

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.

**RECEIVER'S MOTION TO EXPAND RECEIVERSHIP
TO INCLUDE MAMC PROJECT MANAGERS GROUP, LLC**

Michael I. Goldberg, the receiver (the "Receiver") of Defendants Berman Mortgage Corporation ("BMC"), M.A.M.C. Incorporated ("MAMC"), *et al.*, and Relief Defendants DB Atlanta, LLC, *et al.*, hereby files this Motion to Expand Receivership to Include MAMC Project Managers Group, LLC. In support of this Motion, the Receiver states as follows:

1. On December 11, 2007, this Court entered a *Temporary Injunction and Agreed Order Appointing Receiver* ("Receivership Order") appointing Michael Goldberg as the receiver for BMC and MAMC (the "Defendants") and the Relief Defendants (collectively, the "Receivership Defendants") to prevent the waste and dissipation of the Receivership Defendants'

assets to the detriment of the investors ("Investors") who entrusted over \$192 million ("Investor Funds") to the Receivership Defendants.

2. The Investor Funds were secured by mortgages in approximately 40 different real estate projects and properties.

3. The Receivership Order initially identified 18 Relief Defendants. However, pursuant to ¶¶ 3 and 21 of the Receivership Order, the Receiver obtained authority from the Court to add additional Relief Defendants as their projects were brought to the Receiver's attention.

4. The Receiver is still administering approximately 17 projects. Many of these projects are either embroiled in litigation or currently being marketed for sale and require that certain essential expenses be paid or additional oversight by the Receiver.

5. Certain of the Investors loaned money to Project Managers Group, LLC (the "Project Managers Borrowers") for the purchase of real property located in Highlands County, Florida (the "Highlands County Property").

6. In 2008, upon default by the Project Managers Borrowers, MAMC commenced a foreclosure suit in Highland County, Florida, Case No. 08-927-GCS, against the Project Managers Borrowers and other parties who had an interest in the Highland County Property.

7. Final Summary Judgment was entered on January 20, 2008 in favor of MAMC; after a foreclosure sale, the Clerk of the Court for Highland County issued Certificate of Title in the name of MAMC Project Managers Group, LLC, dated March 5, 2009.

8. The Project Managers Property is currently managed by MAMC. The Receiver seeks to formally expand the receivership to include the Project Managers Property.

{22464994;1}


9. MAMC Project Managers Group, LLC holds commercial real estate that is an asset of the receivership estate and thus should be subject to the Receivership Order. Consequently, inclusion of MAMC Project Managers Group, LLC as a Relief Defendant is both necessary and appropriate in this matter in order to prevent further waste and dissipation of the assets of the Defendants and Relief Defendants, to the detriment of the Investors. See Receivership Order, ¶ 3.

10. A proposed Order is attached hereto as Exhibit A.

WHEREFORE, Michael I. Goldberg, in his capacity as Receiver of BMC, MAMC and related entities, respectfully request this Court to enter an Order expanding the receivership as described herein and to grant such further relief as is just and proper.

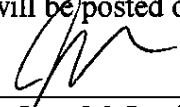
Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 14 day of Dec., 2011, a true and correct copy of the forgoing was furnished via U.S. Mail to the parties on the attached Service List, the lenders were notified by e-mail and a copy of this motion will be posted on the receivership web-page.

By: 
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