

[x] IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND MIAMI-DADE COUNTY, FLORIDA.

[] IN THE COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

CIVIL DIVISION	CIVIL ACTION SUMMONS Personal Service on a Natural Person (En Espanol al Dorso) (Francis Au Verso)	CASE NUMBER 13013466CA01 <i>HW #1570</i>
PLAINTIFF(S) BETH E. SPIEGEL	VS. DEFENDANT(S) YVENOLINE DARGENSON a/k/a YVE DARGENSON, PENELOPE TOWNSLEY and PAMELA L. LATIMORE	CLOCK IN <i>4/18/13</i> <i>12:13 PM</i>
To Defendant(s): PAMELA L. LATIMORE, City Clerk, City of North Miami Beach	Address: 17011 Northeast 19th Avenue North Miami Beach, Florida 33162	
<p>A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file with the clerk of this court, written response to the attached Compliant. A phone call will not protect you; your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away.</p> <p>If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone books).</p> <p>If you choose to file a written response yourself, you must at the time mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below and file your response to the Court, located at:</p> <p style="text-align: center;">Dade County Courthouse Clerk of Courts Room 138 73 West Flagler Street Miami, Florida 33130</p> <p style="text-align: center;">Additional Court locations are printed on the back this form.</p>		
Plaintiff/Plaintiff Attorney Beth E. Spiegel	Address: 20801 Biscayne Boulevard, Suite 304 Aventura, Florida 33180-1422 (305) 932-3266	
TO EACH SHERIFF OF THE STATE OF FLORIDA: You are commanded to serve this Summons and a copy of the Complaint on the above named defendant.		
HARVEY RUVIN CLERK OF COURTS	BY: <u>Twyla Thompson 79440</u> DEPUTY CLERK	DATE APR 18 2013

AMERICANS WITH DISABILITIES ACT OF 1990

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the Court ADA Coordinator/Ellis D. Pettigrew, no later than 7 days prior to the proceedings at (305) 375-2006 (voice), or (305) 375-2007(TDD).

Una demanda contra usted ha sido presentada. Tiene 20 días naturales a partir del recibo de esta notificación para contestar por escrito la demanda adjunta y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes. Si usted no contesta la demanda a tiempo, pudiera perder el caso y podría ser despojado de sus ingresos, dinero y propiedad, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede consultar con un abogado inmediatamente.

Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados "ATTORNEY REFERRAL SERVICE" o una de las oficinas de asistencia legal "LEGAL AID OFFICE" (que aparecen en la guía telefónica).

Si usted elige responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar a mano una copia de su respuesta a la persona indicada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante), como sigue:

Dade County Courthouse
Clerk of Courts
Room 138
73 West Flagler Street
Miami, Florida 33130

Ubicaciones de Tribunales adicionales se encuentran al dorso de este formulario

AMERICANS WITH DISABILITIES ACT OF 1990

En conformidad con la Ley de Americanos con Incapacidades de 1990, las personas que necesiten facilidades especiales para participar este procedimiento deberán contratar al Coordinador de ADA, Ellis D. Pettigrew, no más tarde que 7 días antes del procedimiento al (305) 375-2006 (voz), o 375-2007(TDD)

Yo entre yon aksyon kont oumeum. Ou genyen 20 jou kalandrive apres ou recevoi somasyon-an pou enregistre devan greffe tribunal-sa, you response pa ecri attache avec plent-la. Yon apel pa telefon ka kapab protfège-ou. Se yon respnse pa ecri, fo ou mete numero ka-a ki sou tet pagela avec nom moun-yo ki sou papie-sa oblige ecri si ou vle ke tribunal-la tende position-ou sou ka-a. Si ou pa enregistre reponse-ou a l'heure ou capab pedu ka-a, avec sle-ou et apres san que tribunal-la pa avise-ou nou ka pren l'agen ak progriete-ou. Genyen lot demande. Ou ka besion telefon you avoka tout de suit.

Si ou pa konen yon avoka, ou ka rele sevis ki rekomande avoka, ou biro ede legal (ki nan liv telefon)

Si ou choisi voye you response pa ecri oumenm, ou suppose en mem tan poste on pote on copi response pa ecri pou avoka pleyan ou pleyan-yo ke non-li ama-a et enregistre reponse-la nan tribunal-la ki localize nan.

