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

ALEX BISTRICER, as limited partner of GULF
ISLAND RESORT, L.P., and GULF
ISLAND RESORT, L.P.,

CASE NO: 08-79169 CA (09)

Plaintiffs,

vs.

COASTAL REAL ESTATE ASSOCIATES, INC.,
a Florida corporation; BERMAN MORTGAGE
CORPORATION; DANA BERMAN; OCEANSIDE
ACQUISITIONS; LLC, a Florida limited liability
company; DBKN GULF INCORPORATED, a
Florida corporation; and STEVEN CARLYLE
CRONIG,

Defendants.

RENOTICE OF HEARING
(Special Setting – 1 hour)

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing the
following:

PLAINTIFFS' MOTION TO RELEASE BOND TO PLAINTIFFS

The hearing shall be:

BEFORE THE HONORABLE:	Thomas Wilson, Jr.
AT THE:	Dade County Courthouse 73 W. Flagler Street Room 400 Miami, FL 33130
ON:	Wednesday, May 27, 2009
AT:	10:30 a.m.

or as soon thereafter as the same may be heard.

PLEASE BE GOVERNED ACCORDINGLY.

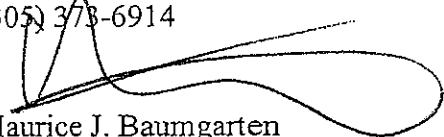
CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email and regular mail on May 16th, 2009 to: Ariadna Hernandez, Berger Singerman, Counsel for Receiver Michael I. Goldberg; 200 South Biscayne Boulevard, Suite 1000, Miami, Florida 33131; William Dufoe, Holland & Knight, LLP, 100 North Tampa Street, Suite 4100, Tampa, Florida 33602; and Deborah Poore Fitzgerald, Esq., Walton, Lantaff, Schroeder & Carson, LLP, Corporate Center, Suite 2000, 100 East Broward Boulevard, Fort Lauderdale, Florida 33301.

**ANANIA, BANDKLAYDER, BAUMGARTEN,
& TORRICELLA**

Attorneys for Plaintiffs
Bank of America Tower - Suite 4300
100 S.E. Second Street
Miami, Florida 33131
Tel: (305) 373-4900
Fax: (305) 373-6914

By:


Maurice J. Baumgarten
Florida Bar No. 525324

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

CASE NO: 08-79169 CA (09)

ALEX BISTRICER, as limited partner of GULF
ISLAND RESORT, L.P., and GULF
ISLAND RESORT, L.P.,

Plaintiffs,

vs.

**PLAINTIFFS' MOTION TO
RELEASE BOND TO PLAINTIFFS**

COASTAL REAL ESTATE ASSOCIATES, INC.,
a Florida corporation; BERMAN MORTGAGE
CORPORATION; DANA BERMAN; OCEANSIDE
ACQUISITIONS; LLC, a Florida limited liability
company; DBKN GULF INCORPORATED, a
Florida corporation; and STEVEN CARLYLE
CRONIG,

Defendants.

THE ORIGINAL
FILED ON:

FEB 27 2009

IN THE OFFICE OF
CIRCUIT COURT DADE CO. FL

ALEX BISTRICER ("Mr. Bistricer"), as limited partner of GULF ISLAND RESORT, L.P.,
and GULF ISLAND RESORT, L.P ("GIR LP")(collectively, "Plaintiffs"), by and through
undersigned counsel, hereby move for the entry of an Order releasing the *lis pendens* bond previously
deposited by Plaintiffs with the trial court in 2003 and, as grounds therefor, state as follows:

1. In this action, which was originally filed in March, 2003, Plaintiffs seek to quiet title to certain condominium units and land located at the Gulf Island Resort in Hudson, Florida.
2. On March 27, 2003, Plaintiffs filed a Notice of Lis Pendens ("*Lis Pendens*") in conjunction with the filing of this action.
3. By Order dated September 5, 2003, the trial court ordered Plaintiffs to post a *lis*

pendens bond (the "Bond"), and thereafter Plaintiffs posted a US\$100,000.00 bond in accordance therewith.

