

IN THE CIRCUIT COURT OF THE ELEVENTH 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,
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,
WATERSIDE 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,
DBDS NORTH MIAMI, LLC, a Florida Limited Liability Company,
REDLANDS RANCH HOLDINGS, LLC, a Florida Limited Liability Company,
DBDS BISCAVNE PARK, LLC, a Florida Limited Liability Company,
DB CARROLL STREET, LLC, a Florida Limited Liability Company,

Relief Defendants.

SECOND
AGREED ORDER FOR TRANSCAPITAL BANK'S RELIEF FROM TEMPORARY
INJUNCTION RELATING SOLELY TO THE PROPERTY LOCATED IN INDIAN
RIVER COUNTY, FLORIDA

THIS CAUSE having come on to be heard on the agreement of counsel for the Receiver, Michael I. Goldberg and TRANSCAPITAL BANK, a Florida banking corporation, for Relief from the Temporary Injunction as same relates solely to the property located in Indian River County, Florida, currently owned by relief defendant DBDS Vero Beach, LLC, this Court finds:

A. The State of Florida, Office of Financial Regulation, filed a Complaint for Temporary and Permanent Injunction and Appointment of Receiver on December 11, 2007; and,

B. A Temporary Injunction and Agreed Order Appointing Receiver was entered by this Court on December 11, 2007 granting the Temporary Injunction and Appointing Michael I. Goldberg, as receiver.

C. Transcapital Bank filed on October 30, 2007, a Complaint to Foreclose Mortgage and Other Relief in the Circuit Court of the Nineteenth Judicial Circuit in and for Indian River County, Florida, Case No. 20071496 to foreclose against the property ("Property") legally described on Exhibit "A" attached hereto.

D. That the parties hereto by and through their respective counsel have agreed that TRANSCAPITAL BANK should be granted relief from the Temporary Injunction and these receivership proceeding so that it can continue to prosecute its foreclosure action, as it deems appropriate without restriction of any type.

IT IS HEREBY ORDERED AND ADJUDGED:

1. TransCapital Bank is hereby granted relief from the Temporary Injunction and the

pending receivership proceedings in this action. This Court shall no longer have jurisdiction over the property described in the attached Exhibit "A", other than to enforce the terms of this Order.

2. TransCapital Bank shall have full authority, without restriction, to pursue (or dismiss) its mortgage foreclosure action, (as it deems appropriate in its sole discretion), pending as Case No. 20071496 CA 09 filed in the Circuit Court of Indian River County, Florida, relating solely to the Property described on Exhibit "A".

3. M.A.M.C.. Incorporated is also released from the effects of the Temporary Injunction as the same relates to the Property described on Exhibit "A".

4. This Order supercedes this Court's previously entered Agreed Order dated February 7, 2008.

5. This Order shall take effect upon the payment to the Receiver, by TransCapital of the sum of \$15,000.00.

DONE AND ORDERED, in Chambers, in Miami, Miami-Dade County, Florida, on this

29 ^{May} day of February, 2008.


CIRCUIT COURT JUDGE

Copies furnished to:
Michael I. Goldberg, Esquire
James Gassenheimer, Esquire
Richard H. Bergman, Esquire

Conformed Copy

MAY 29 2008

Thomas S. Wilson, Jr.
Circuit Court Judge

Exhibit "A"

Condominium Unit Nos. 101, 102, 105, 106, 107, 108, 109, 110, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 401, 402, 404, 405, 406, 407, 408, 410, 501, 502, 503, 504, 505, 507, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 801, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 901, 903, 904, 905, 906, 907, 908, 909, 910, 1001, 1002, 1003, 1004, 1007, 1008, 1101, 1102, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1201, 1202, 1203, 1204, 1205, 1207, 1208, 1209, 1210, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1501, 1502, 1504, 1505, 1506, 1507, 1508, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, The Pines of Vero, a Condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 2111, page 1989, as thereafter amended of the public records of Indian River County, Florida