

RTW:kmc 8/26/13
U27/13-203

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

CASE NO: 12-34121 (07)

Complex Litigation Unit

MARGARET J. SMITH, as Managing General
Partner of P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership, and
S&P ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership; P&S ASSOCIATES,
GENERAL PARTNERSHIP, a Florida limited
partnership; and S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST,
a charitable trust, DIANE M. DEN BLEYKER,
an individual, et al

Defendants. _____ /

**ANSWER OF DEFENDANT, ROBERT A. UCHIN REVOCABLE TRUST TO
PLAINTIFFS' COMPLAINT**

COMES NOW, Defendant, ROBERT A. UCHIN REVOCABLE TRUST (Uchin Trust), by
and through its undersigned counsel, files its Answer to the Complaint of Plaintiffs, and states:

1. Uchin Trust denies each and every allegation of the Complaint not admitted in this Answer.
2. For Affirmative Defense Uchin Trust will show the Statute of Limitations had expired on all Counts asserted against it and are barred.

3. For Affirmative Defense Uchin Trust will show Count IV of the Complaint fails to state a cause of action for which Plaintiffs are entitled to relief. Plaintiffs are not a creditor of the debtor that made the fraudulent transfer and, therefore, has no standing under Chapter 726, Florida Statutes to bring this action.

4. For Affirmative Defense Uchin Trust will show there is no legal or factual basis for any claims asserted by S & P Associates, General Partnership, and/or Margaret J. Smith, as Managing General Partner of S & P Associates, General Partnership, and that the Plaintiffs and/or their counsel were or should have been aware of this as the Uchin Trust never invested in S & P Associates, a General Partnership, and Uchin Trust is entitled to attorney's fees in accordance with Section 57.105, Florida Statutes.

5. For Affirmative Defense Uchin Trust will show there is no legal or factual basis for any claims asserted by P & S Associates, General Partnership and/or Margaret J. Smith, as Managing General Partner of P & S Associates, General Partnership, and that the Plaintiffs and/or their counsel were or should have been aware that all claims asserted were barred by the Statute of Limitations and/or there was no basis for the assertion that Uchin Trust received from P & S Associates disbursements that exceeded the amounts invested (Net Investment Method), and Uchin Trust is entitled to attorney's fees in accordance with Section 57.105, Florida Statutes.

I HEREBY CERTIFY that a true and correct copy has been E-served on all counsel of record

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on the attached Certificate of Service List on this 29th day of August, 2013.

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Margaret J. Smith, etc., et al et al vs. Janet A.

Hooker Charitable Trust, etc., et al

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CERTIFICATE OF SERVICE LIST

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