

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

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

vs.

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.

**ORDER GRANTING RECEIVER'S AMENDED MOTION TO
TREAT ALL INVESTORS OF DB TAMPA, LLC PARI PASSU UNDER SEAL**

THIS MATTER CAME ON before the court on the above styled motion at 3:15 p.m. on October 14, 2008, and the Court have reviewed the motion, having reviewed the procedures for service of the motion and having heard and considered the arguments of counsel, having found that the method of service of the motion was sufficient and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED AS FOLLOWS:

1. The motion and all the relief requested in the motion is granted.

2. All MAMC Lenders in the loan made to DB Tampa, LLC, shall be treated *Pari Passu* with respect to any recovery made in the foreclosure proceedings against DB Tampa, LLC.

3. Notwithstanding the relief requested, this motion shall not effect the prior agreements of the lenders as reflected in the Decision Notices of September 12, 2007, and November 14, 2007, including the decision with respect to the intent to transfer the final judgment of foreclosure to an entity owned in part by a "New Lender," and defined as "Newco" which have been previously ratified by this Court. Nor shall this Order impact the priority of any loan made or to be made to DB Tampa, LLC pursuant to any prior or future Order of this Court as a priming loan over the MAMC, Inc serviced 2nd mortgage, for which this motion seeks to treat all funding parties *Pari Passu*.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, on this **14th day of October 2008.**

Conformed Copy
OCT 14 2008
THOMAS WILSON, JR.
CIRCUIT JUDGE
Thomas S. Wilson, Jr.
Circuit Court Judge

Copies furnished to:

All interested parties on the attached Service List.

1751506-1

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