

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI -DADE COUNTY, FLORIDA

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

vs.

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.

THE ORIGINAL
FILED ON:
MAR 28 2008
11TH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FL.

**RECEIVER'S MOTION FOR COURT ORDER
AUTHORIZING THE SALE OF UNIT 408 AT DB SIMPSONVILLE
A/K/A PARK TOWNE CONDOMINIUMS NUNC PRO TUNC**

Michael Goldberg, as Court Appointed Receiver, by and through undersigned counsel,
files this *Motion for Court Order Authorizing the Sale of Unit 408 at DB Simpsonville a/k/a Park
Towne Condominiums Nunc Pro Tunc*, and as grounds therefore states:

1. Michael Goldberg was appointed as Receiver over Relief Defendants DB
Simpsonville on December 11, 2007.

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2. Prior to the institution of the Receivership, this entity was subject to the control of a voluntary fiduciary, Allan Goldberg, an authorized Chapter 7 Trustee, who was acting as Chief Restructuring Officer. The assets of DB Simpsonville were subject to an auction.

3. The consummation of the sales from the pre-petition auction were made post petition and the sales contracts and the deeds were signed by Michael Goldberg as Receiver over DB Simpsonville.

4. An attorney handling a resale closing is questioning Michael Goldberg's authority to sign the sales contracts.

5. The Receiver seeks an Order Authorizing *nunc pro tunc* the sale of the assets of DB Simpsonville, and specifically unit 408, and affirming the sales contracts and deeds signed by Michael Goldberg as Receiver of DB Simpsonville.

WHEREFORE, the Receiver seeks the aforementioned relief, and for such other relief as the Court deems just and appropriate to complete the intended purpose of the motion.

Respectfully submitted,

BERGER SINGERMAN
Attorneys for the Receiver, Michael I. Goldberg
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Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: _____

JAMES D. GASSENHEIMER
Florida Bar No. 959987

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and U.S. Mail on this **28th day of March 2008**, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2nd Avenue, Suite N-7E8, Miami, Florida 33128; to **Alan M. Sandler, Esquire, Counsel for Defendants, Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer SD IRA and Mary Joe Meyer Roth IRA**, of SANDLER & SANDLER, 117 Aragon Avenue, Coral Gables, Florida 33134; to **Allan A. Joseph, Esquire, Counsel for The Amid Companies and Amedia Family Investors**, DAVID AND JOSEPH, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; to **Richard R. Robles, Esquire, LAW OFFICES OF RICHARD ROBLES, P.A., Counsel for the Four Ambassadors Association, Inc.**, 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; and to **Daniel Kaplan, Esquire, Counsel for Deborah A. Berman**, at the LAW OFFICES OF DANIEL KAPLAN, P.A., Turnberry Plaza, Suite 600, 2875 N.E. 191st Street, Aventura, Florida 33180.

Respectfully submitted,

By: _____


JAMES D. GASSENHEIMER

~~Florida Bar No. 959987~~

cc: The Honorable Thomas Wilson, Jr. (*via hand-delivery*)
Michael Goldberg, Esq., as Receiver (*via email*)
The Group of Lenders (*via email*)

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