiously on the Writ) and at the time of this Answer, and in between said times, the Garnishee may be indebted to Defendant(s), "Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and Mondesir & Alexis Title Services, Inc.":

A. in the amount of \$25,048.34 by virtue of an account(s) in the name of "Mondesir & Alexis Title Services Inc, Escrow Account"

B. in the amount of \$178.30 by virtue of an account(s) in the name of "Mondesir & Alexis Title Services Inc, Real Estate Escrow A/C"

at the address(es) shown on the Service list, and Garnishee in good faith has retained the sum of **\$25,226.64** in accordance with Chapter 77, and primarily Section 77.06(2) and (3), *Florida Statutes*.

2. Under Garnishee's Deposit Agreement with Garnishee's customer, Garnishee has a contractual right of setoff and security interest in its customer's accounts for Legal Process Affecting Accounts, including garnishments, and it hereby claims this right as an Affirmative Defense. Specifically, among its other rights, Garnishee is authorized to offset against its customer's account a Legal Processing fee in the amount of \$100.00. See *Baxter Healthcare Corp. v. Universal Medical Labs, Inc.*, 760 So. 2d 1126 (Fla. App. 5 Dist 2000). Said sum has been taken from an account enumerated in paragraph 1 above, and the amount shown in paragraph 1 reflects the sum held and available for garnishment after setoff. Garnishee's Legal Processing Fee is in addition to the statutory \$100.00 garnishment deposit payable to Garnishee's attorney for filing this Answer (Section 77.28 *Florida Statutes*).

3. The Garnishee has no other deposit, account or tangible or intangible personal property of Defendant(s) in its possession or control at the time of service of said Writ and at the time of this Answer, and in between said times, and knows of no other person indebted to the Defendant(s) or who may have any of the effects of the Defendant(s).

4. The Garnishee has no obligation to make, and has not made, a factual determination as to whether any property of the Defendant(s) in its possession or control is subject to any exemption provided to the Defendant(s) by State or Federal law.

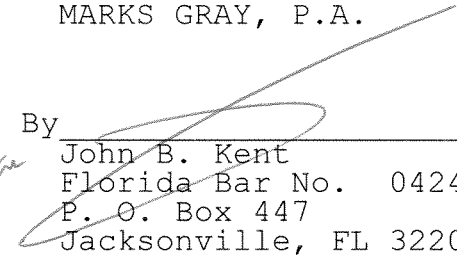
5. The Garnishee has retained the law firm of Marks Gray, P.A. to represent it in this matter and requests that it be paid its attorney's fees and costs as allowed by law.

**DEMAND FOR GARNISHMENT DEPOSIT**

The Clerk will please pay to the undersigned the \$100.00 garnishment deposit required by Section 77.28 *Florida Statutes*, in the above-styled cause.

MARKS GRAY, P.A.

By

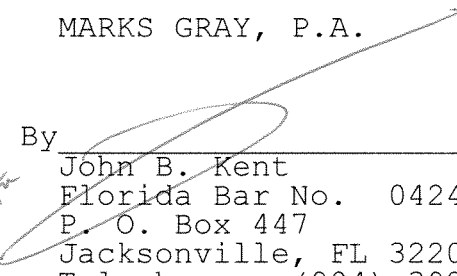
  
John B. Kent  
Florida Bar No. 042442  
P. O. Box 447  
Jacksonville, FL 32201  
Telephone: (904) 398-0900  
Facsimile: (904) 399-8440  
jkent@marksgray.com  
Attorneys for Garnishee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY (1) that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the first name on the attached Service List and (2) that a copy hereof has been furnished to those address(es) listed on the attached service list by U.S. mail on August 18, 2010.

MARKS GRAY, P.A.

