

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

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

v.

BERMAN MORTGAGE CORPORATION,
a Florida corporation, M.A.M.C.
INCORPORATED, a Florida corporation,
DANA J. BERMAN, as Owner and
Managing Member,

Defendant,

and

DB ATLANTA, LLC, a Florida limited
liability company, et al.,

Relief Defendants.

**ORDER GRANTING IN PART AND DEFERRING IN PART
RECEIVER'S MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE RECEIVER TO INITIATE FORECLOSURE CASES
IN PASCO COUNTY, FLORIDA RELATING TO THE OCEANSIDE AND
DBKN GULF PROPERTIES AND TO TRANSFER THE FORECLOSURE CASES
TO THE RECEIVERSHIP COURT FOR LITIGATION PURPOSES**

THIS MATTER came before the Court on March 4, 2013, upon hearing on the Motion for Entry of an Order Authorizing the Receiver to Initiate Foreclosure Cases in Pasco County, Florida relating to the Oceanside and DBKN Gulf Properties and Transfer the Foreclosure Cases to the Receivership Court for Litigation Purposes (the "Motion") filed by Michael I. Goldberg, the receiver (the "Receiver") for Defendants Berman Mortgage Corporation, M.A.M.C. Incorporated ("MAMC"), and Relief Defendants DB Atlanta, LLC, *et al.* The Court, having reviewed the Motion, heard argument of the attorneys for the Receiver, Gulf Island Beach and

Tennis Club Condominium Association, Inc.'s (the "Condominium Association"), and the Florida Office of Financial Regulation, being familiar with the court file and otherwise fully advised in the premises, finds that good cause exists to:

ORDER that:

1. The Motion is granted in part and deferred in part.
2. The Court defers ruling on the Receiver's request to file a Complaint to foreclose the mortgages(s) and related loan documents securing the loan to Oceanside Acquisitions, LLC ("Oceanside"), while the Receiver confers with the Condominium Association regarding its objection to foreclose the Condominium Association's assessments and special assessments.
3. The parties shall have thirty (30) days from the date of entry of this Order to reschedule a hearing on the Motion as it relates to Oceanside or to submit an Order on the relief requested in the Motion.
4. The Receiver is authorized to file a Complaint to foreclose the mortgages(s) and related loan documents securing the loan to DBKN Gulf Incorporated, LLC ("DBKN"). The loan was serviced by MAMC and is in default.
5. Since the properties securing the loans are located in Pasco County, Florida, the Receiver shall file the foreclosure case in the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida. Upon entry of the case, the Clerk of the Court for the Sixth Judicial Circuit is instructed to transfer the case to the Eleventh Judicial Circuit in and for Miami-Dade County, Florida.
6. Thereafter, the Clerk of the Court for the Eleventh Judicial Circuit is instructed to transfer the case to the Honorable Jerald Bagley, Civil Circuit Division 09.

7. This Court shall oversee the foreclosure case through the entry of Final Judgment, upon which, time, the Clerk of the Court for the Eleventh Judicial Circuit is instructed to transfer the cases back to Pasco County for the purpose of scheduling the foreclosure sale.

8. Nothing in this Order shall be construed to grant the Receiver any foreclosure rights that do not otherwise exist under applicable Florida law or to change the lien priority of unpaid real property taxes or tax certificates.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 03/07/13.


JERALD BAGLEY
CIRCUIT COURT JUDGE

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Bagley's staff.

THE HONORABLE JERALD BAGLEY
CIRCUIT COURT JUDGE

Conformed copies to:

All counsel of record

Posted to the Receiver's Web Site

cwt@kttl.com

mbasurto@bushross.com

pvalori@dvlp.com

jgassenheimer@bergersingerman.com

asandlerlaw@aol.com

dean@colson.com

maurice.baumgarten@wilsonelser.com

cln@neusteinlaw.com

dfitzgerald@waltonlantaff.com

clinde@burr.com; DRosenberg@pecklaw.com

pury.santiago@flofr.com

