

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

COUNTRY WIDE HOMELOANS
SERVICING LP.,

Case No.: 2009-CA-010794

Plaintiff,

v.

JENNIFER BROCHEY, et al.,

Defendant.

AFFIDAVIT OF JONAS WILLIAMS

I, JONAS WILLIAMS, on my oath, hereby declare:

1. I am over the age of 18 and am a resident of the state of California.
 2. I have personal knowledge of the facts contained in this declaration and, if sworn as a witness, could testify thereto.
 3. I am a process server in the state of California and was retained to serve process upon Marc Randazza and Jennifer Randazza, formerly Jennifer Brochey. Attached to this affidavit as Exhibit A are the two proofs of service that I issued.
 4. Despite issuing the proof of service, I did not complete service of process upon Marc Randazza.
 5. Despite issuing the proof of service, I did not complete service of process upon Jennifer Randazza.
 6. I was under tremendous economic pressure when I falsely stated that I had served process upon these two individuals. I was under the impression that it would not really hurt anyone if I simply reported that I served them without doing so.
 7. I sincerely apologize to all parties and the Court for this error of judgment.
-


8. I have been sued in the state of California by Mr. and Mrs. Randazza for abuse of process for my false affidavits of service. I was aware of the case against me, and I was served with the complaint. I defaulted in this case because I knew the claims were true, and I was too embarrassed to face Mr. and Mrs. Randazza.

9. Attached as Exhibit B to this affidavit is a true and correct copy of the judgment against me. As the Court can see, I have been severely penalized for my actions.

10. I am now enjoined from serving process in California as a result of my actions.

11. I am truly sorry for this lapse in judgment, and will never make such errors again.

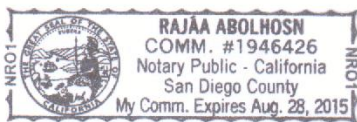
Signed under the pains and penalties of perjury this 3 day of April 2012 in SAN DIEGO, California.


Jonas Williams

State of California
County of San Diego

Signed and affirmed before me on 04/03/2012 by Jonas Williams.

Rajaa Abolhosn
Notary Public



State of California, County of San Diego
Subscribed and sworn to (or affirmed) before me
on this 3rd day of April, 2012,
by Jonas Williams
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

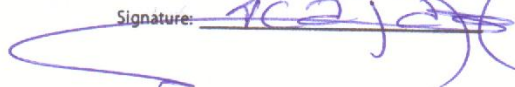
Signature: 

EXHIBIT A

PROVEST, LLC
4520 SEEDLING CIRCLE
TAMPA, FL 33614-2400

0913679

AFFIDAVIT OF SERVICE

IN THE CIRCUIT COURT OF SEMINOLE COUNTY, FLORIDA
PLAINTIFF BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
vs.
DEFENDANT JENNIFER RANDAZZA AKA/JENNIFER BROCHEY, ET AL
DEFENDANT TO BE SERVED: MARC JOHN RANDAZZA

CASE NO 59-2009-CA-010794 TYPE OF PROCESS (x) SUMMONS & COMPLAINT (-) LIS PENDENS
DIVISION _____ (x) OTHER AMENDED COMPLAINT

Received this process on the 06-10-2010 at 10:00AM
 served not served the within named defendant.

DATE/TIME: 06-14-2010 / 2000 ADDRESS WHERE SERVED (OR ATTEMPTED) 7830 VIA CAPRI
LA JOLLA, CA 92037 4040

INDIVIDUAL SERVICE: By delivering to the within named defendant a true copy of this process with the date and hour of service endorsed by me, and, at the same time, delivered to the within named defendant a copy of the complaint.

SUBSTITUTE SERVICE: By leaving a true copy of this process with the date and hour of service endorsed by me and a copy of the complaint by leaving the copies at (his/her) usual place of abode, with some person residing therein who is fifteen years of age or older to wit: (Name) _____ (Relationship) _____, and informing such person of their contents, pursuant to F.S. 48.031.

CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE: By delivering a true copy of the process with the date and hour of service endorsed by me and a copy of the complaint to: _____ as (title) _____ of said entity.

