

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.

THE ORIGINAL  
FILED ON:

APR 27 2009

IN THE OFFICE OF  
CIRCUIT COURT DADE CO. FL

**NOTICE OF HEARING**  
**(Motion Calendar)**

YOU ARE HEREBY NOTIFIED that we will call up for hearing before the  
HONORABLE THOMAS WILSON, JR., Circuit/Civil Judge, in Room 400 at the MIAMI-  
DADE COUNTY COURTHOUSE, 73 West Flagler Street, Miami, Florida 33130, on WEDNESDAY,  
MAY 27, 2008 at 9:00 A.M., or as soon thereafter as the same may be heard:

**MOTION TO APPROVE SETTLEMENT AGREEMENT BETWEEN NON-PARTIES,**  
**PERCENTAGE INTEREST BORROWERS AND NON-PARTY KENNETH GOODMAN,**  
**TRUSTEE AND STIPULATION FOR DISMISSAL OF PERCENTAGE INTEREST**  
**BORROWERS FROM CASE AGAINST MAMC WINDWARD, LLC**

*PLEASE BE GOVERNED ACCORDINGLY.*

BERGER SINGERMAN  
attorneys at law

Boca Raton Fort Lauderdale Miami Tallahassee

200 South Biscayne Boulevard Suite 1000 Miami, Florida 33131-5308 Telephone 305-755-9500 Facsimile 305-714-4340

**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 27<sup>th</sup> day of April 2009, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2<sup>nd</sup> 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. 191<sup>st</sup> Street, Aventura, Florida 33180; 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, 9<sup>th</sup> 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 **Jared Gelles, Esquire**, *Counsel for Daren Schwartz, RAFFERTY, STOLZENBERG, GELLES, ET AL.*, 1401 Brickell Avenue, Suite 825, Miami, Florida 33131-3502; to **Norman Malinski, Esquire**, *Counsel for Giles Construction*, 2875 NE 191<sup>st</sup> 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 **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 **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; to **Mark A. Basurto, Esquire and Charles Evans Glausier, Esquire**, *Attorneys for Gulf Island Beach and Tennis Club Condominium Association, Inc.*, BUSH ROSS, P.A., Post Office Box 3913, Tampa, Florida 33601-3913; to **Valerie Tompkins, Esquire**, *Counsel for Doris Tompkins, Investor/Lender in DB Biloxi II, LLC; for Paula Tompkins, as Investor/Lender in DB Biloxi I, LLC; and for Valerie Tompkins, as Investor/Lender in DB Biloxi, LLC, DB Biloxi II, LLC and DB Biloxi III, LLC, Redlands Ranch, LLC and DB Simpsonville, LLC*, LAW OFFICES OF VALERIE TOMPKINS, 12865 West Dixie Highway, Second Floor, North Miami, Florida 33161; to **J. Michael Coleman, Esquire**, *Attorneys for Plaintiff*, COLEMAN HAZZARD & TAYLOR P.A., 2640 Golden Gate Parkway, Suite 304, Naples, Florida 34105; to **C. Richard Mancini, Esquire and/or Eugene H. Smith, Esquire**, *Counsel for Percentage Interest Borrowers listed below*<sup>1</sup>, HENDERSON,

<sup>1</sup> Percentage Interest Borrowers: LMJ Family Investments, L.L.C., as to an undivided 0.71.4% interest; Feuer Family LTD Partnership, as to an undivided 1.071% interest; Lesage, Inc., as to an undivided

