

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 ORIGINAL
FILED ON:

OCT 08 2008

IN THE OFFICE OF
CIRCUIT COURT DADE CO. FL.

**RECEIVER'S MOTION FOR COURT ORDER AUTHORIZING
PAYMENT OF REASONABLE ATTORNEYS' FEES AND RECEIVER FEES IN
CONJUNCTION WITH THE DB BILOXI, II, LLC / LE CHATEAU PROJECT**

Michael I. Goldberg, as Court Appointed Receiver, by and through undersigned counsel, files this Motion for a Court Order authorizing the Receiver to pay from insurance recovery proceeds certain attorneys' fees and receivership fees, and as grounds therefore states:

1. Michael I. Goldberg, was appointed as Receiver in this case on December 11, 2007.

2. One of the Relief Defendants DB Biloxi, II / Le Chateau owned certain real property in Biloxi, Mississippi in which it situated a 58 unit condominium. The condominium was destroyed in Hurricane Katrina in 2005, and an insurance claim was prosecuted for wind storm insurance damage. During the pendency of the receivership case, a settlement was reached with the wind storm insurer which has been paid and funded.

3. The Receiver has simultaneously filed with this Court a Motion for a Court Order regarding distribution of the proceeds and in that motion is reserved \$50,000.00 for attorneys' fees and receivership fees.

4. The Receiver and his counsel unanimously make this application to use a portion of those proceeds to pay receivership fees and costs incurred with respect to the Le Chateau project.

5. This Court has authorized, by prior Order, the Receiver to retain counsel to preserve assets and recover assets on behalf of the Receivership and to establish procedures regarding same.

6. The Order also authorizes payment of reasonable compensation for these endeavors.

7. Attached hereto and made a part hereof, are the Berger Singerman bills regarding this project, which we seek authorization to pay from the insurance proceeds.

8. Additionally, the Receiver seeks authority to use \$20,000.00 of the insurance proceeds to pay for Receivership fees associated with this project, including the Receiver's attendance at the mediation of the wind storm insurance settlement conference, the Receiver's attendance at the global meeting regarding this project, the Receiver's attendance at various meetings, coordinating issues regarding the DB Biloxi II project.

WHEREFORE, the Receiver moves for the aforementioned relief.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this **8th day of October 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; and to All the Lenders/Investor Group by Electronic Mail.

Respectfully submitted,

BERGER SINGERMAN
1000 Wachovia Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: 

for JAMES D. GASSENHEIMER
Florida Bar No. 959987

1745146-1

BERGER SINGERMAN, PA
 ATTORNEYS AT LAW
 350 E. LAS OLAS BLVD SUITE 1000
 FT LAUDERDALE FL 33301
 (954) 525-9900 FAX: (954) 523-2872
 FID # 59-2725802

AKERMAN SENTERFITT
 MICHAEL I. GOLDBERG, RECEIVER
 350 EAST LAS OLAS BLVD
 16TH FLOOR
 FT. LAUDERDALE, FLORIDA 33301-2229

INVOICE DATE: 10/6/2008
 INVOICE NO. 54280

DB BILOXI III/LE CHATEAU

MATTER ID: 12293-0017

PROFESSIONAL FEES RENDERED THROUGH: 9/30/2008

			HOURS
4/22/2007	RWB	REVISION OF BILOXI II.	1.00
2/14/2008	JG1	MEETING WITH RECEIVER TO REVIEW DB BILOXI II/LE CHATEAU.	0.40
3/21/2008	JG1	ATTEND LE CHATEAU COMMITTEE MEETING.	0.80
3/27/2008	JG1	MEETING WITH RECEIVER TO REVIEW STRATEGY OF DB BILOXI II/LE CHATEAU.	0.40
3/28/2008	JG1	MEETING WITH RECEIVER TO REVIEW STRATEGY ON DB BILOXI III/LE CHATEAU.	0.40
3/31/2008	MPN	REVIEW DECLARATION OF CONDOMINIUM OF LE CHATEAU (MISSISSIPPI) REGARDING INSURANCE PROCEEDS PROVISIONS.	1.00
4/1/2008	JG1	ANALYSIS OF STRATEGY FOR KEY LARGO CLOSING; VARIOUS EMAILS; TELEPHONE CONFERENCE ON AIRPORT EXECUTIVE; FINALIZE WORK OUT AGREEMENT AND EMAILS TO CLIENT; ANALYSIS OF EVALUATION OF LE CHATEAU OWNER CLAIMS.	2.00
5/20/2008	JG1	ANALYSIS OF LECHATEAU OWNERSHIP DOCUMENTS AND STRATEGY (.4); TELEPHONE CONFERENCE WITH DAVID WHEELER AND MS APPOINTE RECEIVER ON SETTLEMENT OF DB BILOXI (.6).	1.00
6/6/2008	JG1	CONFERENCE WITH G. HAILE ON STRATEGY FOR LE CHATEAU MOTION (.4); TELEPHONE CONFERENCE WITH H. GASSENHEIMER ON DB TAMPA AND ATLANTIC BEACH (.3).	0.70
6/6/2008	JG1	BILOXI II - LETTER TO D. WHEELER; REVIEW PROPOSED ORDER FROM TURNBERRY BANK.	0.40
6/6/2008	GAH	CONSIDER STRATEGY REGARDING DB BILOXI MOTIONS AND BEGIN PREPARING THEM.	2.40
6/9/2008	LP	EDITED AND FINALYZED CORRESPONDENCE TO MICHAEL HANZMAN REGARDING AND ADVISING TO INCLUDE IN THEIR CERTIFICATE OF SERVICE,	0.10