By

  
John B. Kent  
Florida Bar No. 042442  
P. O. Box 447  
Jacksonville, FL 32201  
Telephone: (904) 398-0900  
Facsimile: (904) 399-8440  
jkent@marksgray.com  
Attorneys for Garnishee

**SERVICE LIST**

Carmen Contreras-Martinez, Esq.  
Miami Tower 44th Floor  
100 SE Second St  
Miami, FL 33131

Mondesir & Alexis Title Services Inc  
1325 Congress Ave  
Suite 100  
Boynton Beach, FL 33426

## WELLS FARGO BANK, N.A.

To all Clerks of the County Courts and Circuit Courts of the State of Florida  
and United States District Courts:

Re: Payment of the \$100 Statutory Deposit  
to Garnishee for its Attorneys Fee

Ladies / Gentlemen:

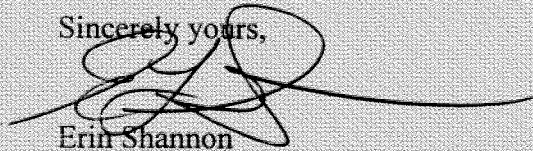
Please pay the \$100.00 garnishment deposit which, pursuant to Chapter 77,  
Florida Statutes, is due to Wells Fargo Bank, N.A., as Garnishee, based on its demand  
therefore, directly to our attorneys:

John B. Kent, Esquire  
Marks Gray, P.A.  
1200 Riverplace Boulevard, Suite 800  
Jacksonville, Florida 32207

Taxpayer Identification Number: 59-1514046

We appreciate your cooperation.

Sincerely yours,



Erin Shannon  
Legal Order Processing Department  
Wells Fargo Bank, N.A.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)

CASE NO. 09-20865-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN, Esq., as court  
appointed Receiver of Creative Capital  
Consortium, LLC, et al.,

Plaintiff,

v.

GABRIELLE ALEXIS, et al.,

Defendants,

WACHOVIA BANK, A DIVISION OF  
WELLS FARGO BANK, N.A.,

Garnishee.

---

**NOTICE OF GARNISHMENT  
PURSUANT TO FLORIDA STATUTES, SECTION 77.055**

**TO: GABRIELLE ALEXIS  
MONDESIR & ALEXIS TITLE SERVICES, INC.  
LAW OFFICES OF GABRIELLE ALEXIS**

YOU ARE NOTIFIED that garnishee WACHOVIA BANK has answered the writ of garnishment issued in this action. Attached is copy of the Writ of Garnishment, attached hereto as **Exhibit A**, and a copy of the garnishee's Answer, attached hereto as **Exhibit B**.

You must move to dissolve the Writ of Garnishment within twenty (20) days of the date indicated on the attached certificate of service, exclusive of the day of service, serve a copy of the motion on Plaintiff's attorney, Carmen Contreras-Martinez, Esq., and on garnishee's attorney, John B. Kent, Esq. and file a copy with the clerk of this court. If you fail to do so, a

default under the writ of garnishment will be entered against you. You may have exemptions from the writ of garnishment that must be asserted as a defense.

Dated: August 30, 2010  
Miami, Florida

Respectfully submitted,

By s/Carmen D. Contreras-Martinez  
David C. Cimo  
Florida Bar No.: 775400  
[dcimo@gjb-law.com](mailto:dcimo@gjb-law.com)  
Carmen D. Contreras-Martinez  
Florida Bar No.: 093475  
[ccontreras@gjb-law.com](mailto:ccontreras@gjb-law.com)  
GENOVESE JOBLOVE & BATTISTA, P.A.  
4400 Miami Tower  
100 Southeast Second Street  
Miami, Florida 33131  
Tel: (305) 349-2300  
Fax: (305) 349-2310  
*Attorneys for Receiver*  
*Jonathan E. Perlman, Esq.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Carmen D. Contreras-Martinez  
Carmen D. Contreras-Martinez

**SERVICE LIST**

**JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of Creative Capital Consortium, LLC, et al. v. GABRIELLE ALEXIS, et al.  
CASE NO. 09-20865-CIV-HURLEY/HOPKINS  
United States District Court, Southern District of Florida**

David C. Cimo  
[dcimo@gjb-law.com](mailto:dcimo@gjb-law.com)  
Carmen D. Contreras-Martinez  
[ccontreras@gjb-law.com](mailto:ccontreras@gjb-law.com)  
GENOVESE JOBLOVE & BATTISTA, P.A.  
4400 Miami Tower  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 349-2300  
Facsimile: (305) 349-2310  
*Attorneys for Receiver Jonathan E. Perlman, Esq.*  
**Via CM/ECF**

