

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,

BANK OF AMERICA, N.A.,

Garnishee.

**PLAINTIFF'S MOTION FOR ENTRY OF FINAL JUDGMENT IN GARNISHMENT
AGAINST GARNISHEE, BANK OF AMERICA, N.A.**

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 Bank of America, N.A., (hereinafter the "Garnishee").
2. On August 6, 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 \$164.19.

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 Mondesir & Alexis Title Services, Inc. (hereinafter, the “Defendants”), and all other parties with an ownership interest in the Bank of America account, that they must move to dissolve the Writ of Garnishment within twenty (20) days after the date indicated in the certificate of service, September 8, 2010, or be defaulted. A true and correct copy of the Notice is attached hereto as **Exhibit B**.

5. As of October 7, 2010, the Defendants, the parties holding an ownership in the Bank of America account that is at issue in this matter, have failed to assert any exemptions or defenses to the Writ of Garnishment.

6. In light of the Garnishee’s Answer to the Writ of Garnishment and the Defendants failure to assert any exemptions or defenses to the Writ of Garnishment, the Receiver respectfully requests this Honorable Court enter a Final Judgment in Garnishment against the Garnishee, Bank of America, N.A., in the amount of \$164.19.

7. A copy of a proposed Final Judgment is attached hereto.

WHEREFORE, the Receiver respectfully requests that the Court grant this Motion and enter Final Judgment in Garnishment against the Garnishee, Bank of America, N.A., in the amount of \$164.19, together with such other relief as this Court deems just and proper.

Dated: October 7, 2010
Miami, Florida

Respectfully submitted,

By :s/Carmen D. Contreras-Martinez
David C. Cimo
Florida Bar No.: 775400
dcimo@gjb-law.com
Carmen D. Contreras-Martinez
Florida Bar No.: 093475
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 October 7, 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

Carmen D. Contreras-Martinez

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

Via US Mail:

J.T. Haley

HALEY & ASSOCIATES, P.A.

300 Sevilla Avenue, Suite 210

Coral Gables, FL 33134

Telephone: (305) 442-9393

Facsimile: (305) 442-9990

Attorneys for Garnishee Bank of America, N.A.

Gabrielle Alexis

4715 NW 58th Avenue

Coral Springs, Florida 33067

Law Offices of Gabrielle Alexis, P.A.

4715 NW 58th Avenue

Coral Springs, Florida 33067

Mondesir & Alexis Title Services, Inc.

4715 NW 58th Avenue

Coral Springs, Florida 33067

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

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

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

Plaintiff,

vs.

GABRIELLE ALEXIS, et al.,

**ANSWER TO WRIT OF
GARNISHMENT SERVED
AUGUST 2, 2010 AND DEMAND
FOR ATTORNEYS' FEES**

Defendant,

and

BANK OF AMERICA, N.A.,

Garnishee,

_____ /

Garnishee, BANK OF AMERICA, N.A., answers in Garnishment and says:

1. Garnishee was not indebted and has not had any goods, monies, chattels or effects of Defendant(s), at the time of service of the Writ of Garnishment served upon the Garnishee (plus sufficient time not to exceed one business day for Garnishee to act expeditiously on the Writ) and at the time of its answer and at all times between service and its answer, except for:

<u>ACCOUNT NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>AMT. HELD</u>
xxxxxxxx3399	Gabrielle Alexis 1325 S. Congress Ave., Ste. 100 Boynton Beach, FL 33426-5802	\$13.23
xxxxxxxx2505	Gabrielle Alexis 1325 S. Congress Ave., Ste. 100 Boynton Beach, FL 33426-5802	\$150.96

2. The Garnishee has no obligation to make, and has not made, a factual determination whether the 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.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 6th day of August, 2010 to: Carmen Contreras-Martinez, Esquire, Genovese Joblove & Battista, P.A., Miami Tower, 44th Floor, 100 S. E. 2nd Street, Miami, FL 33131.

HALEY & ASSOCIATES, P.A.
Attorneys for Garnishee
300 Sevilla Avenue, Suite 210
Coral Gables, FL 33134
Phone: (305) 442-9393
Fax No. (305) 442-9990

By /s/ J. T. HALEY
J. T. HALEY, ESQUIRE
FBN: 131633

GARNISHEE'S STATUTORY DEMAND TO CLERK
FOR ATTORNEYS' FEES DEPOSIT
(FLORIDA STATUTES, SECTION 77.28)

Garnishee has employed the services of the undersigned law firm to represent Garnishee in these garnishment proceedings. Garnishee **DEMANDS** the statutory partial deposit from the Clerk of the court payable to **Haley & Associates, P.A.**, as compensation to be applied towards Garnishee's reasonable attorneys' fee.

