

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

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,

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, et al.,

Relief Defendants.

CASE NO.: 07-43672 CA 09
THE ORIGINAL
FILED ON:

DEC 09 2008

IN THE OFFICE OF
CIRCUIT COURT DADE CO. FL.

**NOTICE OF CORRECTION TO RECEIVER'S MOTION FOR APPROVAL
OF THE NORMANDY HOLDINGS, II, LLC SETTLEMENT AGREEMENT**

Receiver, Michael I. Goldberg ("Receiver"), as Court Appointed Receiver for M.A.M.C. Incorporated ("MAMC") and Relief Defendant Normandy Holdings, II, LLC ("NH II"), by and through undersigned counsel, hereby files this Notice of Correction of the original *Receiver's Motion for Approval of the attached Normandy Holdings, II, LLC Settlement Agreement*, and states:

1. In his original Motion, the Receiver defines Ira Sukoff, Dana Berman and Daren Schwartz, as the "Original Members" of NH II. The Receiver defines those

BERGER SINGERMAN
attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

MAMC Lenders who purchased equity interests in NH II, as the "New Members" of NH II.

2. In paragraph 22 of the Motion, the distributions are incorrectly characterized as to the Original Members and should have been characterized to the New Members.

3. Paragraph 22 should be substituted and should read as follows:

22. The Receiver seeks court approval to distribute the funds available for distribution as follows:

I. Reimbursement of accounting fees to Ira Sukoff based on submission of invoices to the Receiver and payments made by Sukoff for accounting fees for the benefit of NH II, of up to \$5,000, to be paid from funds allocated to the New Members.

II. Payment of the \$7,500, to Berger Singerman, P.A., as counsel for the Receivership, for the administration of the NH II assets.

III. Payment of accounting fees to Mark Gidney for past work performed on behalf of NH II, in the amount of \$16,700.

IV. Creation of a reserve to pay accounting fees for 2008 and 2009 accounting services in the amount of \$12,000. Any remaining balance after payment of the future accounting fees shall be distributed with one-third ($\frac{1}{3}$) of the remaining funds available for distribution being paid to Sukoff and the remaining two-thirds ($\frac{2}{3}$) being paid to the New Members.

V. After payment of the items in II, III and IV, distribution of one-third ($\frac{1}{3}$) of the remaining funds available for distribution to Sukoff.

VI. After distributions of items in I through V, payment of \$242,002.17 to MAMC.

VII. After payments of items I through VI, payment all

outstanding attorneys' fees and receivership fees associated with the defense of the Sukoff claims in an amount to be supported by supplemental filings by the Receiver and his counsel.

VIII. A \$5,000 reserve shall be created to cover receivership fees and attorneys' fees for future administration of this estate.


IX. The remaining funds currently available for distribution shall be paid to the New Members in accordance with their percentage ownership interest.

X. From the sale of the final unit of NH II, which is not currently under contract, the former contract having fallen through, that sale's proceeds shall be disbursed first to satisfy any approved claims by P. Marques if any, then to Sukoff, as to one-third ($\frac{1}{3}$) and the New Members as to two-thirds ($\frac{2}{3}$).

Respectfully submitted,

BERGER SINGERMAN
Attorneys for Receiver, Michael Goldberg
1000 Wachovia Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131
Direct: (305) 714-4383
Telephone: (305) 755-9500
Facsimile: (305) 714-4340
E-Mail: jgassenheimer@bergersingerman.com

By: _____


JAMES D. GASSENHEIMER
Florida Bar No. 959987

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and U.S. Mail on this **9th day of December 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; 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 Amadi Companies and Amedia Family Investors*, DAVID AND JOSEPH, P.L., 1001 Brickell Bay Drive, 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. 191st 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 & Bank of Coral Gables*, 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, 9th Floor, 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; to **Daren Schwartz**, 12555 Biscayne Boulevard, Unit #930, North Miami, Florida 33181; to **Norman Malinski, Esquire**, *Counsel for Giles Construction*, 2875 NE 191st Street, Suite 508, Aventura, Florida 33180; **Gabrielle D'Alemberte, Esquire**, LAW OFFICES OF ROBERT PARKS, 2121 Ponce de Leon Boulevard, Suite 505, Coral Gables, Florida 33134; to **Robert B. Miller, Esquire**, *Attorneys for Atlantic Lending, LLC*, TABAS, FREEDMAN, SOLOFF & MILLER, P.A., The Ingraham Building 25

SE 2nd Avenue, Suite 919, Miami, Florida 33131-1538; to **Richard P. Cole, Esquire, Edward S. Polk, Esquire and/or Crystal Leah Arocha, Esquire, Attorneys for Meland Russin Hellinger & Budwick, P.A.** COLE SCOTT & KISSANE, P.A., Pacific National Bank Building, 1390 Brickell Avenue, Third Floor, Miami, Florida 33131; to **David A. Wheeler, Esquire, Counsel for Various Unit Owners at Le Chateau Condominiums at DB Biloxi II, LLC** WHEELER & WHEELER, PLLC, 185 Main Street, Biloxi, Mississippi 39530; to **James M. Kaplan, Esquire, Nanci S. Landy, Esquire and/or Kristen A. Rosenthal, Esquire, Attorneys for Non-Parties, Barry A. Imber and Imber & Company,** KAPLAN ZEENA, LLP, Two South Biscayne Boulevard, One Biscayne Tower, Suite 3050, Miami, Florida 33131-1806; to **Michael A. Hanzman, Esquire,** HANZMAN GILBERT, LLP, 2525 Ponce de Leon Boulevard, Suite 700, Coral Gables, Florida 33134; to **Paul Huck, Esquire and Dean C. Colson, Esquire,** COLSON HICKS EIDSON, 255 Aragon Avenue, Second Floor, Coral Gables, Florida 33134; to **Jason S. Miller, Esquire, Counsel for Flagstar Bank,** ADORNO & YOSS, LLP, 2525 Ponce de Leon Boulevard, Suite 400, Coral Gables, Florida 33134; and by U.S. Mail and **Certified Mail – Return Receipt Requested to: Patricia Marques,** 11091 SW 65th Street, Miami, Florida 33173.

Respectfully submitted,

BERGER SINGERMANN
Attorneys for Receiver, Michael Goldberg
1000 Wachovia Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: 

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)*

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