

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  
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 ENTER INTO  
CONTRACT ON BEHALF OF DB TAMPA 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 enter into a contract on behalf of DB Tampa LLC, and as grounds thereof states:

1. Michael Goldberg, as Court Appointed Receiver, controls Relief Defendant, DB Simpsonville, LLC.
2. DB Tampa is a relief defendant here and owner of a condominium conversion project in Tampa Florida.
3. The Receiver's plan is to complete the project and rent the 48 units to generate income to service the debt. The longer term strategy will be to sell the units when a stronger market exists for the product.
4. In order to complete the project the Relief defendant must retain the services of a General Contractor. The quote from the General contractor to complete the project is attached.
5. The Receiver requests an Order approving the budget and authorizing DB Tampa to enter into a contract with the contractor on the terms set forth in the budget.

**WHEREFORE**, the Receiver moves this Court for entry of an Order granting this Motion on the terms requested herein.

**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 **25<sup>th</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.

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:  <sup>POB</sup>

JAMES D. GASSENHEIMER  
Florida Bar No. 959987

1197857-1



CGC 1515209

**Final Construction Budget**

**Attn:** Michael Goldberg, Esq. and/or Hal Gassenheimer  
 DB Tampa, LLC ("Developer")  
 3250 Mary ST  
 Miami, FL 33137

**Project:** Bayshore Oaks  
 5411 Bayshore Blvd.  
 Tampa, FL 33611

**VIA FAX/EMAIL**  
**DATE:** July 17, 2008

1	<b>GENERAL CONDITIONS</b>		
2	-Construction Management	\$	25,000.00
3	-Liability Insurance	\$	8,000.00
4	-Incidental Expenses (flights, cars, Meals)	\$	5,000.00
5	Additional Subsequent Permits for Subs	\$	800.00
6	<b>MECHANICAL</b>	\$	14,316.89
7	<b>ELECTRICAL</b>	\$	23,600.00
8	<b>PLUMBING</b>	\$	18,564.00
9	<b>ENGINEERING</b>	\$	5,000.00
10	Site Cleaning and Trash Removal	\$	2,000.00
11	Broken Window and Window Screens	\$	4,500.00
12	Painting (Exterior)	\$	7,000.00
13	Site Clean Up (Trash, pool and landscaping)	\$	10,000.00
14	Pool Cleaning & Chemical Container	\$	2,025.00
15	Additional Landscaping	\$	5,000.00
17	Sprinkler Lines and Pump	\$	3,400.00
18	Refinish Walkway	\$	1,500.00
19	Site work – Stop Signs & Drainage	\$	1,000.00
20	Hand Rails & Rail Repair	\$	750.00
21	Granite Kit & Bathroom Tops	\$	1,875.00
22	Electric Rolling Gate	\$	4,500.00

23	Mirrors	\$	4,636.00
24	Intercom System	\$	2,500.00
25	Fire Extinguishers	\$	178.00
26	<b>INTERIOR &amp; EXTERIOR PUNCH OUT</b>		
27	-Shower Rod		
28	-Closet Shelving		
29	-Hardware		
30	-Painting Interior		
31	-Ceramic Tile & Grout		
32	-Marble Window Sills		
33	-Standing & Running Trim		
34	-Cabinetry Work		
35	-Hollow Metal Doors		
36	-Window Treatment		
37	-Window Sills		
38	-Door Install (Metal & Wood)		
39	-Final Cleaning of All Units		
40	-Total Punch Out	\$	18,025.00
41	Appliances	\$	46,000.00
42	Interior Signage		Completed
43	Exterior Signage		Completed
44	Swimming Pool/Pool Deck		Completed
45	Pool Deck Coating		Completed
46	Site Concrete Work		Completed
47	Parking Stops/stripes		Completed
48	Masonry Work		Completed
49	Drywall		Completed
50	Stucco		Completed
51	Roofing		Completed
52	Rough Carpentry		Completed
53	Metal Canopies & Roof Parapet		Completed
54	Contingencies (7.5%)	\$	11,733.14
	<b>TOTAL</b>	\$	<b>226,903.03</b>

