



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,

vs.

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.

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

THIS CAUSE HAVING come before the Court on July 30, 2008, by way of the Order on Receiver's Motion to Distribute Final Sale Proceeds of the Assets of DB Simpsonville, LLC, and the Court having heard argument of counsel, having heard the position of the Receiver, having reviewed the papers, and having been otherwise duly advised in the premises, it is hereby,

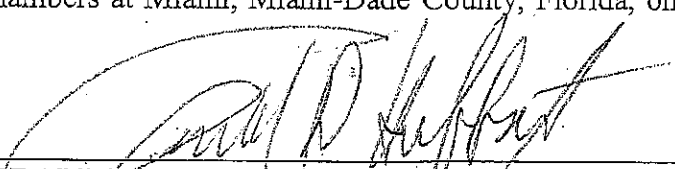
ORDERED AND ADJUDGED that:

1. The Receiver's Motion is hereby GRANTED.

2. The Receiver is authorized to distribute
all proceeds on the terms set forth in the
motion

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, on this

30 day of July 2008.


**GERALD D. HUBBART, CIRCUIT ALTERNATE
JUDGE FOR THOMAS WILSON, JR., CIRCUIT JUDGE**

cc: All Counsel of Record
Posted on Receiver's Website
E-mailed to Investor Group

1212568-1

IN THE CIRCUIT COURT OF THE
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STATE OF FLORIDA, OFFICE OF FINANCIAL
REGULATION,

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Company, **DBDS BISCAYNE PARK, LLC**, a
Florida Limited Liability Company, **DB
CARROLL STREET, LLC**, a Florida Limited
Liability Company,

Relief Defendants.

**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: _____

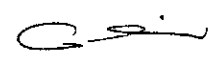

JAMES D. GASSENHEIMER
Florida Bar No. 959987

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 23rd 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.

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
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INCORPORATED, a Florida corporation, DANA
J. BERMAN, as Owner and Managing Member,

Defendant.

and,

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Liability Company,

Relief Defendants.

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. 191st 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 92nd 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
11TH 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
Receiv^r 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