

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

CASE NO.: 08-3110 CA 02

TURNBERRY BANK,

Plaintiff,

vs.

WATERSIDE ACQUISITIONS, LLC, a Florida
Limited liability company;; DANA J. BERMAN,
Individually; BISCAYNE PARK TERRACE
CONDOMINIUM ASSOCIATION, INC., a
not-for-profit Florida corporation; JANE DOE,
UNKNOWN TENANT; JOHN DOE, UNKNOWN
TENANT,

Defendants.

THE ORIGINAL
FILED ON:
OCT 07 2008
IN THE OFFICE OF
CIRCUIT COURT D.D.S. CO. FL.

**ANSWER AND AFFIRMATIVE DEFENSES
OF WATERSIDE ACQUISITIONS, LLC AND MICHAEL GOLDBERG, AS RECEIVER
FOR WATERSIDE ACQUISITIONS, LLC TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant, Michael I. Goldberg, as Receiver ("Receiver") over Waterside Acquisitions, LLC, by and through undersigned counsel, hereby file its *Answer and Affirmative Defenses* to Plaintiff's Amended Complaint, and state as follows:

COUNT ONE
(Mortgage Foreclosure)

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

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attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

8. Admitted.
9. Admitted.
10. Admitted.
11. Unable to admit or deny and therefore, denied.
12. Denied.
13. Admitted.
14. Admitted.
15. Denied.
16. Admitted.
17. Admitted.

COUNT TWO
(Action on the Note and Guaranty)

18. As restated in answer to Plaintiff's 1 through 11, 16 and 17 as it set forth in full herein.

19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Admitted.
24. Unable to admit or deny and therefore, denied.
25. Admitted.

AFFIRMATIVE DEFENSES

1. Michael Goldberg as Receiver over Waterside Acquisitions, LLC, claims a first priority lien to any surplus from the sale of the real property.

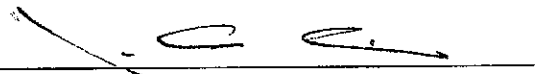
CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and U.S. Mail on this 7th day of October 2008, to: **Helen Schwartz Romañez, Esquire, Attorneys for Plaintiff**, THE ROMAÑEZ LAW FIRM, P.A., 255 Alhambra Circle, Suite 850, Coral Gables, Florida 33134.

Respectfully submitted,

BERGER SINGERMAN
Attorneys for the Receiver, Michael I. Goldberg
1000 Wachovia Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: _____


~~JAMES D. GASSENHEIMER~~
Florida Bar No. 959987

cc: Michael Goldberg, as Receiver (via email)

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