

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

GENERAL JURISDICTION
DIVISION

CASE NO.: 07-43672-CA-09

STATE OF FLORIDA OFFICE
OF FINANCIAL REGULATION,

Plaintiff,

vs.

BERMAN MORTGAGE GROUP
and DB BILOXI at al.,

Defendants.

THE STATE OF FLORIDA:

TO: Records Custodian
Landmark American Insurance Company
c/o William Berk, Esq.
Berk Merchant & Sims
2100 Ponce de Leon Boulevard
Penthouse 1
Coral Gables, FL 33134

YOU ARE COMMANDED to appear by telephone or in person at the offices of Berk Merchant & Sims, 2100 Ponce de Leon Boulevard, Penthouse 1, Coral Gables, FL 33134, on July 31, 2008 at 9:30 a.m., and to have with you at that time and place the documents listed on Exhibit "A" hereto.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable costs of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name

appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN. If you object to the location of the deposition, please call the undersigned attorney.

If you fail to:

- (1) appear as specified with the records; or
- (2) furnish the records instead of appearing as provided above; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed by the attorney whose name appears on this subpoena, and unless excused from this subpoena by the attorney or the court, you shall respond to this subpoena as directed.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you may request such assistance by contacting Charles Pickett, Esq., Casey Ciklin Lubitz Martens & O'Connell, 515 N. Flagler Drive, Suite 1900, West Palm Beach, FL 33401 (561) 832-5900 within two working days of your receipt of this subpoena; if you are hearing or voice impaired, call 711.

DATED on July _____, 2008.

Charles L. Pickett, Jr.
For the Court

CHARLES L. PICKETT, Jr.
Florida Bar No.: 0051217
Attorney for Intervenor, Johns Manville, Inc.
CASEY CIKLIN LUBITZ
MARTENS & O'CONNELL.
515 North Flagler Drive, 19th Floor
West Palm Beach, FL 33401
561-832-5900; fax 561-655-2015

EXHIBIT A

Definitions

1. The term "Document" or "Documents" as used in this Subpoena shall mean and refer to the original and any copy, in final form or any draft and regardless of origin, source or location, of any correspondence, opinion, report, file, e-mail, memorandum, abstract, statement, journal, account, letter, pamphlet, transcript, audio tape, video tape, invoice, bill, application, check, draft, order, receipt, diary, calendar, telex, telegram, facsimile transmission, photograph, photocopy record, contract, agreement, written note, instrument, typed note, and any other written, recorded or transcribed matter, including without limitation any memorandum or report of a meeting and any data or information stored on computer, however produced or reproduced and in whatever language or format.
2. Unless this Subpoena clearly indicates otherwise, the Documents requested herein below should be confined to Documents created or existing at any time.

Documents Subpoenaed

1. Any and all insurance policies, riders, addendums, documents listing or evidencing added insureds, attachments, supplements, descriptions, schedules, exclusions, and exceptions in your possession, custody, or control pertaining to insurance issued by or through Landmark American Insurance Company pertaining to the buildings known as D.B. Biloxi LLC Edgewater Gardens Apartments.
2. Any and all documents in your underwriting file referring to Johns Manville that: 1) were created, received, or stored during the period May 1, 2005 and October 1, 2006; and that also 2) pertain to the buildings known as D.B. Biloxi LLC Edgewater Gardens Apartments.