

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.

THE ORIGINAL
FILED ON:

JUL 25 2008

IN THE OFFICE OF
CIRCUIT COURT/DADE CO. FL.

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 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 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 exits 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 **25th day of July 2008**, to: **Cristina Saenz, Assistant General Counsel, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W.**

2nd 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. 191st 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, 9th 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:  _____

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 | GENERAL CONDITIONS | | |
| 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 | MECHANICAL | \$ | 14,316.89 |
| 7 | ELECTRICAL | \$ | 23,600.00 |
| 8 | PLUMBING | \$ | 18,564.00 |
| 9 | ENGINEERING | \$ | 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 | INTERIOR & EXTERIOR PUNCH OUT | | |
| 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 |
| | | | |
| | | | |
| | TOTAL | \$ | 226,903.03 |

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

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



James C. Cunningham Jr.

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

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