In absence of the president, vice-president, other head of the corporation, cashier, treasurer, secretary, general manager, director, officer or business agent residing in the state as defined by F.S. 48.081.

For failure of the Registered Agent to be his/her designated place for service pursuant to 48.091 and by serving the above named person as employee of said corporation at the corporation's place of business.

POSTED: Pursuant to F.S. 48.183(i).

NON-SERVICE: By return the same on _____ for the reason that after due and diligent search through the following methods (immediate neighbors, telephone book and information operator, U.S. Postal search, local credit bureaus, Drivers License and Department of Motor Vehicles.

Military Status: Refused No Yes Branch: _____
 Marital Status: Refused Not married Married Married, but separated
 Mobile Home Yes/VIN Not Visible No Yes Vin: _____

COMMENTS:

I hereby certify that I am not a party to the above action or suit and I am over the age of 18 years and the above affidavit is true and correct.
"Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true." F.S. 91.575

[Signature]
Certified Process Server # 1518 JAMES WILLIAMS

Sworn to and Subscribed before me this _____ day of _____

County SAN DIEGO

NOTARY PUBLIC [Signature]

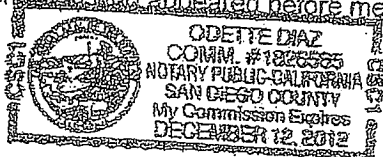
SERVER PERSONALLY KNOWN TO ME
 SERVER PRODUCED _____ AS id

SEE ATTACHED

State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 22nd
day of June, 2010, by Jonas Williams

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to be "Jonas Williams", written over a horizontal line.

PROVEST, LLC
 4520 SEEDLING CIRCLE
 TAMPA, FL 33614-2400

0913679

AFFIDAVIT OF SERVICE

IN THE CIRCUIT COURT OF SEMINOLE COUNTY, FLORIDA
 PLAINTIFF BACHOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP
 vs
 DEFENDANT JENNIFER BROCHEY, ET AL
 DEFENDANT TO BE SERVED: JENNIFER BROCHEY

CASE NO 59-2009-CA-010794 TYPE OF PROCESS SUMMONS & COMPLAINT LIS PENDENS
 DIVISION 14-K OTHER _____

Received this process on the 01-15-2010 at 10:00AM
 served not served the within named defendant.

DATE/TIME: 01-18-10 / 7:00AM ADDRESS WHERE SERVED 7830 VIA CAPRI
 (OR ATTEMPTED) LA JOLLA, CA 92037 4040

- INDIVIDUAL SERVICE: By delivering to the within named defendant a true copy of this process with the date and hour of service endorsed by me, and, at the same time I delivered to the within named defendant a copy of the complaint.
- SUBSTITUTE SERVICE: By leaving a true copy of this process with the date and hour of service endorsed by me and a copy of the complaint by leaving the copies at (his/her) usual place of abode, with some person residing therein who is fifteen years of age or older to wit: (Name) _____ (Relationship) _____, and informing such person of their contents, pursuant to F.S. 48.031.
- CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE: By delivering a true copy of the process with the date and hour of service endorsed by me and a copy of the complaint to: _____ as (title) _____ of said entity.
- In absence of the president, vice-president, other head of the corporation, cashier, treasurer, secretary, general manager, director, officer or business agent residing in the state as defined by F.S. 48.081.
- For failure of the Registered Agent to be his/her designated place for service pursuant to 48.091 and by serving the above named person as employee of said corporation at the corporation's place of business.
- POSTED: Pursuant to F.S. 48.183(1).
- NON-SERVICE: By return the same on _____ for the reason that after due and diligent search through the following methods: Immediate neighbors, telephone book and information operator, U.S. Postal search, local credit bureaus, Drivers License and Department of Motor Vehicles.