4. By Order dated May 9, 2007 (Exhibit A hereto), the trial court granted the motion of the Defendants in this action (who are represented in this action by James Gassenheimer, counsel for Receiver Michael I. Goldberg), to dissolve the *Lis Pendens* pursuant to Fla. Stat. §48.23, on the grounds that had been in effect more than one (1) year, had not been renewed and was not founded on a duly recorded instrument properly of record.

5. Furthermore, on January 18, 2007, the Defendants in this action voluntarily dismissed their claim against Plaintiffs for any damages that may have resulted from any wrongful filing of the *Lis Pendens*. See Exhibit B hereto, Defendants' Notice of dismissal Without Prejudice of Counts II-VI of Defendants' Counterclaims (in which Defendants dismissed their slander of title claim against Plaintiffs).

6. In view of the above, there is no longer any lawful basis for the Clerk of the Court to retain the Bond and accordingly, the Bond should be released to Plaintiffs.¹

WHEREFORE, Plaintiffs ALEX BISTRICER, as limited partner of GULF ISLAND RESORT, L.P., and GULF ISLAND RESORT, L.P., respectfully request that this Court enter an Order directing the Clerk of the Court to release the Bond to Plaintiffs together with any and all interest that has accrued thereon, and that this Court grant Plaintiffs such other and further relief as the Court may deem proper.

¹ By seeking release of the Bond, Plaintiffs do not waive their claim that the trial court abused its discretion in awarding title to the subject property to Defendants (based on an alleged discovery violation) and reserve their right to appeal that ruling when that ruling, which was not a final judgment, becomes ripe for appeal.

Respectfully submitted,

**ANANIA BANDKLAYDER BAUMGARTEN &
TORRICELLA**

Attorneys for Plaintiffs

Bank of America Tower, Suite 4300

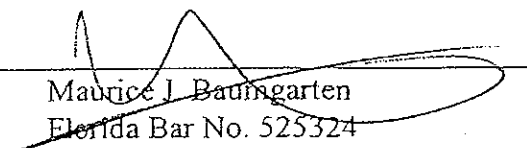
100 Southeast Second Street

Miami, Florida 33131

Telephone: (305) 373-4900

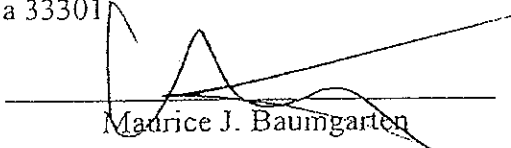
Facsimile: (305) 373-6914

By:


Maurice J. Baumgarten
Florida Bar No. 525324

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email and regular mail on February 22
2009 to: Ariadna Hernandez, Berger Singeman, Counsel for Receiver Michael I. Goldberg; William
Dufoe, Holland & Knight, LLP, 100 North Tampa Street, Suite 4100, Tampa, Florida 33602; and
Deborah Poore Fitzgerald, Esq., Walton, Lantaff, Schroeder & Carson, LLP, Corporate Center, Suite
2000, 100 East Broward Boulevard, Fort Lauderdale, Florida 33301


Maurice J. Baumgarten

IN THE CIRCUIT COURT OF THE
SIXTH JUDICIAL CIRCUIT IN AND
FOR PASCO COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO: 51-2003-CA -942ES

JUDGE: WAYNE L. COBB

ALEX BISTRICER, as limited
Partner of GULF ISLAND RESORT
L.P., et al.,

Plaintiffs/Counterclaim Defendants,

vs.

COASTAL REAL ESTATE ASSOCIATES,
INC., etc., et al.,

Defendants/Counterclaim Plaintiffs.

COASTAL REAL ESTATE ASSOCIATES,
INC., etc., et al.,

Defendants/Counterclaim Plaintiffs/
Third-Party Plaintiffs,

vs.

CANDY SMITH, etc., et al.,

Third-Party Defendants.

**ORDER ON
DEFENDANTS, OCEANSIDE ACQUISITIONS, LLC AND DBKN GULF
INCORPORATED'S, MOTION TO REMOVE/DISSOLVE LIS PENDENS**

This matter having come on before the Court on April 16, 2007, at 2:00 p.m., on Defendants, Oceanside Acquisitions, LLC and DBKN Gulf Incorporated's Motion to Remove/Dissolve Lis Pendens, and the Court having heard argument of counsel and being otherwise advised in the premises, it is



ORDERED AND ADJUDGED that:

1. Defendants Motion is GRANTED.
2. The Lis Pendens recorded by the Plaintiff in this action has been in effect for more than one year, has not been renewed and is not founded on a duly recorded instrument properly of record. The Lis Pendens is therefore discharged and dissolved pursuant to Section 48.23(2) and (3), Fla. Stat. (1993).