0.143% interest; Payande, LLC, as to an undivided 0.114% interest; Coconut Grove Bank, as Custodian of the Forrest Rhea Nichols IRA, as to an undivided 1.786% interest; Coconut Grove Bank, as Custodian of the Charles R. Gremler IRA, as to an undivided 1% interest; Coconut Grove Bank, as Custodian of the Larry Radammer S/D Rollover IRA, as to an undivided 0.914% interest; Coconut Grove Bank, as a Custodian of the Douglass Kniskern IRA, ad to an undivided 0.429% interest; Coconut Grove Bank, as Custodian of the Januel E. Douglas IRA, as to an undivided 0.143% interest; Coconut Grove Bank, as Custodian of the Arthur Feinberg Rollover IRA, as to an undivided 1.071% interest; Coconut Grove Bank, as Custodian of the Victor Blaha IRA, as to an undivided 0.5% interest; Coconut Grove Bank, as Custodian of the Judith Trontz IRA, as to an undivided 0.214% interest; Coconut Grove Bank, as Custodian of the Gary Farnsworth IRA, as to an undivided 1.071% interest; Coconut Grove Bank, as Custodian of the Barry Kendall IRA as to an undivided 1.071% interest; Coconut Grove Bank, as Custodian of the Don Davis IRA, as to an undivided 2.029% interest; Coconut Grove Bank, as Custodian of the James J. Hourin IRA, as to an undivided 0.71 4% interest; Coconut Grove Bank, as Custodian of the Patricia Hourin IRA, as to an undivided 0.143% interest; Coconut Grove Bank, as Custodian of the John Morgan Self Direct Rollover IRA, as to an undivided 1.429% interest; Coconut Grove Bank, as Custodian of the Paul Aldington IRA, as to an undivided 4.286% interest; Coconut Grove Bank, as Custodian of the Peter M. Holahan IRA, as to an undivided 0.286% interest; Coconut Grove Bank, as Custodian of the Gail Lane Corenblum Rollover IRA, as to an undivided 1.786% interest; Coconut Gove Bank, as Custodian of the Stuart Corenblum IRA, as to an undivided 0043% interest; Coconut Grove Bank, as Custodian of the Charles Parlagreco IRA, as to an undivided 3.286% interest; Coconut Grove Bank, as Custodian of the Lawrence Eric Meyer, Jr., Self Directed Rollover IRA, as to an undivided 0.5% interest; Coconut Grove Bank, as Custodian of the Judith Parker Self Directed Rollover IRA, as to an undivided 0.429% interest; Coconut Grove Bank, as Custodian of the Dale Content IRA, as to an undivided 0.143% interest; Coconut Grove Bank, as Custodian of the Henry Coppola IRA, as to an undivided 0.357% interest; Coconut Grove Bank, as Custodian of the Delsie Lipton IRA, as to an undivided 0.357% interest; Coconut Grove Bank, as Custodian of the Daniel Perkins S/D Rollover IRA, as to an undivided 0.714% interest; Coconut Grove Bank, as Custodian of the John Alderman IRA, as to an undivided 0.714% interest; Coconut Grove Bank, as Custodian of the Richard Jacobs IRA, as to an undivided 0.357% interest; Coconut Grove Bank, as Custodian of the David Thompson IRA, as to an undivided 1.286% interest; Coconut Grove Bank, as Custodian of the Robert R. Allen IRA, as to an undivided 2.857% interest; Coconut Grove Bank, as Custodian of the Peter J. Fallon Jr. IRA, as to an undivided 0.857% interest; Coconut Grove Bank, as Custodian of the Curtis Henry Briggs IRA, as to an undivided 3.357% interest; Coconut Grove Bank as Custodian of the James Miller IRA, as to an undivided 0.71 4% interest; Coconut Grove Bank, as Custodian of the Robert Bourne IRA, as to an undivided 0.286% interest; Coconut Grove Bank, as Custodian of the Gregg Hanson IRA, as to an undivided 1.429% interest; Coconut Grove Bank, as custodian of the Deborah Weinstein IRA, as to an undivided 0.143% interest; Coconut Grove Bank, as Custodian of the Ganru Ge IRA, as to an undivided 0.286% interest; Coconut Grove Bank, as Custodian of the Wanhe Ge IRA, as to an undivided 0.286% interest; Coconut Grove Bank, as Custodian of the Marty J. Cavato IRA, as to an undivided 1.071% interest; Coconut Grove Bank, as Custodian of the David Kossman IRA, as to an undivided 2.857% interest; Coconut Grove Bank, as Custodian of the Douglas Clanton IRA, as to an undivided 0.643% interest; Coconut Grove Bank, as Custodian of the Gerard Seagriff RIO IRA, as to an undivided 0.214% interest; Coconut Grove Bank, as Custodian of the Edward Kasold IRA, as to an undivided 0.714% interest; Coconut Grove Bank, as Custodian of the Fred M. Fagenholz ROTH IRA, as to an undivided 0.357% interest; Coconut Grove Bank, as Custodian of the Robert Fagenholz IRA, as to an undivided 0.357% interest; Coconut Grove Bank, as Custodian of the Sidney Oliver, as to an undivided 1% interest; Coconut Grove Bank, as Custodian of the Gerald R. Collins to an undivided 2.429% interest; Coconut Grove Bank as custodian of the Dale Content IRA, as to an undivided 0.071%; Gibraltar Bank, as Trustee of the Stephen Zaron, M.D. Rollover IRA, as to an undivided 0.357% interest; Gibraltar Bank, as Trustee

FRANKLIN, STARNES & HOLT, P.A., 3451 Bonita Bay Boulevard, Suite 206, Bonita Springs, Florida 34134-4354; and to **Warren Russell Ross, Esquire, Counsel for the Preserve at Windward Condominium Association, Inc.**, WOTITZKY, WOTITZKY, ROSS & TUTTLE, P.A., 223 Taylor Street, Punta Gorda, Florida 33950.

Respectfully submitted,

**BERGER SINGERMANN**

*Attorneys for Receiver, Michael Goldberg*

1000 Wachovia Financial Center

200 South Biscayne Boulevard

Miami, Florida 33131

Phone: (305) 755-9500

Fax: (305) 714-4340

By: \_\_\_\_\_

  
JAMES D. GASSENHEIMER

Florida Bar No. 959987

E-Mail: [jgassenheimer@bergersingerman.com](mailto:jgassenheimer@bergersingerman.com)

ARIADNA HERNANDEZ

Florida Bar No. 020953

E-Mail: [ahernandez@bergersingerman.com](mailto:ahernandez@bergersingerman.com)

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)*  
Posted to the Berman Mortgage Website

*In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the Court Administrator's office at 305-349-7000 no later than seven (7) days prior to the proceeding. If you are hearing impaired, call (TDD) 1-800-955-8771 no later than seven (7) business days prior to such proceeding; if you are voice impaired, call 1-800-955-8770 no later than seven (7) business days prior to such proceeding.*

2087079-1

of the Ira Hershman IRA, as to an undivided 0.714% interest; and Neuberger Berman Trust Co., Trustee FBO Edward Leshaw IRA, as to an undivided 0.143% interest.