Military Status: Refused No Yes Branch _____
 Marital Status: Refused Not married Married Married, but separated
 Mobile Home: Yes/VIN No: Visible No Yes Vin: _____

COMMENTS:

I hereby certify that I am not a party to the above action or suit and I am over the age of 18 years and the above affidavit is true and correct.
 Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true. F.S. 92.025

[Signature]
 Certified Process Server # 1518 (TOMAS) GUTIERREZ
 County SAN DIEGO
 SERVER PERSONALLY KNOWN TO ME
 SERVER PRODUCED DRIVERS LICENSE AS ID

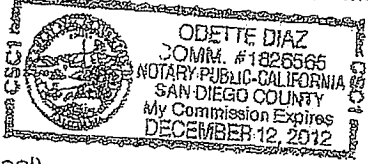
State of California
 County of _____
 Subscribed and sworn to before me on this _____ day of _____, by _____ proved to me on the basis of satisfactory evidence to be the person who appeared before me.
 (seal) _____
 Signature _____

SEE ATTACHED

State of California
County of San Diego _____

Subscribed and sworn to (or affirmed) before me on this 26th
day of JANUARY, 2010, by JONAS WILLIAMS

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to be "Jonas Williams", written over a horizontal line.

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> Marc J. Randazza SBN 269535; Randazza Legal Group 10620 S. Highlands Pkwy #110-545; Las Vegas, NV 89141 TELEPHONE NO.: 888-667-1113 FAX NO. <i>(Optional):</i> 305-437-7662 E-MAIL ADDRESS <i>(Optional):</i> mjr@randazza.com ATTORNEY FOR <i>(Name):</i> Plaintiffs Marc Randazza and Jennifer Randazza	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> Superior Court <div style="font-size: 1.5em; font-weight: bold;">MAR 06 2012</div> By: PATRICIA F. LEGLER, Deputy						
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92103 BRANCH NAME: Central							
PLAINTIFF: Marc Randazza and Jennifer Randazza DEFENDANT: Jonas Williams; A-1 Proserv, LLC; Provest, LLC; and Does 1-10							
<div style="text-align: center; font-weight: bold;">JUDGMENT</div> <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> By Clerk</td> <td><input type="checkbox"/> By Default</td> <td><input type="checkbox"/> After Court Trial</td> </tr> <tr> <td><input checked="" type="checkbox"/> By Court</td> <td><input type="checkbox"/> On Stipulation</td> <td><input type="checkbox"/> Defendant Did Not Appear at Trial</td> </tr> </table>	<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial	<input checked="" type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial	CASE NUMBER: 37-2011-00086151-CU-MC-CTL
<input type="checkbox"/> By Clerk	<input type="checkbox"/> By Default	<input type="checkbox"/> After Court Trial					
<input checked="" type="checkbox"/> By Court	<input type="checkbox"/> On Stipulation	<input type="checkbox"/> Defendant Did Not Appear at Trial					

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).

2. **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. the signed written stipulation was filed in the case.
 - c. the stipulation was stated in open court the stipulation was stated on the record.

3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on *(date and time):*
before *(name of judicial officer):*
 - b. Appearances by:

<input type="checkbox"/> Plaintiff <i>(name each):</i>	<input type="checkbox"/> Plaintiff's attorney <i>(name each):</i>
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> Defendant <i>(name each):</i>	<input type="checkbox"/> Defendant's attorney <i>(name each):</i>
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: Marc Randazza and Jennifer Randazza DEFENDANT: Jonas Williams; A-1 Proserv, LLC; Provest, LLC; and Does 1-10	CASE NUMBER: 37-2011-00086151-CU-MC-CTL
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JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

4. **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

a. for plaintiff (*name each*):
 Marc Randazza and Jennifer Randazza
 and against defendant (*names*):
 Jonas Williams and A-1 Proserv, LLC

c. for cross-complainant (*name each*):
 and against cross-defendant (*name each*):

Continued on Attachment 5a.

Continued on Attachment 5c.

b. for defendant (*name each*):

d. for cross-defendant (*name each*):

6. **Amount.**

a. Defendant named in item 5a above must pay plaintiff on the complaint:

c. Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1)	<input checked="" type="checkbox"/> Damages		\$ 32,187.50
(2)	<input type="checkbox"/> Prejudgment interest at the annual rate of	%	\$
(3)	<input checked="" type="checkbox"/> Attorney fees		\$ 5,062.50
(4)	<input checked="" type="checkbox"/> Costs		\$ 597.75
(5)	<input type="checkbox"/> Other (<i>specify</i>):		\$
(6) TOTAL			\$ 37,847.75

