

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

SUNWOOD, INC.,

CASE NO. 21-003202 CACE 12

Plaintiff,

vs.

POMPANO SENIOR SQUADRON FLYING
CLUB, INC.,

Defendant.

REQUEST FOR ADMISSIONS

Plaintiff, Sunwood, Inc., through her undersigned counsel, pursuant to Rule 1.370, Florida Rules of Civil Procedure, requests the Defendant, Pompano Senior Squadron Flying Club, Inc., to admit or deny the truth of the following matters within the time permitted by said Rule:

1. The \$100,000.00 check from Sunwood, Inc., a copy of which was attached to the Complaint and a copy of which is attached hereto as Exhibit "A," was deposited into the Defendant's bank account at Bank of America.
2. The bank statement attached hereto as Exhibit "B" is a true and accurate copy of the September 1--30, 2018, bank statement of the Defendant's bank account at Bank of America.
3. The \$100,000.00 deposit made into the Defendant's bank account on September 24, 2018, as reflected on the bank statement attached hereto as Exhibit "B" is the \$100,000.00 check from Plaintiff.
4. The Defendant has not repaid any of the \$100,000.00 to Sunwood, Inc.

5. The Defendant's Board of Directors unanimously approved the placement of liens on its aircraft securing \$200,000.00 in loans made to the Defendant as is reflected in the letter sent to members by the Defendant's current President, Gregory Gilhooly, on or about May 5, 2000, a copy of which is attached hereto as Exhibit "C".

I HEREBY CERTIFY that a true copy of the foregoing has been served via the State of Florida e-Filing Portal on Edward F. Holodak, Esq., 7580 NW 5 St., Suite 15125, Plantation, FL 33317, at pleadings@holodaypa.com, on this 27th day of October 2021.

LAW OFFICES OF DANE STANISH, P.A.
Attorney for Plaintiff
3475 Sheridan Street, Suite 209
Hollywood, FL 33021
(954) 923-0524
(954) 212-0770 Facsimile
email: stanishd@gmail.com

By: /s/ Dane T. Stanish
Dane T. Stanish
Florida Bar # 931993

Business Fundamentals Chk - 1841: Account Activity Transaction Details

Post date: 09/24/2018

Amount: 100,000.00

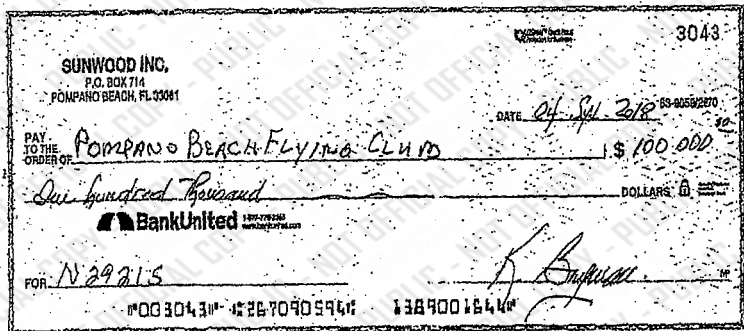
Type: Deposit

Purchaser: CARL KENNEDY II

Description: BKOFAMERICA ATM 09/24 #000009171
DEPOSIT EAST BOCA RATON BOCA RATON FL
CKCD 4635760023667466

Merchant name:  BKOFAMERICA ATM DEPOSIT EAST BOCA RAT
FL

Transaction category: Income: Deposits



A scanned image of a check from Sunwood Inc. The check is dated 09/24/2018 and is payable to Pompano Beach Flying Club for the amount of \$100,000.00. The check is signed by Carl Kennedy II and includes a BankUnited logo. The check number is 3043 and the MICR line at the bottom reads ⑆179100988⑆ 19500792⑆ 4640600⑆.

"A"



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Tampa, FL 33622-5118

POMPANO SENIOR SQUADRON FLYING CLUB
DBA POMPANO BEACH FLYING CLUB
C/O CARL KENNEDY II
2929 S OCEAN BLVD APT 510
BOCA RATON, FL 33432-8323

Your Business Fundamentals Checking Bus Platinum Privileges

for September 1, 2018 to September 30, 2018

Account number: 0010 4030 1841

POMPANO SENIOR SQUADRON FLYING CLUB DBA POMPANO BEACH FLYING CLUB

Account summary

Beginning balance on September 1, 2018	\$8,395.30
Deposits and other credits	148,713.83
Withdrawals and other debits	-7,452.71
Checks	-12,328.81
Service fees	-0.00
Ending balance on September 30, 2018	\$137,327.61

of deposits/credits: 10

of withdrawals/debits: 25

of items-previous cycle¹: 73

of days in cycle: 30

Average ledger balance: \$34,628.40

¹Includes checks paid, deposited items & other debits

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During October, we're celebrating National Women's Small Business Month. To view our 2018 Women Business Owner Spotlight, read articles from small business experts, and join in the conversations, visit the Small Business Community at bankofamerica.com/SBwomen.

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IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

How to Contact Us - You may call us at the telephone number listed on the front of this statement.

Updating your contact information - We encourage you to keep your contact information up-to-date. This includes address, email and phone number. If your information has changed, the easiest way to update it is by visiting the Help & Support tab of Online Banking.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our financial centers.

Electronic transfers: In case of errors or questions about your electronic transfers - If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will provisionally credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you and you agree to not make a claim against us, for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us to find out if the deposit was made as scheduled. You may also review your activity online or visit a financial center for information.

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Deposits and other credits

Date	Description	Amount
09/05/18	BKOFAMERICA ATM 09/05 #000002325 DEPOSIT EAST BOCA RATON BOCA RATON FL	881.84
09/10/18	BKOFAMERICA ATM 09/08 #000003576 DEPOSIT EAST BOCA RATON BOCA RATON FL	1,682.13
09/11/18	BKOFAMERICA ATM 09/11 #000004542 DEPOSIT EAST BOCA RATON BOCA RATON FL	2,094.00
09/18/18	BKOFAMERICA ATM 09/18 #000007363 DEPOSIT DEERFIELD BEACH DEERFIELD BEA FL	2,180.64
09/21/18	BKOFAMERICA ATM 09/21 #000001267 DEPOSIT DEERFIELD BEACH DEERFIELD BEA FL	833.12
09/24/18	BKOFAMERICA ATM 09/24 #000009171 DEPOSIT EAST BOCA RATON BOCA RATON FL	100,000.00
09/24/18	BKOFAMERICA ATM 09/23 #000002425 DEPOSIT DEERFIELD BEACH DEERFIELD BEA FL	500.00
09/25/18	FL TLR transfer	36,000.00
09/25/18	BKOFAMERICA ATM 09/25 #000009543 DEPOSIT EAST BOCA RATON BOCA RATON FL	2,562.10
09/27/18	BKOFAMERICA ATM 09/27 #000004069 DEPOSIT DEERFIELD BEACH DEERFIELD BEA FL	1,980.00

Total deposits and other credits **\$148,713.83**

Withdrawals and other debits

Date	Description	Amount
09/24/18	AMERICAN EXPRESS DES:ACH PMT ID:M3010 INDN:CARL KENNEDY CO ID:1133133497 WEB	-5,910.53
Card account # XXXX XXXX XXXX 7440		
09/24/18	CHECKCARD 0923 GOOGLE *ADS2709883978 cc@google.comCA 24692168266100607540452 CKCD 7311 XXXXXXXXXXXXX7440 XXXX XXXX XXXX 7440	-148.24
Subtotal for card account # XXXX XXXX XXXX 7440		-\$148.24
Card account # XXXX XXXX XXXX 7466		
09/04/18	WAL Wal-Mart S 09/01 #000032461 PURCHASE 1517 WAL-SAMS POMPANO BEACH FL	-36.64
09/05/18	CHECKCARD 0904 HORIZON INSTRUMENTS 7145261919 CA 24493988247207061900035 CKCD 5964 XXXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-613.50
09/12/18	LOWE'S #1792 09/12 #000721408 PURCHASE LOWE'S #1792 POMPANO BEACH FL	-24.28
09/13/18	CHECKCARD 0911 ABOUT TOWN LOCK-SAFE 954-566-8957 FL 24210738255200474600052 CKCD 7399 XXXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-63.60

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Withdrawals and other debits - continued

Date	Description	Amount
09/17/18	CHECKCARD 0915 TIME SYNC INC 408-828-3828 NV 24493988258286194000356 CKCD 7399 XXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-130.00
09/21/18	CHECKCARD 0920 AIRPARTS COMPANY INC FORT LAUDERDAFL 24000978263042600341995 CKCD 5085 XXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-123.13
09/21/18	LOWE'S #1792 09/21 #000453119 PURCHASE LOWE'S #1792 POMPANO BEACH FL	-20.51
09/26/18	CHECKCARD 0920 ABOUT TOWN LOCK-SAFE WILTON MANORSFL 24210738268200474000035 CKCD 7399 XXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-150.55
09/27/18	BKOFAMERICA ATM 09/27 #000004070 WITHDRWL DEERFIELD BEACH DEERFIELD BEA FL	-100.00
09/27/18	OFFICE DEPOT 0 09/27 #000941745 PURCHASE OFFICE DEPOT 00 1 BOCA RATON FL	-26.73
09/28/18	CHECKCARD 0927 CRICKET WIRELESS 855-246-2461 FL 24692168270100033346577 RECURRING CKCD 4814 XXXXXXXXXXXX7466 XXXX XXXX XXXX 7466	-105.00
Subtotal for card account # XXXX XXXX XXXX 7466		-1,393.94
Total withdrawals and other debits		-\$7,452.71

Checks

Date	Check #	Amount	Date	Check #	Amount
09/13/18	5772	-175.00	09/05/18	5793	-750.00
09/04/18	5785*	-1,700.00	09/11/18	5794	-1,090.00
09/04/18	5789*	-1,366.88	09/12/18	5795	-250.00
09/07/18	5790	-424.70	09/13/18	5797*	-717.96
09/10/18	5791	-648.44	09/26/18	5798	-2,137.43
09/10/18	5792	-2,003.40	09/26/18	5799	-1,065.00
Total checks				-\$12,328.81	
Total # of checks				12	

* There is a gap in sequential check numbers

Service fees

The Monthly Fee on your Business Fundamentals Checking account was waived for the statement period ending 08/31/18. A check mark below indicates the requirement(s) you have met to qualify for the Monthly Fee waiver on the account.

- \$250+ in new net purchases on a linked Business debit card
- \$250+ in new net purchases on a linked Business credit card
- \$3,000+ minimum daily balance in primary checking account
- \$5,000+ average monthly balance in primary checking account
- \$15,000+ combined average monthly balance in linked business accounts
- enrolled in Business Advantage Relationship Rewards

For information on how to open a new product, link an existing service to your account, or about Business Advantage Relationship Rewards please call 1.888.BUSINESS or visit bankofamerica.com/smallbusiness.

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)	Date	Balance (\$)
09/01	8,395.30	09/04	5,291.78	09/05	4,810.12

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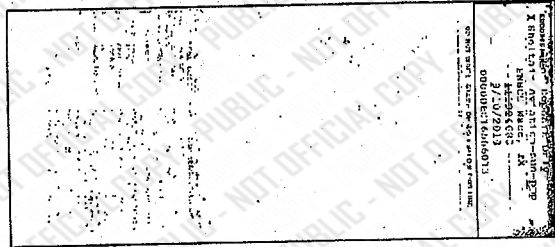
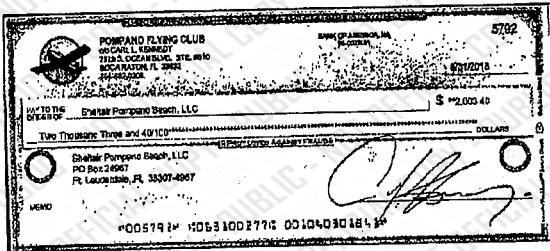
Daily ledger balances - continued

Date	Balance (\$)	Date	Balance(\$)	Date	Balance (\$)
09/07	4,385.42	09/17	3,058.87	09/25	138,932.32
09/10	3,415.71	09/18	5,239.51	09/26	135,579.34
09/11	4,419.71	09/21	5,928.99	09/27	137,432.61
09/12	4,145.43	09/24	100,370.22	09/28	137,327.61
09/13	3,188.87				

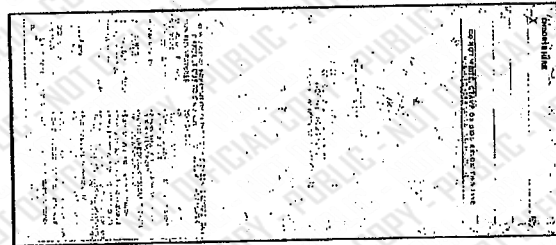
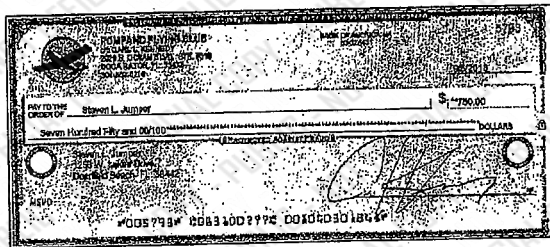
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Check images - continued

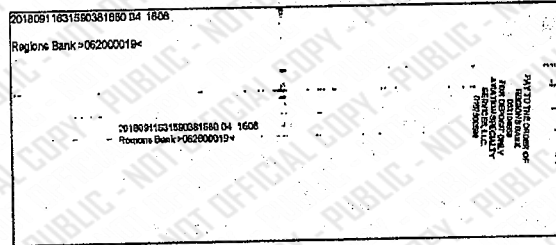
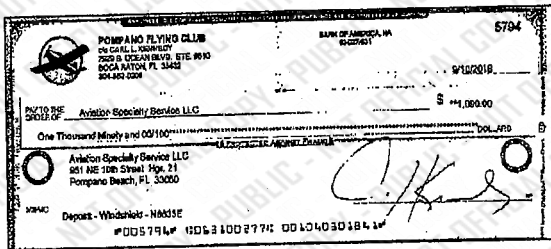
Account number: 0010 4030 1841
Check number: 5792 | Amount: \$2,003.40



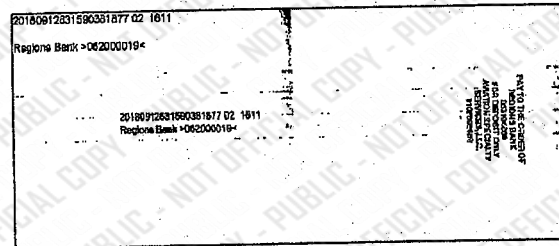
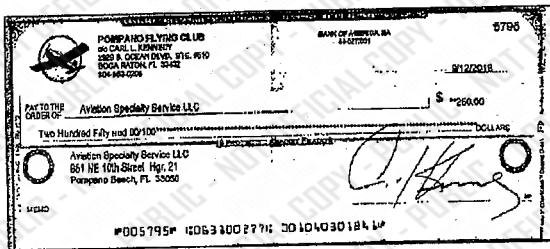
Check number: 5793 | Amount: \$750.00



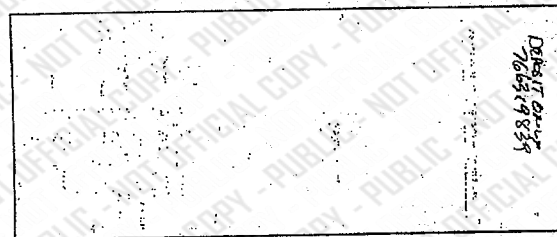
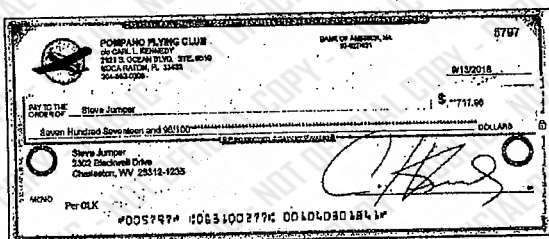
Check number: 5794 | Amount: \$1,090.00



Check number: 5795 | Amount: \$250.00

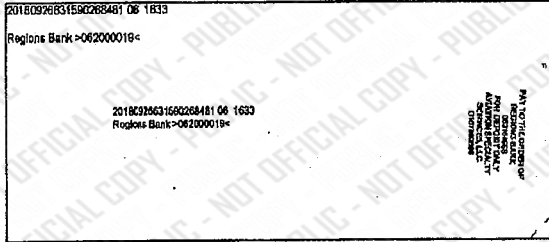
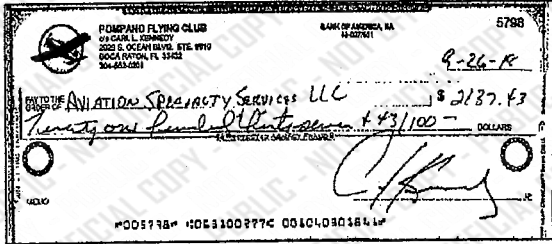


Check number: 5797 | Amount: \$717.96

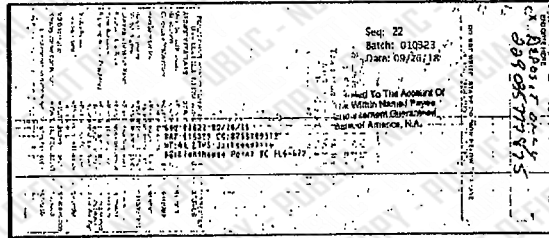
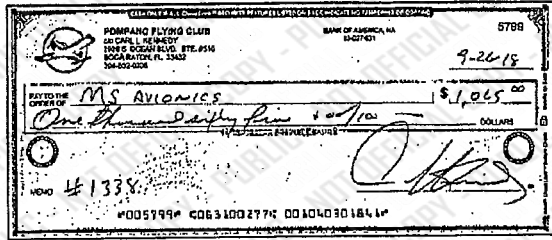


Check images - continued

Account number: 0010 4030 1841
 Check number: 5798 | Amount: \$2,137.43



Check number: 5799 | Amount: \$1,065.00



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May 5, 2020

Former Member,

It has been brought to the Board's attention that you have terminated your membership in the Pompano Beach Flying Club and have not received your "Buy in Money." On February 12, 2020, the entire Board was replaced by a new board. My name is Gregory Gilhooly, I have been elected to the Board of Directors and serve as the current President.

The new Board inherited a bank account with a \$700.00 balance, within days three checks were presented for payment totaling \$11,700.00. Thus, the Club was overdrawn \$11,000. On the final meeting of the prior Board, the then Treasurer, Carl Kennedy, made a motion to secure \$200,000 of his alleged personal loans to the Club with a lien on our aircrafts. The motion was approved unanimously. A F.A.A. search showed that there were an additional \$200,000 in liens on our four aircrafts. Thus, the Club currently has on record liens in the amount of \$400,000. A preliminary evaluation of the Pompano Beach Flying Club's assets including our four planes and miscellaneous hanger equipment equal approximately \$250,000.

The financial condition of the Club did not happen overnight. The prior Board, as well as members, allowed this to get carried away. It is the opinion of the current Board that the prior Board did not act in the best interest of the Club. We have been obstructed in obtaining past records from the prior Board. The action of the prior Board left us no alternative but to hire legal counsel to assist in determining our exact financial condition. Our attorney has filed the necessary filings to allow us to access to the financials. However, based on the previous Treasurer, Carl Kennedy's last Balance Sheet, our liabilities outweigh our assets. Although the numbers are in question by the current Board it is obvious that the amount owed is greater than assets owned.

As members, we are all governed by the 2010 By Laws, especially Section 6:

WITHDRAWAL FROM MEMBERSHIP In the event a member wishes to withdraw from the Corporation n he shall notify the Corporation in writing, Within thirty (30) days from receipt of such notification, provided that the member is in standing in all respects, *The Corporation shall pay to the withdrawing member a sum as predetermined by the Board set annually as of January 1 of such stock.* If the member is in arrears in the payment of any payment or charge or otherwise is indebted to the Corporation, such arrearages or indebtedness shall be deducted from the book value payment.

PBFC P.O. BOX 10241 Pompano Beach FL 33061

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It is my unfortunate duty to advise you that the Pompano Beach Flying Club appears to be currently insolvent. Based upon same, the Board has determined, pursuant to the above Section, the value to be paid to withdrawing members is One Dollar(\$1.00). As stated above we have retained legal counsel to guide us through these troubling times. I am sure this may come as a shock; however, the Board was shocked to inherit the Club in the condition it did from the prior Board.

Rest assured, the current Board is pursuing all avenues open to it to recoup what it can, restore the financial viability of the Club, and in the interim keep us all operating to the best of our abilities. Thank you for your attention, please let us know if you have any questions.

Sincerely,

Gregory Gilhooly

President, Pompano Beach Flying Club

PBFC P.O. BOX 10241 Pompano Beach FL 33061