

**AFFIDAVIT OF SERVICE**

State of Florida

County of Manatee

Circuit Court

Case Number: 08 CA 11315 Court Date: 1/6/2010 1:00 pm

Plaintiff:

MARY LOU SMITH an individual, and SHARON DENSON, an individual,

vs.

Defendant:

TRAILER ESTATES PARK AND RECREATION DISTRICT, an independent special taxing district, JANET JONES, an individual, JOHN VANDERMOLEN, an individual, JOSEPH SALERNO, an individual, and MARY LOU MCNULTY, an individual,

For:

Kevin S. Hennessy, Esq.  
Lewis, Longman & Walker, P.A.  
1001 3rd Avenue West  
Suite 670  
Bradenton, FL 34205

Received by ASAP Process Services, LLC. on the 29th day of December, 2009 at 12:17 pm to be served on R. MARK YAWBERG, C/O TRAILER ESTATES PARK AND RECREATION DISTRICT, 1903 69TH AVENUE WEST, BRADENTON, FL 34207.

I, William Sterbinsky, being duly sworn, depose and say that on the 30th day of December, 2009 at 8:53 am, I:

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the Subpoena for Deposition (Duces Tecum); Notice of Taking Deposition Duces Tecum; Witness Fee \$5.42; Exhibit "A" with the date and hour of service endorsed thereon by me, to: R. MARK YAWBERG C/O TRAILER ESTATES PARK AND RECREATION DISTRICT, at the alternate address of: 6619 RENSSALAR DR, BRADENTON, FL 34207, and informed said person of the contents therein, in compliance with state statutes.

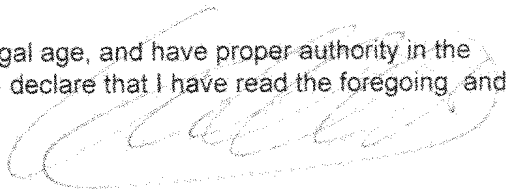
**Military Status:** Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

**Additional Information pertaining to this Service:**

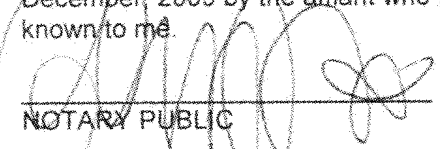
R. MARK YAWBERG WAS SERVED AT HIS CURRENT RESIDENCE. WAS NOT AVAILABLE AT HIS PLACE OF EMPLOYMENT.

I ACKNOWLEDGE 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. "Under penalty of perjury, I declare that I have read the foregoing, and that the facts stated therein are true."

Signed On 12-30-09



Subscribed and Sworn to before me on the 31st day of December, 2009 by the affiant who is personally known to me.

  
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA  
Ann Nicolle Ritzenthaler  
Commission # DD519541  
Expires: FEB. 16, 2010  
Bonded Thru Atlantic Bonding Co., Inc.

**William Sterbinsky**  
Process Server #397

**ASAP Process Services, LLC.**  
Post Office Box 14653  
Bradenton, FL 34280  
(941) 807-4830

Our Job Serial Number: 2009005126  
Ref: YAWBERG

IN THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA  
CIVIL DIVISION

ORIGINAL

MARY LOU SMITH  
an individual, and  
SHARON DENSON,  
an individual

Plaintiffs,

vs.

CASE NO.: 08 CA 11315  
Division B

WS 397  
12/30/09  
8:53c~

TRAILER ESTATES PARK AND  
RECREATION DISTRICT,  
an independent special taxing district,  
JANET JONES, an individual,  
JOHN VANDERMOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU MCNULTY, an individual

Defendants.

SUBPOENA FOR DEPOSITION  
(DUCES TECUM)

TO: R. MARK YAWBERG  
c/o TRAILER ESTATES PARK AND RECREATION DISTRICT  
1903 69<sup>TH</sup> AVENUE WEST  
BRADENTON, FL 34207

Alternate address: 6619 RENSSALAER DR, BRADENTON, FL 34207

**YOU ARE COMMANDED** to appear before a person authorized by law to take depositions at Kirk Pinkerton, P.A., 1301 6th Avenue West, Suite 401, Bradenton, Florida 34205 on **Wednesday, January 6, 2010 at 1:00 p.m.**, for the taking of your deposition in this action and to have with you at that time and place all documents listed on the attached "Exhibit A".