Tribinal Dade-Ian
Secrete Tribinal
Cham 138
73 West Flagler Street
Miami, Florida 33130

Gueyen lot local tribunal nan deye page-la

AMERICAN POU ENFIMITE NAN AK 1990

Trete American pou Enfimite nan ak 1990, pou moun ki bezwen transpotasyon kapab Ellis D. Pettigrew nan Tribinal Dade-la pa pit ke 7 jou avan pwodeda ya nan (305) 375-2006 (vwa), ou (305) 375-2007(TDD).

ADDITIONAL COURT FACILITY LOCATIONS

Joseph Caleb Center(20)
Room 205
5400 Northwest, 22 Avenue
Miami, Florida 33142

North Dade Justice Center(23)
Room 100
15555 Biscayne Boulevard
North Miami, Florida 33161

Coral Gables District Court(25)
Room 100
3100 Ponce de Leon Boulevard
Coral Gables, Florida 33134

Homestead District Court(27)
715 Northeast 1 Road
Homestead, Florida 33030

Hialeah District Court(21)
55 Southeast 4 Avenue
Hialeah, Florida 33010

Miami Beach District Court (24)
Room 224
1130 Washington Avenue
Miami Beach, Florida 33139

South Dade Government Center (26)
10710 Southwest 211 Street
Miami, Florida 33189

Sweetwater Branch Office
500 Southwest 109 Avenue
Sweetwater, Florida 33174

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

DIVISION
 CIVIL
 DISTRICTS
 FAMILY
 OTHER

CIVIL COVER SHEET

CASE NUMBER

PLAINTIFF

Both E. Spiegel

VS. DEFENDANT

*Yvonne Dargenson,
 Penelope Townsley,
 Pamela L. Latimore*

CLOCK IN

The civil cover sheet and the information contained here does not replace the filing and service of pleadings or other papers as required by law. This form is required by the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075. See instructions and definitions on reverse of this form.

TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- 001 - Eminent Domain
- 003 - Contracts and indebtedness
- 010 - Auto Negligence
- 022 - Products Liability
- 023 - Condominium
- Negligence - Other
 - 097 - Business Governance
 - 098 - Business Torts
 - 099 - Environmental/Toxin Tort
 - 100 - Third Party Indemnification
 - 101 - Construction Defect
 - 102 - Mass Tort
 - 103 - Negligent Security
 - 104 - Nursing Home Negligence
 - 105 - Premises Liability - Commercial
 - 106 - Premises Liability - Residential
 - 107 - Negligence - Other
- Real Property/Mortgage Foreclosure
 - 108 - Commercial Foreclosure \$0 - \$50,000
 - 109 - Commercial Foreclosure \$50,001 - \$249,999
 - 110 - Commercial Foreclosure \$250,000 - or more
 - 111 - Homestead Residential Foreclosure \$0 - \$50,000
 - 112 - Homestead Residential Foreclosure \$50,001 - \$249,999
 - 113 - Homestead Residential Foreclosure \$250,000 or more
 - 114 - Non-Homestead Residential Foreclosure \$0 - \$50,000
 - 115 - Non-Homestead Residential Foreclosure \$50,001 - \$249,999
 - 116 - Non-Homestead Residential Foreclosure \$250,000 or more
 - 117 - Other Real Property Actions \$0 - \$50,000
 - 118 - Other Real Property Actions \$50,001 - \$249,999
- 119 - Other Real Property Actions \$250,000 or more
- Professional Malpractice
 - 094 - Malpractice - Business
 - 095 - Malpractice - Medical
 - 096 - Malpractice - Other professional
- Other
 - 120 - Antitrust/Trade Regulation
 - 121 - Business Transactions
 - 122 - Constitutional Challenge - Statute or Ordinance
 - 123 - Constitutional Challenge - Proposed amendment
 - 124 - Corporate Trust
 - 125 - Discrimination - Employment or Other
 - 126 - Insurance Claims
 - 127 - Intellectual Property
 - 128 - Libel/Slander
 - 129 - Shareholder Derivative Action
 - 130 - Securities Litigation
 - 131 - Trade Secrets
 - 132 - Trust Litigation
 - 133 - Other Civil Complaint
 - 009 - Bond Estreature
 - 014 - Replevin
 - 024 - Witness Protection
 - 080 - Declaratory Judgment
 - 081 - Injunctive Relief
 - 082 - Equitable Relief
 - 083 - Construction Lien
 - 084 - Petition for Adversary Preliminary Hearing
 - 085 - Civil Forfeiture
 - 086 - Voluntary Binding Arbitration
 - 087 - Personal Injury Protection (PIP)