PURSUANT TO A NOTICE OF HEARING ON THEIR MOTION FOR APPOINTMENT OF STEERING COMMITTEE SENT DIRECTLY TO OUR CLIENT, MICHAEL GOLDBERG, AS RECEIVER.

6/10/2008	LP	EDITED AND FINALYZED LETTER TO DAVID WHEELER REGARDING BOURDREAUX V. LE CHATEAU CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. AND DB BILOXI II, LLC.	0.20
6/17/2008	LT	REVIEW E-MAIL FROM G. HAILE REGARDING TITLE SEARCH FOR PROERTY OWNED BY DB BILOXI, II; PREPARE PROPERTY INFORMATION FOR TITLE SEARCH.	0.20
6/18/2008	GAH	PREPARE MOTION FOR BAR ORDER ON BEHALF OF DB BILOXI II.	6.20
6/19/2008	LT	RESEARCH INTERNET FOR PROPERTY INFORMATION ON LE CHATEAU CONDOMINIUMS FOR G. HAILE.	0.20
6/30/2008	LBS	COORDINATE DELIVERY OF BILOXI DOCUMENTS TO RICHIE BERGMAN.	0.50
7/7/2008	GAH	ANALYZE DB BILOXI II DOCUMENTS AND CONTRADICTIONS CONTAINED THEREIN.	0.90
7/10/2008	JG1	ATTEND MEETING WITH RECEIVER TO DISCUSS DB BILOXI III/LE CHATEAU.	0.40
7/17/2008	GAH	FOLLOW-UP REGARDING TITLE SEARCH FOR BILOXI II.	0.40
7/24/2008	JWS	REVIEW AND COMPILE TITLE INFORMATION FOR LE CHATEAU. PREPARE EXTENSIVE SPREADSHEET INFORMATION.	3.20
8/5/2008	JG1	ANALYSIS OT TITLE WORK ON BILOXI II AND REPORT TO MICHAEL; EMAILS TO G. HAILE ON FOLLOW-UP; ANALYSIS OF M. GOLDBERG MEMO ON WIND UP STRATEGY; EMAILS REGARDING BRICKELL LEASE.	1.50
8/19/2008	JG1	ANALYSIS OF LE CHATEAU PROPERTY AND RESPONSE TO BORROWER.	0.50

SUB-TOTAL FEES: 24.80

7,951.00

RATE SUMMARY

ROBERT W. BARRON	1.00 HOURS	415.00/HR	415.00
JAMES GASSENHEIMER	8.50 HOURS	390.00/HR	3,315.00
GREGORY A. HAILE	9.90 HOURS	310.00/HR	3,069.00
MARIAN P. NEASE	1.00 HOURS	325.00/HR	325.00
LOURDES PONCE	0.30 HOURS	75.00/HR	22.50
LAWRENCE STEINBERG	0.50 HOURS	385.00/HR	192.50
JUDITH W. STONER	3.20 HOURS	170.00/HR	544.00
LUISTORRES	0.40 HOURS	170.00/HR	68.00

TOTAL 24.80

EXPENSES

7/23/2008	11581-0003 7/1-7/23/08 CONDUCT CURRENT OWNER SEARCHES ON 58 UNITS AT THE LE CHATEAU CONDO.	5,000.00
		SUB-TOTAL <u>5,000.00</u>

TOTAL CURRENT BILLING:	12,951.00
PREVIOUS BALANCE DUE:	0.00
CREDITS/PAYMENTS	0.00
TOTAL NOW DUE:	<u>12,951.00</u>

PAYMENT DUE UPON RECEIPT. PLEASE NOTE ACCOUNT NUMBER ON CHECK.