(1)	<input type="checkbox"/> Damages		\$
(2)	<input type="checkbox"/> Prejudgment interest at the annual rate of	%	\$
(3)	<input type="checkbox"/> Attorney fees		\$
(4)	<input type="checkbox"/> Costs		\$
(5)	<input type="checkbox"/> Other (<i>specify</i>):		\$
(6) TOTAL			\$

b. Plaintiff to receive nothing from defendant named in item 5b.
 Defendant named in item 5b to recover costs \$
 and attorney fees \$

d. Cross-complainant to receive nothing from cross-defendant named in item 5d.
 Cross-defendant named in item 5d to recover costs \$
 and attorney fees \$

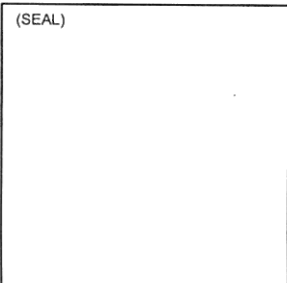
7. Other (*specify*): The Court hereby enjoins Mr. Williams and A-1 Proserv from serving process in the state of California until the judgment has been satisfied in full. Should they fail to pay the judgment within 30 days, the bonds held under Cal. Business & Professions Code 22353 will be forfeit and awarded to the Plaintiffs as per Section 22353(a).

Date: **MAR 06 2012**

JUDITH F. HAYES

 JUDICIAL OFFICER

Date: Clerk, by _____, Deputy



CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____

Clerk, by _____, Deputy

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F I L E D
Clerk of the Superior Court
MAR 06 2012
By: PATRICIA F. LEGLER, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

MARC RANDAZZA, an individual; JENNIFER RANDAZZA, an individual;)	Case No. 37-2011-00086151-CU-MC-CTL
Plaintiffs,)	PROPOSED Order Awarding Damages
vs.)	Judge: Hon. Judith F. Hayes
JONAS WILLIAMS, an individual; A-1 PROSERV, LLC, a California LLC; PROVEST, LLC, a Delaware LLC; and DOES 1-10;)	Dept. C-68
Defendants.)	Complaint Filed: 02/17/2011
)	Trial Date: None Assigned

In this case, a process server perjuronously falsified two proofs of service. The Plaintiff seeks to hold him responsible for this egregious act. As falsifying a proof of service is a serious abuse of process, this Court hereby **GRANTS** Plaintiff's motion for damages. See *Kappel v. Bartlett*, 200 Cal. App. 3d 1457 (Cal. App. 2d Dist. 1998).

The Plaintiff has demonstrated actual damages of \$7,187.50, costs of \$597.75, and reasonable attorneys fees of \$5,062.50, for a total compensatory award of \$12,847.75. However, this amount should be augmented with an award of punitive damages.

California Civil Code Section 3294 allows the recovery of punitive damages upon any obligation not arising from contract where it is "proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice." California Civil Code Section 1427 explains that "[a]n obligation is a legal duty, by which a person is bound to do or not do a certain

1 thing.” Under California Civil Code Section 1428, such an obligation can arise from a contract
2 or by operation of law. “An obligation arising from operation of law may be enforced in a
3 manner provided by law, or by civil action or proceeding.” *Id.* The process server’s duty to act
4 carefully is thus created both by common law and by Cal. Business & Professions Code § 22353.
5 Therefore, the Court hereby imposes an award of \$25,000 in punitive damages. The total
6 damages awarded against Williams and A-1 Proserv, jointly and severally, is \$37,847.75.

7 The Court hereby enjoins Mr. William and A-1 Proserv from serving process in the state
8 of California until the judgment of \$37,847.75 has been satisfied in full.

9 Should Mr. Williams and A-1 Proserv fail to pay the judgment within 30 days, the bonds
10 held by the Defendants under Cal. Business & Professions Code § 22353 will be forfeit and
11 awarded to the Plaintiffs, as authorized by Cal. Business & Professions Code . § 22353(a).
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13 **IT IS HEREBY ORDERED.**

14 **MAR 06 2012**

15 Dated: ~~December~~ 8, 2011

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17 **JUDITH F. HAYES**
18 _____
19 Hon. Judith F. Hayes
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