

L18000047915

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

HILARY KATES, a.k.a. Hilary Lifter,  
an individual,

CASE NO.: 2020-020158-CA-01

Plaintiff,

v.

ELIAHU ABUKASIS, an individual, and  
437 W 31ST STREET, LLC, a Florida limited  
liability company,

Defendants.

200353625222

STATEMENT OF FACT  
AFFIDAVIT OF HILARY KATES

STATE OF FLORIDA )

) SS.:

COUNTY OF BROWARD )

HILARY KATES, a.k.a. Hilary Lifter, being duly sworn deposes and says:

1. I make this affidavit base upon factual circumstances personally known to me under penalty of perjury pursuant to *Florida Statutes* § 92.525.
2. I am both a manager and a member of the 437 W. 31 Street, LLC. a Florida Limited liability Company, with its principal place of business at 437 West 31st Street, Miami Beach, FL 33140.
3. In the 2020 Florida Limited Liability Company annual report of 437 W. 31 Street, LLC. filed on January 9, 2020, with the Florida Secretary of State, document Number 1722093304CC, I was listed in the annual report as a manager/member along with Eliahu Abukasis of 19 West Flagler St. 404, Miami, FL 33130. A copy of which limited liability company annual report is annexed hereto as **Exhibit A.**

PW  
11/5/20

4. In violation of § 817.155 *Florida Statutes* which provides, in part “A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry.” Eliahu Abukasis, on September 17, 2020 filed Articles of Amendment to Articles of Organization of 437 W. 31 Street, LLC. fraudulently removing me as a member of 437 W. 31 Street, LLC., without my knowledge or consent in violation of § 817 *Florida Statutes*.

5. Irrespective of the false and fraudulent filing of the afore referenced Articles of Amendment to Articles of Organization of 437 W. 31 Street, LLC., Limited Liability Company bears document number L18000047915 with the Florida Secretary of State, I am and continue to be a member and a manager of 437 W. 31 Street, LLC.

6. At no time was Eliahu Abukasis or any other person authorized to remove me as a manager and/or a member of 437 W. 31 Street, LLC., and Eliahu Abukasis’s false and fraudulent filing of the Amendment to the Articles of Incorporation of 437 W. 31 Street, LLC. was without my knowledge or consent.

FURTHER AFFIANT SAYETH NAUGHT.

**[VERIFICATION ON THE PAGE TO FOLLOW]**

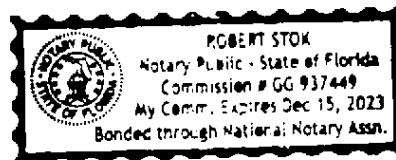
Hilary Kates  
Hilary Kates  
Affiant

SWORN TO and SUBSCRIBED before me this 3 day of November 2020 by Hilary Kates,  
who ✓ is personally known to me or has produced \_\_\_\_\_ as identification and  
who did take an oath.

[seal]

[Signature]  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_



# **EXHIBIT A**

**2020 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L18000047915

Entity Name: 437 W. 31 STREET, LLC

Current Principal Place of Business:

437 W 31ST ST  
MIAMI BEACH, FL 33140

Current Mailing Address:

437 W 31ST ST  
MIAMI BEACH, FL 33140 US

FEI Number: 82-4662136

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

ABUKASIS, ELIAHU  
437 W 31ST ST  
MIAMI BEACH, FL 33140 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE:

Electronic Signature of Registered Agent

Date

**Authorized Person(s) Detail :**

Title MGR  
Name ABUKASIS, ELIAHU  
Address 19 W FLAGLER ST 404  
City-State-Zip: MIAMI FL 33130

Title MGR  
Name LIFTER, HILARY  
Address 437 W 31ST ST  
City-State-Zip: MIAMI BEACH FL 33140

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: ELIAHU ABUKASIS

MGR

06/09/2020

Electronic Signature of Signing Authorized Person(s) Detail

Date