

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,
ETC., ET AL.,

Defendants.

And

DB TAMPA, LLC., ETC., ET AL.,

Relief Defendants.

**ORDER ON SKILLED SERVICES' MOTION FOR CLARIFICATION
AND VACATING ORDER GRANTING STAY**

THIS MATTER was before the Court on October 24, 2008 on the Motion of SKILLED SERVICES OF TAMPA BAY, LLC, a Florida Limited Liability Company ("Skilled Services"), for clarification of the Order Granting Stay entered by this Court on June 23, 2008 (the "Stay Order"). The Court considered this Motion and Skilled Services' *ore tenus* Motion to Vacate the Stay Order, heard argument of counsel representing SKILLED SERVICES OF TAMPA BAY, LLC., and GILES CONSTRUCTION GROUP, INC. ("Giles") and from counsel for the Receiver, and was otherwise fully advised.

1. The Stay Order was predicated on the existence of an injunction in this matter against Giles and others from proceeding against Relief Defendant DB Tampa, Inc.

2. During argument on Skilled Services' Motion for Clarification, counsel for the Receiver announced in open court that the Receiver would waive its rights to the injunction prohibiting Giles from proceeding against DB Tampa, Inc. That injunction was the basis underlying the Stay Order.

3. Counsel for Skilled Services then moved *ore tenus* to vacate the Stay Order, upon the granting of which the pending Motion for Clarification became moot.

It is therefore,

ORDERED AND ADJUDGED that Skilled Services' *ore tenus* motion to vacate the Order Granting Stay dated June 23, 2008 is hereby GRANTED and said order is hereby vacated and of no further force and effect. The Motion for Clarification is therefore moot.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida this _____ day of October, 2008.

~~Conformed Copy~~

OCT 29 2008

~~Thomas S. Wilson, Jr.
CIRCUIT COURT JUDGE
Circuit Court Judge~~

Copies furnished to:
Norman Malinski, Esquire
Norman S. Segall, Esquire
James Gassenheimer, Esquire