Electronically Filed 04/02/2013 02:11:27 PM ET

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION

ERT 163rd STREET MALL, LLC,

Plaintiff,

v. CASE NO.: 2013-CA-10209

NOEL ENTERPRISES, L.L.C.,
LINDA NOEL AND MERCY NOEL,

Defendants. **SUMMARY PROCEEDINGS SOUGHT UNDER CHAPTER 51**

_____/

MOTION FOR ENTRY OF DEFAULT BY CLERK

Plaintiff, ERT 163RD STREET MALL, LLC, moves for entry of default by the Clerk against Defendant, NOEL ENTERPRISES, L.L.C. ("Tenant"), on Count I of Landlord's Complaint for Possession and Damages ("Complaint") for failure to serve any paper on the undersigned or file any paper as required by law and in support, states as follows:

1. On or about March 20, 2013, Landlord filed its Complaint against Tenant.

2. Tenant was served with the Complaint and a five (5) day Summons on March 27, 2013. A true and correct copy of the affidavit of service is attached hereto as **Exhibit A**.

3. Tenant's response was due on or before April 1, 2013, but Tenant failed to file an answer, failed to serve any paper on the undersigned and failed to file any paper as required by law.

4. Consequently, Tenant is in default and Landlord is entitled to entry of default against the Tenant as to Count I of the Complaint.

WHEREFORE, Plaintiff, ERT 163RD STREET MALL, LLC, moves for entry of Clerk's default against Defendant, NOEL ENTERPRISES, L.L.C., on Count I of Landlord's Complaint for failure to serve any paper on the undersigned or file any paper as required by law.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

Dated: April 2, 2013

SHUMAKER, LOOP & KENDRICK, LLP

By: /s/ Brian C. Willis

JAIME AUSTRICH
Florida Bar No. 084565
BRIAN C. WILLIS
Florida Bar No. 0042930
101 E. Kennedy Blvd., Suite 2800
Tampa, Florida 33602
Telephone: (813) 229-7600
Facsimile: (813) 229-1660
jaustrich@slk-law.com (primary email)
bwillis@slk-law.com (secondary email)
Counsel for Plaintiff, ERT 163rd STREET MALL, LLC

DEFAULT

Default is hereby entered in this action against Defendant, NOEL ENTERPRISES, L.L.C., on Count I of the Complaint for Possession and Damages for failure to serve any paper on the undersigned or file any paper as required by law.

Dated on this ___ day of _____, 2013.

Clerk of the Circuit Court

By: _____
as Deputy Clerk

Copies furnished to: Brian C. Willis, Esq.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

EXHIBIT A

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

RETURN OF SERVICE

State of Florida **County of Miami-Dade** **Circuit Court**

Case Number: 13-10209 CA 10

Plaintiff:
ERT 163RD STREET MALL, LLC
vs.
Defendants:
NOEL ENTERPRISES, L.L.C., LINDA NOEL, AND MERCY NOEL

For:
Brian C. Willis
SHUMAKER, LOOP & KENDRICK, LLP
101 E. Kennedy Blvd.
Suite 2800
Tampa, FL 33602

Received by MercuryServe, Inc. on the 15th day of March, 2013 at 5:18 pm to be served on **NOEL ENTERPRISES, LLC, 275 NW 157TH ST, MIAMI, FL 33169**.

I, Process Services, Inc., do hereby affirm that on the **27th day of March, 2013** at **12:06 pm, I:**

Served the within named corporation by delivering a true copy of the **EVICTION SUMMONS / NON-RESIDENTIAL AND COMPLAINT FOR POSSESION AND DAMAGES WITH EXHIBITS** with the date and hour of service endorsed thereon by me to LINDA NOEL as REGISTERED AGENT who is designated to accept service for the within named corporation, and informing said person of the contents thereof, in compliance with State Statutes.

Additional Information pertaining to this Service:
1st address provided of 275 NW 157th Street, Miami is Carolin Macelion's residence, bought property from Linda Noel in November 2012, whereabouts unknown; Served at the 2nd address of 1421 NW 163rd Street, Store # 1358, Miami
1421 NE 163rd Street, Store #1358, Miami is a/ka 1303 NE 163rd Street, North Miami Beach, FL 33162

I certify that I am over the age of 18 and have no interest in the above action. Pursuant to Florida Statute 92.525, and under penalties of perjury, I declare that I have read the foregoing Return of Service, and that the facts stated in it are true.

Process Services, Inc.
Process Server

MercuryServe, Inc.
100 S. Ashley Drive
Suite 1235
Tampa, FL 33602
(813) 223-5400
Our Job Serial Number: MSI-2013002183

Copyright © 1992-2011 Database Services, Inc. - Process Server's Toolbox V6.5n

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS