

IN THE COUNTY COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
SMALL CLAIMS DIVISION

CHRISTOPHER WINANS,

Plaintiff,

vs.

CASE NO: 26-011919-SC

SARAN GAINES, PACIFICA
SEMINOLE MHP, CORPORATE
HEADQUARTERS,

Defendants.

**DEFENDANT PACIFICA SEMINOLE MHP CORPORATE HEADQUARTERS'
MOTION TO QUASH SERVICE OF PROCESS**

Defendant, Pacifica Seminole MHP, Corporate Headquarters, hereby moves to quash Plaintiff's attempted service of process pursuant to Rule 1.070, Fla.R.Civ.Pro., Rule 7.070, Fla.Sm.Cl.R., and §§48.062 and 48.081, Fla.Stat., and in support hereof, states as follows:

1. Plaintiff fails to allege a legal entity on which to obtain service of their Statement of Claim.
2. Plaintiff's Statement of Claim purports to name "Pacifica Seminole MHP, Corporate Headquarters" as a Defendant to this action.
3. "Pacifica Seminole MHP, Corporate Headquarters" is not the proper legal designation for any entity.
4. Therefore, any attempted service on "Pacifica Seminole MHP, Corporate Headquarters" was insufficient to summon a party or establish this Court's jurisdiction over any legally cognizable entity.

5. Additionally, service on businesses in the State of Florida require specific procedures under Chapter 48, Fla.Stat., and as such, require the specific details in the pleadings as to what entity is being sued.

6. Plaintiff failed to effectuate proper service of process, and failed to file a return of service evidencing when or how Plaintiff attempted service of the Statement of Claim.

7. Upon information and belief, Plaintiff attempted to effectuate service of the Statement of Claim on Defendant, "Pacifica Seminole MHP, Corporate Headquarters" via certified mail.

8. When serving a limited liability company, §48.062, Fla.Stat., provides a comprehensive method for service of process that must be followed by the party initiating the lawsuit.

9. Under §48.062, service on a limited liability company should first be attempted on the limited liability company's registered agent. If the registered agent is unable to be served because: (a) no registered agent has been established; or (b) the registered agent is absent and unable to be served, service may be achieved: (i) on a member of a member-managed LLC; (ii) on a manager of a manager-managed LLC; or (iii) on an employee designated by the manager or member in the manager or member's absence. *See* §48.062, Fla. Stat.

10. Likewise, when serving a corporation, §48.081, Fla.Stat., provides a comprehensive method for service of process that must be followed by the party initiating the lawsuit.

11. Under §48.081, service on a corporation should first be attempted on the corporation's registered agent. If the registered agent is unable to be served because: (a) no registered agent has been established; or (b) the registered agent is absent and unable to be served,

service may be achieved: (i) on the chair of the board of directors, the president, any vice president, the secretary, or the treasurer; (ii) on any person listed publicly by the corporation on its latest annual report; or (iii) the Secretary of State if service is otherwise unavailable. *See* §48.081, Fla. Stat.

12. On Plaintiff's Statement of Claim, they list the physical location of what they believe to be the "corporate headquarters" of the nonexistent entity they attempted to serve, and not the address of a legal entity's registered agent with an office in the state of Florida.

13. The legal entity which owns Seminole Mobile Home Park has a registered agent located in the state of Florida, which registered agent maintains an office that is open for service in accordance with §48.091 Fla.Stat.

14. Notwithstanding the availability of this public information, Plaintiff attempted to serve process on the nonexistent entity named "Pacifica Seminole MHP, Corporate Headquarters" via certified mail, return receipt.

15. There is no indication that Plaintiff attempted to properly serve the correct entity, let alone the proper registered agent in Florida, in accordance with Rule 1.070, Fla.R.Civ.Pro., and Chapter 48, Fla.Stat.

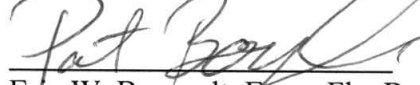
16. Plaintiff is obligated to serve the proper entity, and through that entity's Florida registered agent under Rule 1.070, Fla.R.Civ.Pro., Rule 7.070, Fla.Sm.Cl.R., and §§48.062 and 48.081, Fla.Stat.

17. Because Plaintiff failed to name a proper legal entity as a Defendant and failed to properly serve the named Defendant, "Pacifica Seminole MHP, Corporate Headquarters," this Court should enter an order quashing service of process and instructing Plaintiff to provide service to Defendant in accordance with §§48.062 or 48.081, Fla.Stat., as applicable.

WHEREFORE, Pacifica Seminole MHP, Corporate Headquarters requests that this Court enter an Order quashing service of process, and providing any further and additional relief as this Court deems just and appropriate.

Respectfully submitted,

ATLAS LAW, PLLC



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Pacifica Seminole MHP, Corporate Headquarters

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via the E-Portal to Christopher Winans to all e-mail addresses listed for service in the e-filing portal on this 30th day of September 2026.


Attorney