

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT, IN  
AND FOR DADE COUNTY, FLORIDA

STATE OF FLORIDA, OFFICE OF FINANCIAL  
REGULATION,

CASE NO.: 07-43672 CA 09

Plaintiff,

v.  
BERMAN MORTGAGE CORPORATION, a  
Florida corporation, M.A.M.C.  
INCORPORATED, a Florida corporation, DANA  
J. BERMAN, as Owner and Managing Member,

THE ORIGINAL  
FILED ON:

JUL 23 2008

IN THE OFFICE OF  
CIRCUIT COURT DADE CO. FL

Defendant.

and,

**DB ATLANTA, LLC**, a Florida Limited Liability  
Company, **DB DURHAM, LLC**, a Florida  
Limited Liability Company, **NORMANDY  
HOLDINGS II, LLC**, a Florida Limited Liability  
Company, **NORMANDY HOLDINGS III, LLC**,  
a Florida Limited Liability Company,  
**ACQUISITIONS, LLC**, a Florida Limited  
Liability Company, **DBKN GULF  
INCORPORATED**, a Florida Limited Liability  
Company, **OCEANSIDE ACQUISITIONS,  
LLC**, a Florida Limited Liability Company, **DB  
BILOXI, LLC**, a Florida Limited Liability  
Company, **DB BILOXI II, LLC**, a Florida  
Limited Liability Company, **DB BILOXI III,  
LLC**, a Florida Limited Liability Company, **DBDS  
VERO BEACH, LLC**, a Florida Limited Liability  
Company, **DB TAMPA, LLC**, a Florida Limited  
Liability Company, **DB SIMPSONVILLE, LLC**,  
a Florida Limited Liability Company, **DBDS  
NORTH MIAMI, LLC**, a Florida Limited  
Liability Company, **REDLANDS RANCH  
HOLDINGS, LLC**, a Florida Limited Liability  
Company, **DBDS BISCAYNE PARK, LLC**, a  
Florida Limited Liability Company, **DB  
CARROLL STREET, LLC**, a Florida Limited  
Liability Company,

Relief Defendants.

BERGER SINGERMAN  
attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

**RECEIVER'S MOTION TO DISTRIBUTE FINAL  
SALE PROCEEDS OF THE ASSETS OF DB SIMPSONVILLE, LLC**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants Dana J. Berman, Berman Mortgage Corporation, M.A.M.C. Incorporated, et al., and Relief Defendants DB Atlanta, LLC, et al., by and through undersigned counsel, hereby files this Motion to Distribute Final Sale Proceeds of the Assets of DB Simpsonville, LLC, and as grounds thereof states:

1. Michael Goldberg, as Court Appointed Receiver, controls Relief Defendant, DB Simpsonville, LLC.

2. This Court has previously authorized the sale of certain assets of DB Simpsonville, LLC and has previously ordered a partial distribution of the assets of DB Simpsonville, LLC.

3. The Receiver is currently holding final sales proceeds of \$135,818.54; and a carry-forward of funds held for potential accounts payable of \$103,879.47, totaling \$239,698.01.

4. The Receiver requests an Order authorizing the following distribution of these net proceeds, as follows:

- \$4,593.96 to Defendant M.A.M.C. Incorporated for overhead as required by this Court's prior Order, requiring a 2% collection of proceeds for Operating Expenses (*See Receiver's Further Motion for Court Order Regarding Distribution of the Sale Proceeds of the Assets of DB Simpsonville, LLC, ¶4(i), and the Order granting that Motion attached hereto as Composite Exhibit "A"*).
- \$225,104.05 to the Lender Group participating in this loan opportunity.
- Maintain \$10,000.00 in the accounts payable reserved account.


5. Furthermore, DB Simpsonville, LLC, has a potential receivable on a property and casualty insurance claim for water damage of up to \$15,000.00. The Receiver seeks authority to

pay a distribution of future funds of up to \$25,000.00 contingent upon receipt of the insurance claim, together with any unused portion of the accounts payable reserve account.

**WHEREFORE**, the Receiver moves this Court for entry of an Order granting this Motion to Distribute Final Sale Proceeds of the Assets of DB Simpsonville, LLC, authorizing the transactions contained herein, and any other relief deemed necessary by this Court.

Respectfully Submitted,

BERGER SINGERMAN  
*Attorneys for Receiver*  
200 South Biscayne Boulevard, Suite 1000  
Miami, FL 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

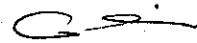
By:   
\_\_\_\_\_  
JAMES D. GASSENHEIMER  
Florida Bar No. 959987

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and/or U.S. Mail on this 23<sup>rd</sup> day of July 2008, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2<sup>nd</sup> 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. 191<sup>st</sup> Street, Aventura, Florida 33180; to **Howard N. Kahn, Esquire**, *Attorneys for Intervenor, Ira Sukoff*, KAHN, CHENKIN & RESNIK, P.L., 1815 Griffin Road, Suite 207, Dania, Florida 33304; to **Charles Pickett, Esquire and Linda Dickhaus Agnant, Esquire**, *Attorneys for Johns Manville*, CASEY CIKLIN LUBITZ MARTENS & O'CONNELL, P.A., 515 North Flagler Drive, Suite 1900, West Palm Beach, Florida 33401; to **Helen Schwartz Romañez, Esquire**, *Attorneys for Turnberry Bank*, The Romañez Law Firm, 255 Alhambra Circle, Suite 850, Coral Gables, Florida 33134; to **Charles W. Throckmorton, Esquire**, *Attorneys for Dana Berman*, KOZYAK TROPIN THROCKMORTON, P.A., 2525 Ponce de Leon Boulevard, 9<sup>th</sup> Floor, Coral Gables, Florida 33134; to **James S. Telepman, Esquire**, *Attorneys for Jericho All-Weather Opportunity Fund, LP*, COHEN, NORRIS, SCHERER, WEINBERGER & WOLMER, 712 U.S. Highway One, Suite 400, North Palm Beach, Florida 33408-7146; to **Allen P. Pegg, Esquire**, *Counsel for Ibex Cheoah I, LLC*, at MURAI, WALD, BIONDO, MORENO & BROCHIN, P.A., Two Alhambra Plaza, Penthouse 1B, Coral Gables, Florida 33134; to **J. Andrew Baldwin, Esquire**, *Attorneys for Regions Bank*, THE SOLOMON LAW GROUP, P.A., 1881 West Kennedy Boulevard, Tampa, Florida 33606-1606; to **Rey Hicks and Javier Castillo** of COMPLETE PROPERTY MANAGEMENT, at Post Office Box 402507, Miami Beach, Florida 33140; and to **Daren Schwartz**, BERMAN MORTGAGE CORPORATION D/B/A M.A.M.C., INC., at 402 Continental Plaza, 3250 Mary Street, Coconut Grove, Florida 33133.