John B. Kent  
[jkent@marksgray.com](mailto:jkent@marksgray.com)  
MARKS GRAY, P.A.  
P.O. Box 447  
Jacksonville, FL 32201  
Telephone: (904) 398-0900  
Facsimile: (904) 399-8440  
*Attorneys for Garnishee Wachovia Bank, a Division of Wells Fargo Bank, N.A.*  
**Via CM/ECF**

**Via US Mail:**

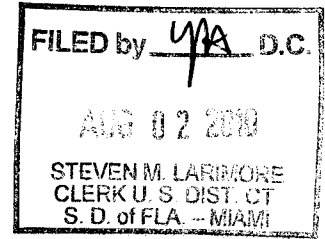
Gabrielle Alexis  
4715 NW 58<sup>th</sup> Avenue  
Coral Springs, Florida 33067

Law Offices of Gabrielle Alexis, P.A.  
4715 NW 58<sup>th</sup> Avenue  
Coral Springs, Florida 33067

Mondesir & Alexis Title Services, Inc.  
4715 NW 58<sup>th</sup> Avenue  
Coral Springs, Florida 33067

10061-015/267

# EX. "A"



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)

CASE NO. 09-20865-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN, Esq., as court  
appointed Receiver of Creative Capital  
Consortium, LLC, et al.,

Plaintiff,

v.

GABRIELLE ALEXIS, et al.,

Defendants.

---

**WRIT OF GARNISHMENT**

STATE OF FLORIDA:  
TO EACH SHERIFF OF THE STATE:

YOU ARE HEREBY COMMANDED to summon Garnishee:

**Wachovia Bank  
1550 W. Boynton Beach Blvd.  
Boynton Beach, FL 33436**

to serve an answer to this writ on **Carmen Contreras-Martinez, Esq., Genovese Joblove & Battista, P.A.**, attorney for Plaintiff, Jonathan E. Perlman, Esq., the court-appointed Receiver of Creative Capital Consortium, LLC and related receivership entities, whose address is **Miami Tower, 44<sup>th</sup> Floor, 100 S.E. Second Street, Miami, Florida 33131, telephone number (305) 913-6684**, within 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 **Defendants Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and Mondesir & Alexis Title Services, Inc.** 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 the Garnishee has in its possession or control at the time of the answer or had at the time of the service of this writ, or at any time between such times, and whether the Garnishee knows of any other persons indebted to the Defendants or who may have any of the property of the Defendants in their possession or control. The amount of Plaintiff's judgment is **\$750,000.00**.

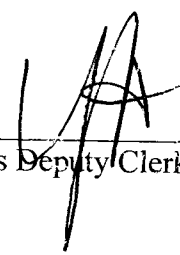
The Receiver/Garnishor has deposited into the registry of the Court the Garnishee's fee required by Florida law which shall be payable to the Garnishee on demand.

DATED this 2 day of August, 2010.

Clerk of the Court

STEVEN M. LARIMORE

By: \_\_\_\_\_

  
As Deputy Clerk

# **EX. “B”**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)

CASE NO.:09-20865-CIV-Hurley/Hopkins

JONATHAN E. PERLMAN, ESQ., AS  
COURT APPOINTED RECEIVER OF CREATIVE  
CAPITAL CONSORTIUM, LLC,

Plaintiff,

v.

GABRIELLE ALEXIS,

Defendant,

v.

WACHOVIA BANK, A DIVISION OF  
WELLS FARGO BANK, N.A.,

Garnishee.

---

**ANSWER OF GARNISHEE  
AND  
DEMAND FOR GARNISHMENT DEPOSIT**

COME NOW Garnishee, Wachovia Bank, A Division of Wells Fargo Bank, N.A., by and through its undersigned attorneys, and answers the Writ of Garnishment served herein on it and says:

1. At the time of service of said Writ (plus sufficient time not to exceed one business day for Garnishee to act expeditiously on the Writ) and at the time of this Answer, and in between said times, the Garnishee may be indebted to Defendant(s), "Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and Mondesir & Alexis Title Services, Inc.":

A. in the amount of \$25,048.34 by virtue of an account(s) in the name of "Mondesir & Alexis Title Services Inc, Escrow Account"

B. in the amount of \$178.30 by virtue of an account(s) in the name of "Mondesir & Alexis Title Services Inc, Real Estate Escrow A/C"



at the address(es) shown on the Service list, and Garnishee in good faith has retained the sum of **\$25,226.64** in accordance with Chapter 77, and primarily Section 77.06(2) and (3), *Florida Statutes*.

