

IN RE: ESTATE OF SEYMOUR BAUM,  
Deceased,

IN THE CIRCUIT COURT FOR THE  
18<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
BREVARD COUNTY, FLORIDA

ANNEEN NINA GLORIA BAUM,

PROBATE DIVISION

Petitioner,

CASE NO. 05-2012-CP-048323

v.

DAVID A. BAUM, individually and as Personal  
Representative of the Estate of Seymour Baum,  
BRUCE M. BAUM, an individual,  
LIZA CIOLKOWSKI BAUM, an individual,  
CHABAD OF SPACE COAST, INCE. a/k/a  
CHABAD JEWISH COMMUNITYCENTER,  
a/k/a CHABAD OF SPACE AND TREASURE COAST,  
a Florida not for profit corporation,  
THE WOMEN'S ZIONIST ORGANIZATION OF  
AMERICA, INC. a foreign not for profit  
Corporation, d/b/a HADASSAH, an  
FRIENDS OF ISRAEL DEFENSE FORCES,  
INC., a Florida not for profit corporation.

Respondents.

**ORDER DROPPING PARTIES AND DISMISSING AMENDED PETITION**

The Court, pursuant to its Order Compelling Service dated November 15, 2013, having reviewed the file, considered arguments of counsel, and being otherwise fully advised in the premises, <sup>\*</sup> it is hereby

**ORDERED and ADJUDGED** as follows:

1. On November 15, 2013, this Court entered its Order Compelling Service which required the Petitioner to serve all Respondents who had not yet been served with her Amended Petition no later than December 13, 2013.

*the Court having painstakingly reviewed the entire court file and the voluminous exhibits and authorities presented by each side,*

EX C - 1

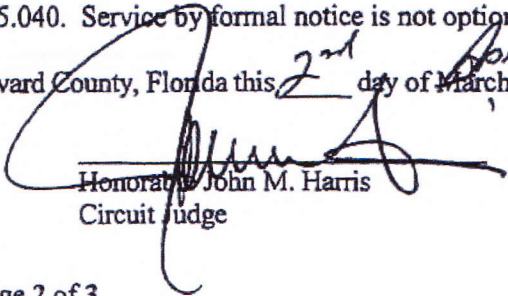
*Baum v. Baum*  
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Order Dropping Parties and Dismissing Amended Petition

2. The Plaintiff has failed to serve the following Respondents as required by Florida Probate Rule 5.025 and as required under this Court's Order of November 15, 2013: David Baum, individually and as personal representative of the Estate of Seymour Baum, Bruce M. Baum, Liza Ciolkowski Baum, and the Friends of Israel Defense Forces, Inc. a Florida not for profit corporation.

3. David Baum, individually and as personal representative of the Estate of Seymour Baum, Bruce Baum, Liza Ciolkowski Baum, and the Friends of Israel Defense Forces, Inc. a Florida not for profit corporation, are hereby dropped as parties to these adversary proceedings.

4. Because the personal representative is a necessary and indispensable party to this action, the Amended Petition is hereby DISMISSED. The Court recognizes that upon this dismissal the Petitioner may be time barred from refileing a petition for revocation of probate. However, Petitioner was given ample opportunity to complete service by formal notice and has demonstrated no good cause or excusable neglect for the delay. The court unquestionably has the ability to control its docket. Florida has a strong public policy concerning the expeditious, orderly administration of decedents' estates. See In re Estate of Clibbon, 735 So. 2d 487, 489 (Fla. 4th DCA 1998), quoting In re Williamson's Estate, 95 So. 2d 244, 246 (Fla. 1956) (it is a "matter of public policy in this state that the estates of decedents shall be speedily and finally determined with dispatch"). In In Re Estate of Odza, 432 So. 2d 740 (Fla. 4th DCA 1983), the Court held that when adversary proceeding is filed under Rule 5.025, the petitioner must strictly comply with the procedural requirements of 5.040. Service by formal notice is not optional.

DONE and ORDERED in Viera, Brevard County, Florida this 2<sup>nd</sup> day of April, 2014.

  
Honorable John M. Harris  
Circuit Judge

*Baum v. Baum*  
Case No.: 05-2012-CP-048323  
Order Dropping Parties and Dismissing Amended Petition

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ANNEEN NINA GLORIA BAUM,  
Plaintiff,

v.

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.

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

CASE NO.: 05-2013-CP-028863

PROBATE DIVISION

**ORDER DROPPING PARTIES PURSUANT TO FLORIDA RULE OF CIVIL  
PROCEDURE 1.070(i)**

The Court, pursuant to its Order Compelling Service dated November 15, 2013, having reviewed the file, considered arguments of counsel, and being otherwise fully advised in the premises, *the Ct having previously reviewed the entire court file and the voluminous exhibits and authorities presented by each side,* it is hereby

**ORDERED and ADJUDGED** as follows:

1. Pursuant to Florida Rule of Civil Procedure 1.070(j), service of the Amended Complaint was required to be served on the Defendants within 120 days after filing of the initial pleading.

2. On November 15, 2013, this Court entered its Order Compelling Service which required the Plaintiff to serve process on any Defendants who had not received service by December 13, 2013.

3. As of December 17, 2013, the Plaintiff has failed to serve any of the Defendants with Process as required by the Florida Rules of Civil Procedure and as required under this Court's Order of November 15, 2013.

*Furthermore, Plaintiff has wholly failed to show any good cause for her failure to comply with this Ct's previous order which already gave her additional time to serve parties or why her failure to do so is anything other than the dilatory and stall tactics previously noted by this Court.*

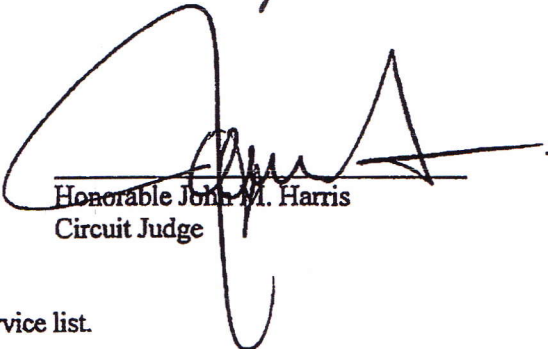
*Baum v. Baum*

*Case No.: 05-2013-CP-028863*

*Order Dismissing Action Pursuant to Rule 1.070(j)*

4. The following parties are hereby dropped from the action pursuant to Florida Rule of Civil Procedure 1.070(j) for failure to serve process: Pine Ridge Plaza, LLC; Village Green Plaza, LLC; Silver Spring Manor, Inc.; Silver Spring Manor, LLC; Boruch-David, Inc.; Boruch-David, LLC; Downtown Mini Storage of Melbourne, LLC; and David Baum, individually.

**DONE and ORDERED** in Viera, Brevard County, Florida this 2<sup>nd</sup> day of April, 2014.

  
\_\_\_\_\_  
Honorable John M. Harris  
Circuit Judge

Copies furnished to all parties on the attached service list.