

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

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF  
FINANCIAL REGULATION,

Plaintiff,

v.

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

Defendants,

and,

DB ATLANTA, LLC, a Florida limited liability  
company, et al.

Relief Defendants.

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**INTERVENOR IRA SUKOFF'S VERIFIED MOTION FOR DISMISSAL OF RELIEF  
DEFENDANT NORMANDY HOLDINGS, II, LLC FROM RECEIVERSHIP PROCEEDING**

PLEASE TAKE NOTICE that Intervenor, IRA SUKOFF ("SUKOFF"), by his undersigned counsel, files this Verified Motion for Dismissal of Relief Defendant **NORMANDY HOLDINGS, II, LLC** ("**NORMANDY, II**") from the Receivership proceeding, based upon the following grounds:

1. On or about December 11, 2007, the **STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION** (the "**STATE**") filed its Complaint seeking a temporary and

permanent injunction and the appointment of a receiver and on December 11, 2007, this Court entered an Order granting a temporary injunction involving over forty (40) entities, including Relief Defendant **NH, II**. The Order also appointed Michael I. Goldberg as Receiver ("**RECEIVER**") for **NH, II**.

2. The Order precluded any further operations of **NH, II**, absent the formation and recommendation of certain committees under the direction of **RECEIVER**.

3. **SUKOFF** is a member of **NH, II**, holding a 23% membership interest therein, which was created in 2001 and consisted of thirty-four (34) town homes, approximately eight (8) of which remained unsold at the time of the filing of the Complaint. At no time whatsoever has **SUKOFF** had any affiliation with **MAMC**.

4. The present claims asserted by the **RECEIVER** against **NH, II** involves recoupment of an approximate \$300,000.00 "loan" purportedly made by Defendant **M.A.M.C INCOPORATED** ("**MAMC**") to **NH, II** which was directly disbursed by **MAMC** in full on a pro rata basis to the investors/members of **NH, II**. Such actions were never authorized by **NH, II**. However, for some unknown reason, the **RECEIVER's** proceeding is against **NH, II**, when **NH, II** did not receive or retain any of the funds in question. The investors in question, in some cases, are the same creditors that the **RECEIVER** represents as part of the Receivership proceeding.

5. For the **RECEIVER** to seek recoupment from **NH, II** would provide an unjust enrichment on behalf of certain of the investors and, in come cases, creditors, for monies that they already have received from **MAMC** and, as such, the proper party in this proceeding is not

**NH, II**, but the various investors/members of **NH, II**.

6. Alternatively, monies that were disseminated to certain of the creditors from **MAMC** would be entitled to essentially a "credit" from the monies allegedly misappropriated by Defendant **DANA J. BERMAN** ("**BERMAN**") as the basis for this proceeding.

7. The **RECEIVER** cannot have it both ways. The **RECEIVER** cannot seek monies from **NH, II** and, at the same time, allow the creditors, to the extent they exist, whom the **RECEIVER** represents, keep the allegedly misappropriated monies. As such, given the absence of any other claims against **NH, II**, it would be most appropriate that **NH, II** be dismissed from this proceeding.

WHEREFORE, Intervenor **IRA SUKOFF** respectfully requests that this Court dismiss Relief Defendant **NORMANDY HOLDINGS, II, LLC** from this proceeding, together with the awarding of attorneys' fees, costs and such other and further relief as this Court deems just and proper.

Respectfully submitted,  
KAHN, CHENKIN & RESNIK, P.L.  
Attorneys for Intervenor

**IRA SUKOFF**

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

HOWARD N. KAHN, ESQ.

Fla. Bar No: 0724416

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and facsimile to: **Cristina Saenz, Esq.**, Assistant General Counsel, State of Florida, Office of Financial Regulation, 401 N.W. 2<sup>nd</sup> Avenue, Suite N-708, Miami, Florida 33128; **Alan M. Sandler, Esq.**, Counsel for Defendants Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer Roth IRA, of Sandler & Sandler, 117 Aragon Avenue, Coral Gables, Florida 33134; **Allan A. Joseph, Esq.**, Counsel for The Amid Companies and Amedia Family Investors, David & Joseph, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; **Richard R. Robles, Esq.**, Counsel for the Four Ambassadors Association, Inc., Law Offices of Richard R. Robles, P.A., 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; **Lawrence M. Shoot, Esq.**, Counsel for USA Funding Mortgage, Inc., 4830 S.W. 92<sup>nd</sup> Avenue, Miami, Florida 33165; **James D. Gassenheimer, Esq.**, Counsel for the Receiver, Michael I. Goldberg, Berger Singerman, 200 S. Biscayne Boulevard, Suite 1000, Miami, Florida 33131; and **Marcy S. Resnik, Esq.**, Co-Counsel for Intervenor Ira Sukoff, Marcy S. Resnik, P.A., 1120 S.E. 3<sup>rd</sup> Avenue, Ft. Lauderdale, Florida 33316, this <sup>20<sup>th</sup></sup> day of September, 2008.

HOWARD N. KAHN

**VERIFICATION**

Under penalties of perjury, **IRA SUKOFF**, declare that I have read the foregoing Verified Motion for Dismissal of Relief Defendant Normandy Holdings, II, LLC from Receivership Proceeding and the facts stated in it are true.

  
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**IRA SUKOFF**