

IN RE: ESTATE OF SEYMOUR BAUM,
ANNEEN NINA GLORIA BAUM,

IN THE CIRCUIT COURT FOR THE
18TH JUDICIAL CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

Petitioner,

Probate Division

Case No.: 05-2012-CP-048323

v.

DAVID A. BAUM, as Personal
Representative, et al.

Respondents.

PERSONAL REPRESENTATIVE'S MOTION FOR ORDER DROPPING PARTIES

Respondent, David Baum, as personal representative of the Estate of Seymour Baum (the "Personal Representative"), hereby files this Motion for Order Dropping Parties and in support thereof states as follows:

1. The Decedent, Seymour Baum, died in Brevard County on June 17, 2012.
2. On January 22, 2013, the Decedent's Last Will dated March 22, 2011 (the "Will") was admitted to probate and the Decedent's son, David A. Baum, was appointed Personal Representative of the Estate.
3. On June 3, 2013, Anneen Nina Gloria Baum ("Nina") filed her Petition which, among other things, objected to the validity of the Will and sought removal of the Personal Representative ("Nina's Petition"). Nina filed an Amended Petition on June 28, 2013.
4. The Florida Rules of Probate define an action seeking to remove a personal representative or seeking revocation of probate of a will as "Adversary Proceedings." Fla. R. Prob. 5.025(a). Thus, Nina's Petition is an adversary proceeding within the meaning of the Florida Probate Rules. The initial pleading in an adversary proceeding is required to be served by Formal Notice. Fla. R. Prob. 5.025(d)(1).

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In re: Estate of Seymour Baum
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Personal Representative's Motion for Order Dropping Parties

5. On October 14, 2013, the Personal Representative filed a Motion to Dismiss the Amended Petition alleging that the Amended Petition had not been properly served pursuant to Florida Probate Rule 5.025

6. On November 15, 2013, following its oral ruling on November 11, 2013, this Court entered an Order Compelling Service. The Order specifically provided that "Petitioner is hereby required to serve process on any Respondents not yet served in this action on or before December 13, 2013... Any Respondents not served on or before December 13, 2013 shall be dropped as a party." A copy of the Order is attached as Exhibit "A".

7. At a hearing on December 11, 2013, this Court denied a motion to extend the deadlines. The Court specifically ruled as follows "The Court made it clear following the hearing on November 12, 2013 that a further extension of time for service of process would not be granted." A copy of the Order confirming the oral ruling is attached as Exhibit "B".

8. Despite the denial of the request for an extension, Nina did not serve David Baum, individually or as Personal Representative of the Estate, on or before December 13, 2013.

WHEREFORE, David Baum, as Personal Representative of the Estate of Seymour Baum, respectfully requests that this Court enter an order dropping any respondents who were not served on or before December 13, 2013, specifically David Baum, individually and as Personal Representative of the Estate, Liza Ciolkowski Baum, Bruce M. Baum, and Friends of the Israel Defense Forces, Inc., a Florida not for profit corporation, as parties to this proceeding pursuant to its November 15, 2013 Order and Florida law, and granting such other and further relief as is just and appropriate under the circumstances.

In re: Estate of Seymour Baum
Case No.: 05-2012-CP-048323
Personal Representative's Motion for Order Dropping Parties

I CERTIFY that on January 28, 2013, a copy of the foregoing was furnished by e-mail to all parties on the attached Service List.

/s/ William T. Hennessey III
William T. Hennessey III
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ANNEEN NINA GLORIA BAUM,
Plaintiff,

v.

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY,
FLORIDA

DAVID A. BAUM, individually and as
Personal Representative of the Estate of
Seymour Baum; PINE RIDGE PLAZA,
LLC; VILLAGE GREEN PLAZA, LLC;
SILVER SPRING MANOR, INC.; SILVER
SPRING MANOR, LLC; BORUCH-
DAVID, INC.; BORUCH-DAVID, LLC;
AND DOWNTOWN MINI STORAGE OF
MELBOURNE, LLC
Defendants.

CASE NO.: 05-2013-CP-028863

PROBATE DIVISION

DEFENDANT'S MOTION TO DROP PARTIES

Defendant, David Baum, as personal representative of the Estate of Seymour Baum (the "Personal Representative"), hereby files this Motion for Order Dropping Parties and in support thereof states as follows:

1. The Decedent, Seymour Baum, died in Brevard County on June 17, 2012.
2. On January 22, 2013, the Decedent's Last Will dated March 22, 2011 (the "Will") was admitted to probate and the Decedent's son, David A. Baum, was appointed Personal Representative of the Estate.
3. On June 28, 2013, Anneen Nina Gloria Baum ("Nina") filed this Complaint naming the above-referenced parties as Defendants. Nina filed an Amended Complaint on August 5, 2013.
4. Florida Rule of Civil Procedure 1.070(j) requires that a Complaint be served within 120 days. The Complaint was never served on any of the Defendants.
5. On November 15, 2013, following its oral ruling on November 11, 2013, this Court entered an Order Compelling Service. The Order specifically provided that "Pursuant to

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Florida Rule of Civil Procedure 1.070(j), Plaintiff is hereby required to serve process on any Defendants not yet served in this action on or before December 13, 2013... Any Defendants not served on or before December 13, 2013 will be dropped as a party." A copy of the Order is attached as Exhibit "A".

6. At a hearing on December 11, 2013, this Court denied a motion to extend the deadlines. The Court specifically ruled as follows "The Court made it clear following the hearing on November 12, 2013 that a further extension of the deadlines and discovery would not be granted." A copy of the Order confirming this oral ruling is attached as Exhibit "B".

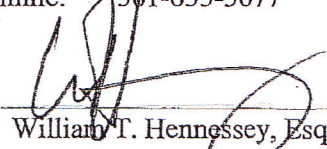
7. Despite the denial of the request for an extension, Nina did not serve any of the Defendants on or before December 13, 2013.

WHEREFORE, Petitioner, David Baum, as Personal Representative of the Estate of Seymour Baum, respectfully requests that this Court enter an order dropping all Defendants who were not served on or before December 13, 2013, specifically David Baum, individually, Pine Ridge Plaza, LLC, Village Green Plaza, LLC, Silver Spring Manor, Inc., Silver Spring Manor, LLC, Boruch-David, Inc., Boruch-David, LLC, and Downtown Mini Storage of Melbourne, Inc., as parties to this proceeding pursuant to its November 15, 2013 Order and Florida Rule of Civil Procedure 1.070(j), and granting such other and further relief as is just and appropriate under the circumstances.

Baum v. Baum
Case No.: 05-2013-CP-028863

I CERTIFY that on January 28, 2013, a copy of the foregoing was furnished by e-mail to
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