

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT, IN AND FOR  
MIAMI-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,  
**REDLANDS RANCH HOLDINGS, LLC**, a  
Florida Limited Liability Company, **DB  
CARROLL STREET, LLC**, a Florida Limited  
Liability Company,

Relief Defendants.

THE ORIGIN  
FILED ON

JUL 31 2008

IN THE OFFICE  
CIRCUIT COURT DADE CO. FL

**RECEIVER'S MOTION TO APPROVE THE RETENTION  
OF LEATHERWOOD WALKER TODD & MANN, P.C. NUNC PRO TUNC**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants 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 Approve the Retention of Leatherwood Walker Todd & Mann, P.C. ("Leatherwood") *Nunc Pro Tunc*, as Special Litigation Counsel, and states:

1. On December 11, 2007, this Court appointed Michael Goldberg (the "Receiver") to be the Receiver for the Defendants and the Relief Defendants. *See* Temporary Injunction and Agreed Order Appointing Receiver ("Receivership Order"), previously filed with this Court.

2. Among the Defendants is M.A.M.C. Incorporated. *See* Receivership Order, ¶ 13 (specifically recognizing Michael I. Goldberg as "the Receiver for ... M.A.M.C. Incorporated ...."); *see also*, Receivership Order, ¶ 3. M.A.M.C. Incorporated is a loan service provider, and serviced loans for two mortgages on commercial property located in Atlantic Beach, South Carolina (the "Mortgages").

3. The Mortgages are in default and the Receiver, on behalf of M.A.M.C. Incorporated, seeks to foreclose upon the Mortgages. Consequently, the Receiver now seeks to retain Leatherwood to assist with the foreclosure and related issues.

4. Leatherwood's retention shall be pursuant to the terms of the letter of representation, attached hereto as Exhibit "A." Specifically, Leatherwood will be "retained to assist M.A.M.C. [Incorporated], as servicer, in pursuing the foreclosure of two mortgages encumbering certain commercial property located in Atlantic Beach, South Carolina, which

mortgages secure payment of two promissory notes dated March 30, 2006, and May 15, 2006.”  
*See Exhibit “A.”*

5. The Receiver believes that the retention of Leatherwood is absolutely necessary to ensure the preservation and/or recovery of receivership assets, and thereby prevent any further waste or dissipation, and most of all, protect the Investor Group.

6. Additionally, Leatherwood has significant experience investigating and litigating foreclosure actions, and thus can provide more than adequate counsel.

7. Importantly, the Receiver was specifically appointed by this Court to preserve the receivership assets, and employ attorneys when necessary to preserve those assets:

The Receiver his hereby authorized to employ, without further order of the Court ... attorneys ... and other professionals ... as is necessary and proper for the collection [and] preservation ... of the Receivership Assets, including assets of which the Receiver is a shareholder, to furnish legal, accounting and other advice to the Receiver for such purposes as may be reasonable and necessary during the period of receivership.

*See Receivership Order, ¶ 19 (emphasis added).*

8. In line with the aforementioned authority granted by this Court, the Receiver now seeks to retain Leatherwood to pursue the foreclosure actions in South Carolina.

**WHEREFORE**, the Receiver moves this Court for entry of an Order Approving the Retention of Leatherwood Walker Todd & Mann, P.C., *Nunc Pro Tunc*, as Special Litigation Counsel, and any other relief deemed necessary by this Court.

**CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 31<sup>st</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 Ibox 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, Michael Goldberg*  
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By:  FOR

JAMES D. GASSENHEIMER

Florida Bar No. 959987

cc: The Honorable Thomas Wilson, Jr. (*via Hand-Delivery*)  
Michael Goldberg, Esq., as Receiver (*via e-mail*)  
The Investor(s)/Lender(s) Group (*via e-mail*)

1215556-1

# LEATHERWOOD WALKER TODD & MANN, P.C.

ATTORNEYS AT LAW

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D.B. LEATHERWOOD  
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WESLEY M. WALKER  
1915-1999  
FLETCHER C. MANN  
1921-2003

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May 1, 2008

Michael I. Goldberg  
c/o E. Harold Gassenheimer  
The Berman Group  
402 Continental Plaza  
3250 Mary Street  
Coconut Grove, FL 33133

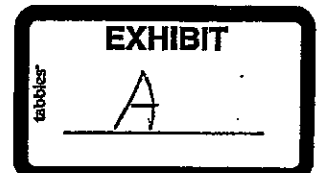
Re: *Foreclosure of Commercial Property in Atlantic Beach, South Carolina*

Dear Mr. Goldberg:

Please allow this letter to confirm that our firm has been retained to assist M.A.M.C., Inc., as servicer, in pursuing the foreclosure of two mortgages encumbering certain commercial property located in Atlantic Beach, South Carolina, which mortgages secure payment of two promissory notes dated March 30, 2006 and May 15, 2006. It is our understanding that you have been appointed to act as the Receiver for M.A.M.C. Inc. and that in such capacity have the authority to enter into this engagement with the firm and pursue this litigation. Our representation would be governed by the following general terms.

Our fees will be based on time expended in the representation multiplied by our hourly rate. Hourly rates are based on years of experience, specialization, training, practice, and level of professional attainment. My current hourly rate is \$240. In addition, I anticipate enlisting the assistance of another of my partners, Marion Hughes, whose hourly rate is \$320. From time to time, it may be necessary to involve other attorneys and legal assistants at differing rates. To the extent other attorneys and legal assistants are involved, their current hourly rates vary from \$125 to \$365 per hour. The rates stated above are reviewed periodically by firm management and are subject to change by the firm without notice.

We will ordinarily send statements on a monthly basis. It is our practice to itemize all charges advanced on your behalf, including such items as copy charges, postage, delivery charges, computerized legal research, travel charges and mileage, and other miscellaneous charges for items which will appear in the description on the bill. Payment for services rendered is due upon receipt of the statement. We reserve the right to charge 1.5% interest per month on all unpaid balances which exist after thirty days.

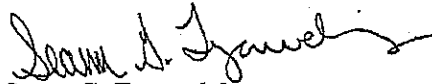


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Thank you for giving us the opportunity to work with you on this matter. Should you have any questions about any of the above information, please do not hesitate to give me a call. Otherwise, we would appreciate your signing this letter where indicated below and returning it to us at the address above.

Best regards,



Seann G. Tzouvelekas  
Leatherwood Walker Todd & Mann, P.C.