

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:
APR 15 2008
IN THE OFFICE OF
CIRCUIT COURT DANE CO WI

**RECEIVER'S SUPPLEMENTAL MOTION FOR COURT ORDER
APPROVING THE SALE OF THE ASSETS OF DB DURHAM, LLC**

Receiver, Michael Goldberg, by and through undersigned counsel, files this Motion for a Court Order Approving the Sale of the Assets of DB Durham, LLC, and as grounds therefore states:

1. Michael Goldberg was appointed by this Court as Receiver of the assets of the Defendants and Relief Defendants in this action. One of the Relief Defendants is DB Durham, LLC, the owner of a hotel in Durham, North Carolina. This Receivership was established for the

benefit of a group of approximately 640 investors who had provided the funding for the Defendants to conduct their business activities.

2. Michael Goldberg obtained an opportunity to sell the assets of DB Durham LLC and maximize the return of the investment of the Investors through this sale.

3. On March 6, 2008, the Receiver filed the Motion for Court Order Approving the Sale of the Assets of DB Durham LLC (the "Motion") pursuant to the terms of the Contract to Purchase and Sell Commercial Real Estate (the "Contract") and the four amendments thereto. Since the filing of the Motion, a fifth amendment was added to the Contract. *See* the Contract and its Amendments attached hereto as Exhibit "A."

4. On March 14, 2008, this Court entered an order deferring its ruling on the Motion until the "resolution of certain asbestos issues raised by the purchaser on March 10, 2008." *See* Order p, 2.

5. The "certain asbestos issues raised by the purchaser on March 10, 2008" have been resolved. Specifically, the parties have agreed to include a clean up credit and to decrease the purchase price by approximately \$700,000.

6. Consequently, the Receiver, via the instant Supplemental Motion for Court Order Approving the Sale of the Assets of DB Durham LLC, seeks a Court order approving the sale of the assets of DB Durham LLC according to the terms of the Contract and its five amendments attached thereto.


WHEREFORE, the Receiver seeks a Court Order authorizing him to sell the assets of DB Durham LLC, pursuant to the terms of the attached Purchase and Sale Contract, authorizing the Receiver to sign all documents necessary to effectuate the sale of the assets and for such

other relief as the Court deems just and appropriate to complete the intended purpose of this Supplemental Motion for Court Order Approving the Sale of the Assets of DB Durham LLC.

Respectfully submitted,

BERGER SINGERMAN
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By: _____


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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and U.S. Mail on this 15th day of April 2008, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2nd Avenue, Suite N-708, 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; 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; and to

Howard N. Kahn, Esquire, Attorneys for Intervenor, Ira Sukoff, KAHN & CHENKIN, 2924 Davie Road, Suite 200, Davie, Florida 33314.

By: _____


JAMES D. GASSENHEIMER

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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