Submitted by: Jonathan W. Simpson  
CGC

6525 Collins Avenue, Miami Beach, FL 33141  
t: 305.393.4993 f: 305.868.8765 e: jsimpson@cosconst.com

U:\Documents and Settings\jgassenheimer\Local Settings\Temporary Internet Files\OLK1\Tampa-Bayshore Oaks Final Budget.doc

6525 Collins Avenue, Miami Beach, FL 33141  
t: 305.393.4993 f: 305.868.8765 e: jsimpson@cosconst.com

**James C. Cunningham Jr.**

**From:** Alette D. Rodz [ARodz@shutts.com]  
**Sent:** Tuesday, May 20, 2008 7:45 PM  
**To:** James C. Cunningham Jr.  
**Subject:** RE: m.a.m.c. adv. southchase

I did thank you.

**Alette D. Rodz**  
*Partner*

---

**Shutts & Bowen LLP**

1500 Miami Center, 201 South Biscayne Boulevard | Miami, FL 33131  
Direct: (305) 347-7342 | Fax: (305) 347-7742  
E-Mail | Biography | V-Card | Website

---

**From:** James C. Cunningham Jr. [mailto:JCunningham@bergersingerman.com]  
**Sent:** Tuesday, May 20, 2008 7:05 PM  
**To:** Alette D. Rodz  
**Subject:** m.a.m.c. adv. southchase

Ms. Rodz,

I did not get an acknowledgement that you received my e-mail including the information concerning hearings in Orange County. Please confirm that you received it. Thanks.

James Cunningham



**BERGER SINGERMAN**  
attorneys at law

BIO

**James C. Cunningham Jr.**

200 South Biscayne Boulevard  
Suite 1000  
Miami, FL 33131  
Telephone: (305) 755-9500  
Fax: (305) 714-4340

Direct Line: (305) 714-4379  
E-mail: [JCunningham@bergersingerman.com](mailto:JCunningham@bergersingerman.com)

[Boca Raton](#) [Ft. Lauderdale](#) [Miami](#) [Tallahassee](#)

[www.bergersingerman.com](http://www.bergersingerman.com)

we deliver creative and effective business solutions and counsel

This transmission is intended to be delivered only to the named addressee(s) and may contain information that is confidential, proprietary, attorney work-product or attorney-client privileged. If this information is received by anyone other than the named and intended addressee(s), the recipient should immediately notify the sender by E-MAIL and by telephone



at the phone number of the sender listed on the email and obtain instructions as to the disposal of the transmitted material. In no event shall this material be read, used, copied, reproduced, stored or retained by anyone other than the named addressee(s), except with the express consent of the sender or the named addressee(s). Thank you.

\*\*\*\*\*

CIRCULAR 230 DISCLAIMER: This communication does not constitute a "covered opinion" as such term is defined within Circular 230, and does not comply with the requirements for a "covered opinion." We have not conducted, nor have we been asked to conduct, that type of analysis in this communication. To ensure compliance with requirements imposed by the IRS, we must inform you that any U.S. federal tax advice contained in this communication (including any documents or items appended herein) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

\*\*\*\*\*

"SHUTTS-LAW.COM" made the following annotations.

-----

IRS CIRCULAR 230 NOTICE: Pursuant to recently enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice expressed above was neither written nor intended by the sender or this firm to be used and cannot be used by any taxpayer for the purpose of avoiding penalties that may be imposed under U.S. tax law. If any person uses or refers to any such tax advice in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement to any taxpayer, then the advice should be considered to have been written to support the promotion or marketing by a person other than the sender or this firm of that transaction or matter, and such taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

The information in this email transmission is privileged and confidential. If you are not the intended recipient, nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this transmission (including any attachments) is strictly prohibited. If you have received this email in error, please notify the sender by email reply. Thank you.

=====