By: \_\_\_\_\_

  
JAMES D. GASSENHEIMER  
Florida Bar No. 959987

1191376-1

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT, IN  
AND FOR DADE COUNTY, FLORIDA

STATE OF FLORIDA, OFFICE OF FINANCIAL  
REGULATION,

CASE NO.: 07-43672 CA 09

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, **DB DURHAM, LLC**, a Florida  
Limited Liability Company, **NORMANDY  
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Company, **NORMANDY HOLDINGS III, LLC**,  
a Florida Limited Liability Company,  
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VERO BEACH, LLC**, a Florida Limited Liability  
Company, **DB TAMPA, LLC**, a Florida Limited  
Liability Company, **DB SIMPSONVILLE, LLC**,  
a Florida Limited Liability Company, **DBDS  
NORTH MIAMI, LLC**, a Florida Limited  
Liability Company, **REDLANDS RANCH  
HOLDINGS, LLC**, a Florida Limited Liability  
Company, **DBDS BISCAYNE PARK, LLC**, a  
Florida Limited Liability Company, **DB  
CARROLL STREET, LLC**, a Florida Limited  
Liability Company,

Relief Defendants.

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**BERGER SINGERMAN**  
attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

200 South Biscayne Boulevard Suite 1000 Miami, Florida 33131-5308 Telephone 305-755-9500 Facsimile 305-714-4340

**RECEIVER'S FURTHER MOTION FOR COURT ORDER  
REGARDING DISTRIBUTION OF THE SALE  
PROCEEDS OF THE ASSETS OF DB SIMPSONVILLE, LLC**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants Dana J. Berman, Berman Mortgage Corporation, M.A.M.C. Incorporated, et al., and Relief Defendants DB Atlanta, LLC, et al., by and through undersigned counsel, hereby files this *Supplemental Motion Seeking Court Authority to Distribute the Proceeds of the Sale of the Assets of DB Simpsonville*, and as grounds thereof states:

1. Michael Goldberg, as Court Appointed Receiver, controls Relief Defendant, DB Simpsonville, LLC.

2. This Court has previously authorized the sale of certain assets of DB Simpsonville, LLC and has previously ordered a partial distribution of the assets of DB Simpsonville.

3. The Receiver is currently holding additional sales proceeds of \$591,805.44, and a carry forward of funds held for potential accounts payable of \$131,800.00.

4. The Receiver requests an Order authorizing the following distribution of these net sales proceeds:

(i) \$6,104.41 to be paid to M.A.M.C. for overhead as required by this Court's prior Order, requiring a 2% collection of proceeds for operating expenses.

(ii) Maintain \$100,000.00 in the accounts payable reserved account.

(iii) Pay a distribution of \$359,512.51 to the Lender Group participating in this loan opportunity.

*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. 191<sup>st</sup> Street, Aventura, Florida 33180; to **Howard N. Kahn, Esquire**, *Attorneys for Intervenor, Ira Sukoff*, KAHN & CHENKIN, 2924 Davie Road, Suite 200, Davie, Florida 33314; to **Lawrence Shoot, Esquire**, *Attorneys for USA Funding*, 4830 SW 92<sup>nd</sup> Avenue, Miami, Florida 33165; and to **Charles Pickett, Esquire and Linda Dickhaus Agnant, Esquire**, *Attorneys for Johns Manville*, CASEY CIKLIN LUBITZ MARTENS & O'CONNELL, P.A., 515 North Flagler Drive, Suite 1900, West Palm Beach, Florida 33401.

Respectfully submitted,

By:

  
\_\_\_\_\_  
JAMES D. GASSENHEIMER

cc: The Honorable Thomas Wilson, Jr. (*via Hand-Delivery*)  
Michael Goldberg, Receiver (*via email*)  
The Investor Group (*via email*)

1061274-1

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

GENERAL JURISDICTION DIVISION

CASE NO: 07-43672-CA 09

State of Florida Plaintiff(s),

vs.

Berman Mortgage Defendant(s),  
ET al

ORDER

GRANTING/DENYING  
PLAINTIFF'S/DEFENDANT'S  
Revised Motion for  
Supplemental motion to  
Distribute OB Simpson's  
proceeds

THIS CAUSE having come on to be heard on 5/15/08  
on Plaintiff's/Defendant's Motion

The above styled motion

and the Court having heard argument of counsel, and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED that said Motion be, and the same is hereby

Granted. The Receiver is authorized to distribute  
funds in accordance with the motion

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 15 day of

MAY, 2008

Thomas S. Wilson  
CIRCUIT COURT JUDGE

THOMAS S. WILSON, JR.  
CIRCUIT COURT JUDGE

Copies furnished to: Counsel of Record