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 13 APR 18 PM 12:18
 MIAMI CITY CLERK'S OFFICE

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

REMEDIES SOUGHT (check all that apply):

- monetary;
- non-monetary declaratory or injunctive relief;
- punitive

NUMBER OF CAUSES OF ACTION: 2

(specify) Declaratory judgment
Injunctive relief

IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

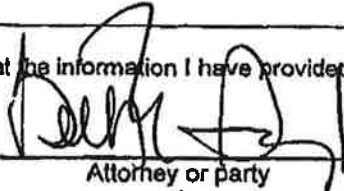
HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- No
- Yes If "Yes", list all related cases by name, case number, and court.

IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
- No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature 
Attorney or party

Florida Bar # 254541
(Bar # if attorney)

Beth E. Spiegel
(type or print name)

4/12/13
Date

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

BETH E. SPIEGEL,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.

v.

YVENOLINE DARGENSON a/k/a
YVE DARGENSON, PENELOPE
TOWNSLEY and PAMELA
L. LATIMORE,

Defendants.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Florida Br No. 254541

Plaintiff, BETH E. SPIEGEL, sues Defendants, YVENOLINE DARGENSON a/k/a
YVE DARGENSON, PENELOPE TOWNSLEY and PAMELA L. LATIMORE. and states
as follows:

PARTIES, VENUE AND JURISDICTION

1. This is a complaint for declaratory and injunctive relief.
2. Plaintiff, BETH E. SPIEGEL (hereinafter "SPIEGEL") is a candidate for the position of Council Member, Group 4, City of North Miami Beach.
3. Defendant, YVENOLINE DARGENSON a/k/a YVE DARGENSON (hereinafter "DARGENSON") is a candidate for the position of Council Member, Group 4, City of North Miami Beach.
4. Defendant, PENELOPE TOWNSLEY (hereinafter "TOWNSLEY") is the Supervisor of Elections of Miami-Dade County, Florida, and is responsible for certain aspects of the May 7, 2013, municipal election in the City of North Miami Beach under contract to the City and is sued solely in her official capacity.

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CRIMINAL JUSTICE DIVISION

5. Defendant, PAMELA L. LATIMORE (hereinafter "LATIMORE") is the City Clerk of the City of North Miami Beach and is responsible for the conduct of the municipal election for North Miami Beach, scheduled for May 7, 2013, and is sued in her official capacity.

FACTUAL ALLEGATIONS

6. Section 7-5.a. of the City Code of the City of North Miami Beach requires a candidate for the office of Council to be, *inter alia*, a qualified elector of the City at the time of filing for the position and to be a bona fide resident of the City for the entire term of the office for which he or she is a candidate.

7. Section 7-5.c. of the City Code defines the term of a bona fide resident and states:

"The term 'bona fide resident' shall mean a permanent, fixed place of domicile within the City of North Miami Beach, to the exclusion of all other places."

8. Article III, Section 11 of the North Miami Beach City Charter requires:

"Each candidate at the time of qualifying with the Clerk must have continuously resided in the City of North Miami Beach for at least one (1) full year."

9. DARGENSON filed for the office of City Council Member providing an address within the City of North Miami Beach of 1511 Northeast 161st Street, North Miami Beach, Florida.

10. Plaintiff has good reason to believe that DARGENSON has not been a bona fide resident of the City of North Miami Beach for a period of one (1) year prior to the date of qualifying.

11. Plaintiff has good reason to believe that DARGENSON, at the time of qualifying with the Clerk, had not continuously resided in the City of North Miami Beach for at least one (1) full year prior to qualifying.

12. Upon information and belief the Plaintiff asserts that at the time that DARGENSON executed her Loyalty Oath for Candidates for Public Office, a copy of which is attached hereto as Exhibit 1 and incorporated by reference herein, she was not a bona fide resident within the meaning of the Code and Charter of the City of North Miami Beach, Florida.

13. Plaintiff has good reason to believe that as of May 12, 2012, less than one (1) year prior to the date of qualifying Defendant DARGENSON was, in fact, residing at 9620 Boulder Street, Miramar, Broward County, Florida.

14. If this is correct DARGENSON would not be a qualified candidate for a position on the City Council and no vote should be counted for her in the election of May 7, 2013.

COUNT I
DECLARATORY RELIEF

Plaintiff readopts and realleges Paragraphs 1-14 as if set forth herein.