If you fail to appear, you may be in contempt of court.

**YOU ARE SUBPOENAED** to appear by the following attorneys, and unless excused from this subpoena by these attorneys or the court, you shall respond to this subpoena as directed.

Dated this 29<sup>th</sup> day of **December, 2009**.



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KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE D. MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN

Florida Bar No. 0038081

Lewis, Longman & Walker, P.A.

1001 3<sup>rd</sup> Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

cc: US Legal Support (via email)

## EXHIBIT "A"

Copies of any and all documentation in your possession that has not previously been produced to counsel for the Plaintiffs including but not limited to the following:

1. Any and all correspondence, including memoranda, faxes, notes and emails that you sent to or received from current or past Trailer Estates Park and Recreation District ("District") Board of Trustee member(s) and member(s)-elect relating to the District from January 1, 2005, to the present.
2. Any and all correspondence, including memoranda, faxes, notes and emails that T.J. Miller sent to you related to the District from January 1, 2005, to the present, and your responses to that correspondence.
3. Any and all correspondence, including memoranda, faxes, notes and emails that Martha Brauer sent to you related to the District from January 1, 2005, to the present, and your responses to that correspondence.
4. Any and all correspondence, including memoranda, faxes, notes and emails that John Vander Molen sent to you related to the District from January 1, 2005, to the present and your responses to that correspondence.
5. Any and all correspondence, including memoranda, faxes, notes and emails that Wayne Hamblen sent to you related to the District from January 1, 2005, to the present and your responses to that correspondence.
6. Any and all documents reflecting communications between any members of the Board of Trustees for the District from January 1, 2005, to the present.
7. Any and all calendars from January 1, 2005, to the present, whether in electronic or written format, depicting any meetings between you and persons who have served or are serving on the District's Board of Trustees.
8. Any and all journals, notes, diaries, or other documentation that describes or discusses matters concerning the District.
9. The District's maintenance logs from January 1, 2005 to the present.
10. Any policies and/or procedures regarding how to keep the maintenance logs in place from January 1, 2005 to the present.
11. Any and all notes, letters, memos, or documents related to any District Committees.
12. Any and all documents related to the District's sound system.

13. Any and all documents related to the District's document management system.
14. Any and all District policies related to the records that are kept in storage, policies and/or procedures for supplementing, maintain or retrieving those documents.
15. Any written policies or other documents concerning or evidencing the disposal, sale or gifting of any District property.

IN THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA  
CIVIL DIVISION

MARY LOU SMITH  
an individual, and  
SHARON DENSON,  
an individual

Plaintiffs,

vs.

CASE NO.: 08 CA 11315  
Division: B

TRAILER ESTATES PARK AND  
RECREATION DISTRICT,  
an independent special taxing district,  
JANET JONES, an individual,  
JOHN VANDERMOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU MCNULTY, an individual

Defendants.

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**NOTICE OF TAKING DEPOSITION DUCES TECUM**

PLEASE TAKE NOTICE that counsel for the Plaintiffs, MARY LOU SMITH and SHARON DENSON, will take the following deposition:

**NAME:** Mark Yawberg  
**DATE:** Wednesday, January 6, 2010  
**TIME:** 1:00 p.m.  
**PLACE:** Kirk Pinkerton, P.A.  
1301 6th Avenue West  
Suite 401  
Bradenton, Florida 34205

upon oral examination before a Court Reporter authorized by law in the State of Florida to take depositions. This oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Florida Rules of Civil Procedure.

**The documents listed on Exhibit "A" attached hereto shall be brought to the deposition.**

Respectfully Submitted,



KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE D. MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 0038081

Lewis, Longman & Walker, P.A.

1001 3<sup>rd</sup> Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

Cc: US Legal Support (via email)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **Hunter Carroll, Esquire**, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, **James D. Dye, Esquire**, Dye, Deitrich, Petruff, & St. Paul, 1111 Third Ave. West, Suite 300, Bradenton, FL 34205, **Robert E. Turffs, Esquire**, 1444 First Street, Suite B, Sarasota, FL 34236, **Daniel E. Scott, Esquire**, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, **Thomas D. Shults, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. Facsimile*, this 29<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
KEVIN S. HENNESSY, ESQ.