2. Under Garnishee's Deposit Agreement with Garnishee's customer, Garnishee has a contractual right of setoff and security interest in its customer's accounts for Legal Process Affecting Accounts, including garnishments, and it hereby claims this right as an Affirmative Defense. Specifically, among its other rights, Garnishee is authorized to offset against its customer's account a Legal Processing fee in the amount of \$100.00. See *Baxter Healthcare Corp. v. Universal Medical Labs, Inc.*, 760 So. 2d 1126 (Fla. App. 5 Dist 2000). Said sum has been taken from an account enumerated in paragraph 1 above, and the amount shown in paragraph 1 reflects the sum held and available for garnishment after setoff. Garnishee's Legal Processing Fee is in addition to the statutory \$100.00 garnishment deposit payable to Garnishee's attorney for filing this Answer (Section 77.28 *Florida Statutes*).

3. The Garnishee has no other deposit, account or tangible or intangible personal property of Defendant(s) in its possession or control at the time of service of said Writ and at the time of this Answer, and in between said times, and knows of no other person indebted to the Defendant(s) or who may have any of the effects of the Defendant(s).

4. The Garnishee has no obligation to make, and has not made, a factual determination as to whether any property of the Defendant(s) in its possession or control is subject to any exemption provided to the Defendant(s) by State or Federal law.

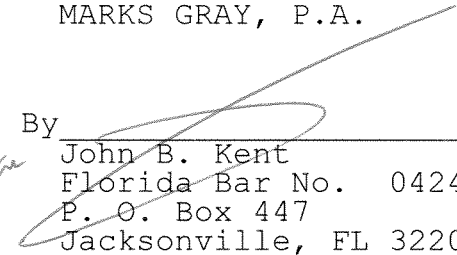
5. The Garnishee has retained the law firm of Marks Gray, P.A. to represent it in this matter and requests that it be paid its attorney's fees and costs as allowed by law.

**DEMAND FOR GARNISHMENT DEPOSIT**

The Clerk will please pay to the undersigned the \$100.00 garnishment deposit required by Section 77.28 *Florida Statutes*, in the above-styled cause.

MARKS GRAY, P.A.

By

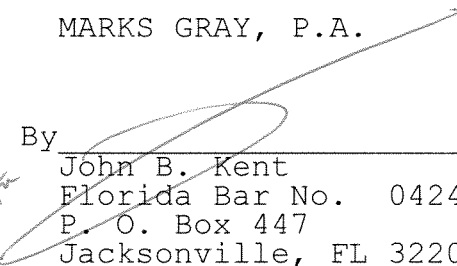
  
John B. Kent  
Florida Bar No. 042442  
P. O. Box 447  
Jacksonville, FL 32201  
Telephone: (904) 398-0900  
Facsimile: (904) 399-8440  
jkent@marksgray.com  
Attorneys for Garnishee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY (1) that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the first name on the attached Service List and (2) that a copy hereof has been furnished to those address(es) listed on the attached service list by U.S. mail on August 18, 2010.

MARKS GRAY, P.A.

By

  
John B. Kent  
Florida Bar No. 042442  
P. O. Box 447  
Jacksonville, FL 32201  
Telephone: (904) 398-0900  
Facsimile: (904) 399-8440  
jkent@marksgray.com  
Attorneys for Garnishee

**SERVICE LIST**

Carmen Contreras-Martinez, Esq.  
Miami Tower 44th Floor  
100 SE Second St  
Miami, FL 33131

Mondesir & Alexis Title Services Inc  
1325 Congress Ave  
Suite 100  
Boynton Beach, FL 33426

## WELLS FARGO BANK, N.A.

To all Clerks of the County Courts and Circuit Courts of the State of Florida  
and United States District Courts:

Re: Payment of the \$100 Statutory Deposit  
to Garnishee for its Attorneys Fee

Ladies / Gentlemen:

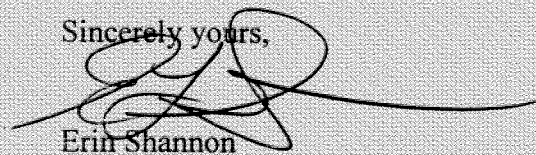
Please pay the \$100.00 garnishment deposit which, pursuant to Chapter 77,  
Florida Statutes, is due to Wells Fargo Bank, N.A., as Garnishee, based on its demand  
therefore, directly to our attorneys:

John B. Kent, Esquire  
Marks Gray, P.A.  
1200 Riverplace Boulevard, Suite 800  
Jacksonville, Florida 32207

Taxpayer Identification Number: 59-1514046

We appreciate your cooperation.

Sincerely yours,



Erin Shannon  
Legal Order Processing Department  
Wells Fargo Bank, N.A.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
(WEST PALM BEACH DIVISION)  
CASE NO. 09-20865-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN, Esq., as court  
appointed Receiver of Creative Capital  
Consortium, LLC, et al.,

Plaintiff,

v.

GABRIELLE ALEXIS, et al.,

Defendants,

WACHOVIA BANK, A DIVISION OF  
WELLS FARGO BANK, N.A.,

Garnishee.

---

**ORDER OF FINAL JUDGMENT IN GARNISHMENT**

This cause came before the Court on Plaintiffs' Motion for Entry of Final Judgment In Garnishment Against Garnishee, Wachovia Bank (the "Motion") [DE \_\_\_\_], and the Garnishee having filed an Answer to the Writ of Garnishment admitting indebtedness to the Defendants, Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and Mondesir & Alexis Title Services, Inc., and the Court having reviewed the pleadings, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that:

1. The Plaintiffs' Motion is granted. Final Judgment is entered in favor of the Plaintiff, Jonathan E. Perlman, Esq., court appointed Receiver, and against Garnishee, Wachovia Bank, in the amount of \$25,226.64, for which let execution issue.

2. The Clerk of this Court is hereby directed to pay the Garnishee's attorneys the compensation provided by law deposited by the Plaintiff into the registry of the Court.

3. The Plaintiff's garnishment costs in the amount of \$100.00, which includes Garnishee's costs offset above, are taxed in favor of the Plaintiff and against the Defendants, Gabrielle Alexis, Law Offices of Gabrielle Alexis, P.A., and Mondesir & Alexis Title Services, Inc..

4. This Court reserves jurisdiction to enter all further orders which may be necessary and appropriate including an order authorizing execution against Garnishee's property if this judgment is not otherwise paid or satisfied.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

---

DANIEL T.K. HURLEY  
UNITED STATES DISTRICT COURT JUDGE

**Copies furnished to:**

David C. Cimo

[dcimo@gjb-law.com](mailto:dcimo@gjb-law.com)

Carmen D. Contreras-Martinez

[ccontreras@gjb-law.com](mailto:ccontreras@gjb-law.com)

GENOVESE JOBLOVE & BATTISTA, P.A.

4400 Miami Tower

100 Southeast Second Street

Miami, Florida 33131

Telephone: (305) 349-2300

Facsimile: (305) 349-2310

*Attorneys for Receiver Jonathan E. Perlman, Esq.*

**Via CM/ECF**

John B. Kent

[jkent@marksgray.com](mailto:jkent@marksgray.com)

MARKS GRAY, P.A.

P.O. Box 447

Jacksonville, FL 32201

Telephone: (904) 398-0900

Facsimile: (904) 399-8440

*Attorneys for Garnishee Wachovia Bank, a Division of  
Wells Fargo Bank, N.A.*

**Via CM/ECF**

**Via US Mail:**

Gabrielle Alexis

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067

Law Offices of Gabrielle Alexis, P.A.

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067

Mondesir & Alexis Title Services, Inc.

4715 NW 58<sup>th</sup> Avenue

Coral Springs, Florida 33067