15. Consistent with the practices and policies of the City of North Miami Beach, there are official investigations of the residency and qualification for office of DARGENSON on the issue of her residency within the City.

16. As a result of these investigations it is apparent that DARGENSON does not qualify for the office of Council Member in North Miami Beach for which she is on the election ballot for May 7, 2013.

17. Plaintiff brings this action so that the Court can render its judgment on the existence, if any, of the right and/or privilege of DARGENSON to participate as a candidate in the municipal election scheduled for May 7, 2013, and/or for the Court to determine the status of DARGENSON's residency for the purposes of said election and/or for the Court to determine Plaintiff's rights, status or interest in regard to May 7, 2013, election *vis a vis* her opponent.

COUNT II
INJUNCTIVE RELIEF

Plaintiff readopts and realleges Paragraphs 1 through 17 as if fully set forth herein.

18. It is not in the public interest for a candidate who is not qualified for the office for which she seeks election to be elected to that office.

19. If an unqualified candidate for office is allowed to participate in the election such that votes cast for that candidate are counted both the Plaintiff and the public at large will suffer an injury for which there is no adequate remedy at law.

20. Based upon the available evidence Plaintiff will show that it is more likely than not that DARGENSON is unqualified for the office of North Miami Beach City Council Member, Group 4.

21. Plaintiff will attempt to provide Defendant DARGENSON with sufficient notice for an emergency hearing to be held on a Motion for Injunctive Relief.

22. If Plaintiff were to be unable to timely locate Defendant DARGENSON to give her notice of the hearing sought, and due to lack of time and notice, this Court therefor were to refuse to act, irreparable injury of an election with an unqualified candidate's participation would occur.

23. Plaintiff seeks an emergency hearing in order to avoid that irreparable injury, with notice if notice is possible, but without notice if that is the only alternative.

24. Upon information and belief, DARGENSON has concealed her true and bona fide residence and has deceived public officials by filing qualification papers listing an address which is not her bona fide address and/or which has not been her bona fide residence for the required period of time in order to qualify to run for City Council.

WHEREFOR, Plaintiff prays this Court grant unto her the following relief:

A. Set an emergency hearing at which a temporary, preliminary and/or permanent injunction may be granted; and

B. Order that Plaintiff's Affidavit filed concurrently herewith, may be used to support an application for temporary injunction unless DARGENSON appears at the hearing or unless DARGENSON has received reasonable notice of the emergency hearing and fails to appear; and

C. Enter a declaratory decree that DARGENSON is not a qualified candidate for North Miami Beach City Council because she is not and has not been a bona fide resident of the City of North Miami Beach; and

D. Enjoin Defendants TOWNSLEY and LATIMORE from counting any votes cast for DARGENSON in the May 7, 2013, election for North Miami Beach City Council, Group 4; and

E. Such other and further relief as this Court deems just and proper.

DATED this 12th day of April, 2013.

BETH E. SPIEGEL, ESQUIRE
20801 Biscayne Boulevard
Suite 304
Aventura, Florida 33180
Phone: 305-932-3266
bespiegelesq@aol.com
bespiegel2@aol.com

BY: 

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

BETH E. SPIEGEL,

Plaintiff,

GENERAL JURISDICTION DIVISION

CASE NO.

v.

YVENOLINE DARGENSON a/k/a
YVE DARGENSON, PENELOPE
TOWNSLEY and PAMELA L.
LATIMORE,

Defendants.

**AFFIDAVIT OF BETH E. SPIEGEL IN SUPPORT OF COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Florida Bar No. 254541

STATE OF FLORIDA
COUNTY OF MIAMI DADE

BEFORE ME, the undersigned authority, personally appeared BETH E.
SPIEGEL who after being duly sworn deposes and states:

1. I am the Plaintiff in this case.
2. I am a candidate for the office of Council Member, Group 4, City of North Miami Beach, in an election to be held on May 7, 2013.
3. I am an elector in the City of North Miami Beach, and I am a bona fide resident of the City of North Miami Beach.
4. Very recently I learned that official investigations have been conducted regarding the residence of YVENOLINE DARGENSON, also a candidate for Council Member, Group 4, City of North Miami Beach, in the May 7, 2013, election.
5. I have learned that the result of the investigation evidences that Ms.

