

**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,

Defendants,
and

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

Relief Defendants.

NOTICE

**LENDERS SHALL HAVE TEN (10) DAYS FROM THE DATE OF
ENTRY OF THIS ORDER TO FILE A RESPONSE TO THE MOTION.
IN THE EVENT NO OBJECTIONS ARE FILED, THIS ORDER SHALL
BE EFFECTIVE UPON THE PASSAGE OF 10 DAYS.**

**UNOPPOSED¹ ORDER GRANTING RECEIVER'S MOTION FOR AUTHORITY
TO SELL THE RECEIVERSHIP ESTATE'S INTEREST IN THE
THREE REMAINING PARCELS OWNED BY AHIFO-MAMC
CAPE CORAL, LLC BY AUCTION - SUBJECT TO NOTICE TO LENDERS**

THIS MATTER came before the Court on December 11, 2017 upon the hearing on the
Motion for Authority to Sell the Receivership Estate's Interest in the Three Remaining Parcels

¹ Subject to the conditions set forth herein.

Owned by AHIFO-MAMC Cape Coral, LLC by Auction (the “Motion”), filed by Michael I. Goldberg, in his capacity as the court-appointed receiver (the “Receiver”) over Berman Mortgage Corporation, M.A.M.C. Incorporated (“MAMC”), and the Relief Defendants.

The Court having reviewed the Motion, heard argument of counsel, being informed that notice of the Motion and hearing was provided to all parties on the Service List, who have no objection to the relief requested, however notice was not timely provided to the Lenders,² and being otherwise fully advised in the premises, does:

ORDER AND ADJUDGE that:

1. The Motion is **GRANTED**, subject to the conditions set forth herein.

(a) The Lenders shall have ten days from the date of this Order to review the Motion and file a response to the Motion.

(b) In the event a response is timely filed, the Order shall be void and the Receiver shall reschedule the hearing on the Motion.

(c) In the event no response is timely filed, the Order shall be in full force and effect, retroactive to the date provided below.

2. The Receiver is authorized to sell the receivership estate’s interest in the three remaining parcels owned by AHIFO-MAMC Cape Coral, LLC (the “Cape Coral Parcels”) by auction as proposed in the Auction Marketing Strategic Plan (the “Auction Plan”), a copy of which is attached to the Motion as **Exhibit 1**. The Receiver is authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein without further Order of the Court.

² For the purpose of this Order, “Lenders” shall mean those individuals whose funds were invested by BMC into the loans to made to Top Two Development, Inc.

3. The Receiver is further authorized to use his business judgment in order to obtain the best possible price for the sale of the Cape Coral Parcels, even if that requires the Receiver to modify the Auction Marketing Strategic Plan and reevaluate the form or date of the sale of the Cape Coral Parcels, which the Receiver may modify without further Order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 12/15/17.



PEDRO P. ECHARTE JR.
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 original order sent electronically to the Clerk of Courts for filing in the Court file.

Conformed copies to:
All counsel of record
Posted to the Receiver's Web Site