

**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.

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**SECOND ORDER GRANTING IN PART AND DEFERRING  
IN PART RECEIVER'S MOTION FOR ENTRY OF AN ORDER  
AUTHORIZING THE RECEIVER TO INITIATE FORECLOSURE CASE<sup>1</sup>  
IN PASCO COUNTY, FLORIDA RELATING TO THE OCEANSIDE  
PROPERTY AND TO TRANSFER THE FORECLOSURE CASE  
TO THE RECEIVERSHIP COURT FOR LITIGATION PURPOSES**

**THIS MATTER** came before the Court on July 30, 2012 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,

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<sup>1</sup> On March 7, 2013, the Court entered an Order on the disposition of the foreclosure of the DBKN Gulf property.

M.A.M.C. Incorporated ("MAMC"), and Relief Defendants DB Atlanta, LLC, *et al.* The Court, having reviewed the Motion and the *Response in Opposition to the Motion* filed by Intervenor Gulf Island Beach and Tennis Club Condominium Association, Inc. (the "Intervenor"), having heard argument of the Receiver, and attorneys for the Intervenor and the Florida Office of Financial Regulation, being familiar with the case 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.<sup>2</sup>
2. The Receiver is authorized to file a Complaint to foreclose the mortgages(s) and related loan documents securing the loans to Oceanside Acquisitions, LLC ("Oceanside"). The loans were serviced by MAMC and are in default.
3. The Court defers ruling on whether after filing the Complaint in the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, Florida, the Receiver can transfer the case to the Eleventh Judicial Circuit in and for Miami-Dade County, Florida to be assigned to the Honorable Jerald Bagley, Civil Circuit Division 09 for the purpose of litigation.
4. This Court shall hold a special set hearing (15 minutes) at 10:00 a.m. on August 19, 2013 to consider arguments of the parties. Counsel for the parties may file legal memorandum supporting their position on where the case should be litigated after it is filed. The memorandum shall be filed no later than August 14, 2013.
5. Deferring the decision on transferring the case, shall not delay the Receiver from

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<sup>2</sup> The Court is not ruling on the legal status or title of any of the real property that is subject to foreclosure, including any determination of lien priority, as such issues are properly reserved for the foreclosure proceedings.

immediately filing a foreclosure complaint.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 08/08/13.

  
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.

**HONORABLE JERALD BAGLEY**

**CIRCUIT COURT JUDGE**

**Conformed copies to:**

All counsel of record

Posted to the Receiver's Web Site

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