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13 APR 18 PM 12:19
CLERK'S OFFICE

Dargenson does not live at the address that she has claimed, 1511 Northeast 161st Street, North Miami Beach, Florida 33162, and this is not and has not been her permanent, fixed place of domicile for a period of twelve (12) month prior to the date of qualification.

6. I have learned that as of May 12, 2012, YVENOLINE DARGENSON was residing at 9620 Boulder Street, Miramar, Florida 33025 at which time she was personally served with a Summons at that address directed to her and she was served with substitute service for her husband, Frannix Jean-Mary at that residence, 9620 Boulder Street, Miramar, Florida. Certified copies of those Returns of Service of the Summons on May 12, 2012, are attached hereto as Composite Exhibit 1 and incorporated by reference herein.

7. Under the North Miami Beach City Code and the North Miami City Charter a candidate who is not a qualified elector of the City at the time of filing, and who is not a bona fide resident with a permanent, fixed place of domicile in the City to the **exclusion of other places**, is not a qualified candidate for office. [emphasis added]

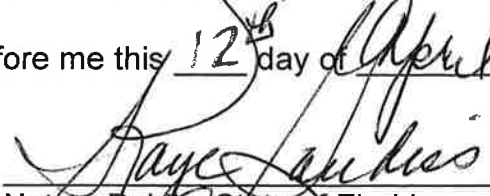
FURTHER AFFIANT SAYETH NAUGHT


BETH E. SPIEGEL, AFFIANT

Aventura, Florida. SWORN TO AND SUBSCRIBED before me this 12th day of April, 2013, at



KAYE GOUDISS
MY COMMISSION # DD 905393
EXPIRES: August 26, 2013
Bonded Thru Budget Notary Services


Notary Public, State of Florida
My Commission expires:

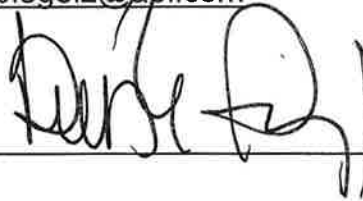
Personally known
 Produced Identification
Type of identification produced _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served with the Summons and Complaint to the Defendants, YVENOLINE DARGENSON a/k/a YVE DARGENSON, PENELOPE TOWNSLEY and PAMELA L. LATIMORE

BETH E. SPIEGEL, ESQUIRE
20801 Biscayne Boulevard
Suite 304
Aventura, Florida 33180
Phone: 305-932-3266
bespiegelesq@aol.com
bespiegel2@aol.com

BY: _____

A handwritten signature in black ink, appearing to read "Beth Spiegel", is written over a horizontal line. The signature is stylized and cursive.

RETURN OF SERVICE

State of Florida

County of Broward

County Court

Case Number: 12-5874 COWE 81

Plaintiff:

RIVER RUN OF MIRAMAR HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION, NOT FOR PROFIT

vs.

Defendant:

FRANNIX JEAN-MARY, ET AL.,

For:

Carol Strauss
BAKALAR & ASSOCIATES, P.A.
150 South Pine Island Road
Suite 540
Plantation, FL 33324

2012 MAY 17 PM 4:23
CLERK OF CIRCUIT COURT
BROWARD COUNTY, FL

Received by Caplan, Caplan and Caplan on the 11th day of May, 2012 at 1:51 pm to be served on YVENOLINE DARGENSON, 9620 BOULDER STREET, MIRAMAR, FL 33025.

I, Barbara Markowitz, do hereby affirm that on the 12th day of May, 2012 at 10:30 am, I:

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the -Summons, Notice Of Lis Pendens and Complaint To Foreclosure with the date, hour and initials of service endorsed thereon by me, to: YVENOLINE DARGENSON at the address of: 9620 BOULDER STREET, MIRAMAR, FL 33025, 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.

Marital Status: Based upon inquiry of party served. Defendant is married.

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true, that I am a Sheriff Appointed Process Server in the county in which this defendant/witness was served and have no interest in the above action. Pursuant to FS 92.525(2), no notary is required.

STATE OF FLORIDA
BROWARD COUNTY

I DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Circuit Court Clerk of Broward County, Florida.

WITNESS my hand and Official Seal at Fort Lauderdale Florida, this the April AD 2013

Howard C. Forman
Clerk of the Courts



Deputy Clerk

Barbara Markowitz
164

Caplan, Caplan and Caplan
172 West Flagler St., #320
Miami, FL 33130
(305) 374-3426

Our Job Serial Number: CPN-2012030100

Service Fee: _____

Composite Exhibit 1

B

IN THE COUNTY COURT IN AND FOR
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

12-05874

COWE

CASE NO.:

RIVER RUN OF MIRAMAR HOMEOWNERS
ASSOCIATION, INC., a Florida Corporation, not
for profit,

Plaintiff

vs.