By /s/ J. T. HALEY
J. T. HALEY, ESQUIRE
FBN: 131633

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,

BANK OF AMERICA, 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 BANK OF AMERICA 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, J.T. Haley, 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: September 8, 2010
Miami, Florida

Respectfully submitted,

By :s/Carmen D. Contreras-Martinez

David C. Cimo

Florida Bar No.: 775400

dcimo@gjb-law.com

Carmen D. Contreras-Martinez

Florida Bar No.: 093475

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 September 8, 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

Carmen D. Contreras-Martinez

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

Via US Mail:

J.T. Haley

HALEY & ASSOCIATES, P.A.

300 Sevilla Avenue, Suite 210

Coral Gables, FL 33134

Telephone: (305) 442-9393

Facsimile: (305) 442-9990

Attorneys for Garnishee Bank of America, N.A.

Gabrielle Alexis

4715 NW 58th Avenue

Coral Springs, Florida 33067

Law Offices of Gabrielle Alexis, P.A.

4715 NW 58th Avenue

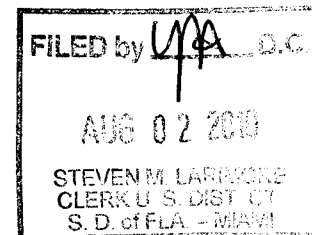
Coral Springs, Florida 33067

Mondesir & Alexis Title Services, Inc.

4715 NW 58th Avenue

Coral Springs, Florida 33067

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:

**Bank of America
105 N. Congress Avenue
Boynton Beach, FL 33426**

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 (the "Receiver") of Creative Capital Consortium, LLC and related receivership entities, whose address is **Miami Tower, 44th 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**.

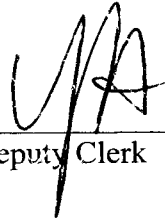
The Receiver/Garnishor has deposited into the registry of the Court the Garnishee's fee required by Florida law which shall be payable to the Garnishee on demand.

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)

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

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

Plaintiff,

vs.

GABRIELLE ALEXIS, et al.,

**ANSWER TO WRIT OF
GARNISHMENT SERVED
AUGUST 2, 2010 AND DEMAND
FOR ATTORNEYS' FEES**

Defendant,

and

BANK OF AMERICA, N.A.,

Garnishee,

_____ /

Garnishee, BANK OF AMERICA, N.A., answers in Garnishment and says:

1. Garnishee was not indebted and has not had any goods, monies, chattels or effects of Defendant(s), at the time of service of the Writ of Garnishment served upon the Garnishee (plus sufficient time not to exceed one business day for Garnishee to act expeditiously on the Writ) and at the time of its answer and at all times between service and its answer, except for:

<u>ACCOUNT NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>AMT. HELD</u>
xxxxxxxx3399	Gabrielle Alexis 1325 S. Congress Ave., Ste. 100 Boynton Beach, FL 33426-5802	\$13.23
xxxxxxxx2505	Gabrielle Alexis 1325 S. Congress Ave., Ste. 100 Boynton Beach, FL 33426-5802	\$150.96

2. The Garnishee has no obligation to make, and has not made, a factual determination whether the 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.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 6th day of August, 2010 to: Carmen Contreras-Martinez, Esquire, Genovese Joblove & Battista, P.A., Miami Tower, 44th Floor, 100 S. E. 2nd Street, Miami, FL 33131.

HALEY & ASSOCIATES, P.A.
Attorneys for Garnishee
300 Sevilla Avenue, Suite 210
Coral Gables, FL 33134
Phone: (305) 442-9393
Fax No. (305) 442-9990

By /s/ J. T. HALEY
J. T. HALEY, ESQUIRE
FBN: 131633

GARNISHEE'S STATUTORY DEMAND TO CLERK
FOR ATTORNEYS' FEES DEPOSIT
(FLORIDA STATUTES, SECTION 77.28)

Garnishee has employed the services of the undersigned law firm to represent Garnishee in these garnishment proceedings. Garnishee **DEMANDS** the statutory partial deposit from the Clerk of the court payable to **Haley & Associates, P.A.**, as compensation to be applied towards Garnishee's reasonable attorneys' fee.

By /s/ J. T. HALEY
J. T. HALEY, ESQUIRE
FBN: 131633

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,

BANK OF AMERICA, 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, Bank of America, N.A. (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, Bank of America, N.A., in the amount of \$164.19, for which let execution issue.

2. 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.

3. 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:
All Counsel and Parties of Record**