FRANNIX JEAN-MARY, YVENOLINE
DARGENSON, UNKNOWN SPOUSE OF
FRANNIX JEAN-MARY, UNKNOWN SPOUSE
OF YVENOLINE DARGENSON, UNKNOWN
TENANT ONE, UNKNOWN TENANT TWO,

Defendants

Yvenoline
81
JANE FISHMAN
RECD
SERVED
DATE 5-12-12 10:30 AM
TIME
P.S.
PRINT SIGN NAME
CERTIFIED IN THE CIRCUIT
COUNTY/COURT #

SUMMONS

FT. LAUDERDALE, FL 33311
954-462-1800
CAPLAN & CAPLAN
631 S. ANDREWS AVE.

STATE OF FLORIDA

Clerk Sheriff of The State:

YOU ARE HEREBY COMMANDED to serve this Summons, Lis Pendens and a copy of
the Complaint in this action on the Defendant.

SERVE: YVENOLINE DARGENSON
9620 Boulder Street
Miramar, FL 33025

MUST PROVIDE FOLLOWING INFORMATION
AGE: 35 M/F: RACE: B HEIGHT: 5'6"
CLASSES: Y/N

Each Defendant is required to serve written defenses to the Complaint on Plaintiff's Attorneys
whose address is:

BAKALAR & ASSOCIATES, P.A.
CAROL A. STRAUSS, Esquire
150 South Pine Island Road, Suite 540
Plantation, Florida 33324
Tel; 954-475-4244, Fax: 954-475-4994

MILITARY
Yes No
MARRIED
Yes No
MOBILE HOME
Yes No

within 20 days after service of this summons on that Defendant, exclusive of the day of service, and
to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's
attorney or immediately thereafter. If a Defendant fails to do so, a Default will be entered against

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you; your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a carbon copy or photocopy of your written response to the "Plaintiff/Plaintiff's Attorney" named above.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney." (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vos-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

WITNESS my hand and the Seal of said Court.

MAY 11 2012

Howard C. Forman
as Clerk of said Court

By: _____

As Deputy Clerk



MILITARY STATUS AFFIDAVIT

[] At the time of service, Defendant/subject served was asked if Defendant was in the military service of the United States Government and the reply was that he/she was not.

Deputy Sheriff/Process Server

STATE OF FLORIDA

COUNTY OF BROWARD

_____ personally appeared before me this _____ day of _____, 2012 who is personally known to me, and having taken an oath, stated that the information contained herein is true and correct.

NOTARY PUBLIC STATE OF
FLORIDA

Printed Name of Notary Public

My Commission Expires:

RETURN OF SERVICE

State of Florida

County of Broward

County Court

Case Number: 12-5874 COWE 81

Plaintiff:

RIVER RUN OF MIRAMAR HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION, NOT FOR PROFIT

vs.

Defendant:

FRANNIX JEAN-MARY, ET AL.,

For:

Carol Strauss
BAKALAR & ASSOCIATES, P.A.
150 South Pine Island Road
Suite 540
Plantation, FL 33324

2012 MAY 17 PM 4:23
CLERK - CIRCUIT COURT
BROWARD COUNTY, FL

Received by Caplan, Caplan and Caplan on the 11th day of May, 2012 at 1:51 pm to be served on FRANNIX JEAN-MARY, 9620 BOULDER STREET, MIRAMAR, FL 33025.

I, Barbara Markowitz, do hereby affirm that on the 12th day of May, 2012 at 10:40 am, I:

SUBSTITUTE served by delivering a true copy of the -Summons, Notice Of Lis Pendens and Complaint To Foreclosure to: YVENOLINE JEAN-MARY, WIFE at the recipient's PRIVATE MAILBOX location at the address of: 9620 BOULDER STREET, MIRAMAR, FL 33025; the only address known after reasonable investigation and after determining that the person or business to be served maintains a mailbox at this location, in compliance with State Statute 48.031 (6). YVENOLINE JEAN-MARY is fifteen (15) years of age or older.

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

Marital Status: Based upon inquiry of party served. Defendant is married.

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true, that I am a Sheriff Appointed Process Server in the county in which this defendant/witness was served and have no interest in the above action. Pursuant to FS 92.525(2), no notary is required.

STATE OF FLORIDA
BROWARD COUNTY

I DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Circuit Court Clerk of Broward County, Florida.

WITNESS my official Seal at Fort Lauderdale, Florida, this 12th day of May, AD 2012



Howard C. Forman
Clerk of the Courts

Deputy Clerk

Barbara Markowitz
164

Caplan, Caplan and Caplan
172 West Flagler St., #320
Miami, FL 33130
(305) 374-3426

Our Job Serial Number: CPN-2012030102

Service Fee: _____

6

IN THE COUNTY COURT IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

12-05874

CASE NO.:

RIVER RUN OF MIRAMAR HOMEOWNERS ASSOCIATION, INC., a Florida Corporation, not for profit,

Plaintiff

vs.

FRANNIX JEAN-MARY, YVENOLINE DARGENSON, UNKNOWN SPOUSE OF FRANNIX JEAN-MARY, UNKNOWN SPOUSE OF YVENOLINE DARGENSON, UNKNOWN TENANT ONE, UNKNOWN TENANT TWO,

Defendants

Red Eclipse ATX 024 401 IEX

81

JANE FISHMAN

Yvenoline wife

REC'D SERVED DATE 12-12-10 TIME 10:40 AM P.S. (PRINT/SIGN NAME)

SUMMONS

CERTIFIED IN THE CIRCUIT COUNTY/COURT # 1750

954-462-1800 CAPLAN & CAPLAN 631 S. ANDREWS AVE. FT. LAUDERDALE, FL 33301

STATE OF FLORIDA Sheriff of The State:

YOU ARE HEREBY COMMANDED to serve this Summons, Lis Pendens and a copy of the Complaint in this action on the Defendant.

SERVE: FRANNIX JEAN-MARY 9620 Boulder Street Miramar, FL 33025

MUST PROVIDE FOLLOWING INFORMATION AGE: 35 M/RACE: B HEIGHT: 5'4" WEIGHT: 125 HAIR: Black GLASSES: Y/N

Each Defendant is required to serve written defenses to the Complaint on Plaintiff's Attorney whose address is:

BAKALAR & ASSOCIATES, P.A. CAROL A. STRAUSS, Esquire 150 South Pine Island Road, Suite 540 Plantation, Florida 33324 Tel; 954-475-4244, Fax: 954-475-4994

MILITARY Yes/No MARRIED Yes/No MOBILE HOME Yes/No

within 20 days after service of this summons on that Defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a Default will be entered against that Defendant for the relief demanded in this Complaint

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you; your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a carbon copy or photocopy of your written response to the "Plaintiff/Plaintiff's Attorney" named above.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney." (Demandante o Abogado del Demandante).

IMPORTANT

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Si vous choisissez de déposer vos-mêmes une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

MAY 11 2012

WITNESS my hand and the Seal of said Court.

Howard C. Forman
as Clerk of said Court

By: _____

As Deputy Clerk



MILITARY STATUS AFFIDAVIT

[] At the time of service, Defendant/subject served was asked if Defendant was in the military service of the United States Government and the reply was that he/she was not.

Deputy Sheriff/Process Server

STATE OF FLORIDA

COUNTY OF BROWARD

_____ personally appeared before me this _____ day of _____, 2012 who is personally known to me, and having taken an oath, stated that the information contained herein is true and correct.

NOTARY PUBLIC STATE OF
FLORIDA

Printed Name of Notary Public

My Commission Expires:

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

BETH E. SPIEGEL,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.

v.

YVENOLINE DARGENSON a/k/a
YVE DARGENSON, PENELOPE
TOWNSLEY and PAMELA L.
LATTIMORE,

Defendants.

_____ /

MOTION FOR INJUNCTIVE RELIEF AND EMERGENCY HEARING

Florida Bar No. 254541

Plaintiff, BETH E SPIEGEL (hereinafter "SPIEGEL") moves this Court to grant temporary, preliminary and/or permanent relief and to grant an emergency hearing and as grounds therefor would show unto this Court:

1. Plaintiff BETH E. SPIEGEL is a candidate for election for the position of Council Member, Group 4, City of North Miami Beach, in an election scheduled to take place on May 7, 2013.

2. Defendant, YVENOLINE DARGENSON (hereinafter "DARGENSON") is a candidate for the position of Council Member, Group 4, City of North Miami Beach.

3. Section 7-5 of the North Miami Beach Code requires a candidate for the office of Council to be, *inter alia*, a qualified elector of the City and to be a bona fide resident of the City during the entire term of office for which he or she is a candidate.

4. Section 7-5.c. defines the term bona fide resident as meaning a permanent, fixed place of domicile within the City of North Miami Beach, to the exclusion of all other places.

RECEIVED
APR 18 PM 12:19
CLERK OF COURT

5. DARGENSON filed for the office of City Council Member providing an address within the City of North Miami Beach, 1151 Northeast 161st Street, North Miami Beach, Florida 33162, and DARGENSON filed her Loyalty Oath for Candidates for Public Office indicating that she is a bona fide resident of the City of North Miami Beach and that the City of North Miami Beach is her permanent, fixed place of domicile to the exclusion of others.

6. Plaintiff has good reason to believe that DARGENSON does not maintain a bona fide residence, a permanent, fixed place of domicile to the exclusion of all other places, at 1151 Northeast 161st Street, North Miami Beach, Florida 33162. Alternatively, Plaintiff has good reason to believe that DARGENSON has not for a period of twelve (12) months preceding qualification continuously resided in the City of North Miami Beach as required by Article III, Section 11 of the Code of the City of North Miami Beach.

7. Upon information and belief DARGENSON and her husband have resided at 9620 Boulder Street, Miramar, Broward County, Florida at least within one (1) year preceding the date that DARGENSON qualified.

8. If this is correct DARGENSON would not be a qualified candidate for the position of City Council, Group 4, City of North Miami Beach, and no vote should be counted for her in the election of May 7, 2013.

9. There is an official investigation of residency and qualification for office of DARGENSON on the issue of her residency within the City.

10. As a result of that investigation it appears that DARGENSON does not qualify for the office of Council Member in the City of North Miami Beach for which she is on the election ballot for May 7, 2013.

11. It appears from the Public Records of Broward County, Florida, that DARGENSON and her husband were residing together at 9620 Boulder Street,

Miramar, Broward County, Florida. The Public Records of Broward County, Florida reflect that personal service was effected on Defendant DARGENSON on Saturday, May 12, 2012, at her resident and that substitute service on her husband was effectuated on that date by serving Defendant DARGENSON personally at the residence at 9620 Boulder Street, Miramar, Broward County, Florida. [The same being Case No.: 062012CC005874 pending in the County Court in and for Broward County, Florida.]

12. As neither DARGENSON nor her husband ever contested the validity of the substitute service of DARGENSON's husband by serving her at the residence in Broward County, Florida, it is presumed that both DARGENSON and her husband were residing in that residence as of May 12, 2012.

13. It is not in the public interest for a candidate who is not qualified for the office for which she seeks election to be elected to that office.

14. If an unqualified candidate for office is allowed to participate in the election and such votes cast for that candidate are counted both the Plaintiff and the public at large will suffer an injury for which there is no adequate remedy at law.

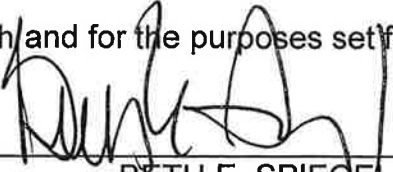
15. Plaintiff will attempt to provide Defendant DARGENSON with sufficient notice for an emergency hearing to be held on this application for injunctive relief.

16. Plaintiff seeks an emergency hearing in order to avoid that irreparable injury, with notice, if notice is possible, but without notice if that is the only alternative.

17. Upon information and believe DARGENSON has concealed her true and bona fide residence and has deceived public officials by filing qualification papers listing an address which is not her bona fide residence or has not been her bona fide residence for a period of twelve (12) months preceding the date of qualification.

WHEREFOR, Plaintiff prays that this Court enjoin the defendant election officials from counting any votes for DARGENSON in the May 7, 2013 election.

I HEREBY CERTIFY that the allegations contained herein are true and correct, and that the Motion is being made in good faith and for the purposes set forth herein.



BETH E. SPIEGEL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served with the Summons and Complaint to the Defendants, YVENOLINE DARGENSON a/k/a YVE DARGENSON, PENELOPE TOWNSLEY and PAMELA L. LATIMORE.

BETH E. SPIEGEL, ESQUIRE
20801 Biscayne Boulevard
Suite 304
Aventura, Florida 33180
Phone: 305-932-3266
bespiegelesq@aol.com
bespiegel2@aol.com

BY: 