DONE AND ORDERED in Chambers, at Pasco County, Florida, this _____ day of

_____, 2007.

CIRCUIT JUDGE

SIGNED AND DATED
MAY - 9 2007
WAYNE L. COBB
CIRCUIT JUDGE

Copies furnished to:

ATTORNEYS FOR PLAINTIFFS/COUNTER-DEEDANT AND THIRD-PARTY DEFENDANTS

Maurice Baumgarten, Esquire

ANANIA, BANDKLAYDER, BLACKWELL, BAUMGARTEN, TORRICELLA & STEIN
Bank of America Tower - Suite 4300
100 SE 2nd St.
Miami, FL 33131

CO-COUNSEL FOR PLAINTIFFS/COUNTER-DEEDANT AND THIRD-PARTY DEFENDANTS

Charles L. Neustein, Esquire

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777 Arthur Godfrey Road, 2nd Flr.
Miami Beach, FL 33140

Scott A. McLaren, Esquire

HILL, WARD AND HENDERSON, P.A.
101 East Kennedy Boulevard, Suite 3700
Tampa, FL 33602

ATTORNEYS FOR DEFENDANT STEVEN CARLYLE CRONIG

Deborah Poore Fitzgerald, Esquire

WALTON LANTAFF, SCHROEDER & CARSON, LLP
Corporate Center - Suite 2000
100 E. Broward Blvd.
Ft. Lauderdale, FL 33301-3503

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA AND IN AND FOR PASCO COUNTY
CIVIL DIVISION

ALEX BISTRICER, as limited partner of GULF
ISLAND RESORT, L.P., and GULF ISLAND
RESORT, L.P.

Plaintiffs/Counterclaim Defendants,

vs.

CASE NO.: 51-2003-CA-942ES

COASTAL REAL ESTATE ASSOCIATES, INC.,
a Florida corporation; BERMAN MORTGAGE
CORPORATION; DANA BERMAN; OCEANSIDE
ACQUISITIONS, LLC, a Florida limited liability
company; DBKN GULF INCORPORATED, a
Florida corporation; and STEVEN CARLYLE
CRONIG,

DIVISION: B

Defendants/Counterclaim Plaintiffs.

COASTAL REAL ESTATE ASSOCIATES,
INC., a Florida corporation, BERMAN
MORTGAGE CORPORATION, a Florida
corporation; OCEANSIDE ACQUISITIONS,
LLC, a Florida limited liability company;
and DBKN GULF INCORPORATED, a
Florida corporation,

Defendants/Counterclaim Plaintiffs/
Third-Party Plaintiffs.

vs.

CANDY SMITH, an individual, and
BARRY PEDERSEN, an individual, and ALL
UNKNOWN PARTIES IN INTEREST,

Third-Party Defendants.

DEFENDANTS' NOTICE OF DISMISSAL WITHOUT PREJUDICE OF COUNTS II-VI
OF DEFENDANTS' COUNTERCLAIMS



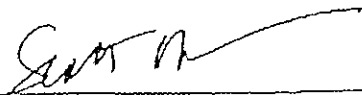
Pursuant to the Florida Rules of Civil Procedure, Defendants, COASTAL REAL ESTATE ASSOCIATES, INC., BERMAN MORTGAGE CORPORATION, DANA BERMAN, OCCEANSIDE ACQUISITIONS, LLC, and DBKN GULF INCORPORATED (collectively "the Coastal/Berman Defendants"), hereby dismiss without prejudice the following counterclaims against Plaintiffs listed in response to Plaintiffs' Second Amended Complaint:

1. Count II (Slander of Title)
2. Count III (Tortious Interference with Contract)
3. Count IV (Tortious Interference with Business Relations)
4. Count V (Claim in the Alternative for Unjust Enrichment)
5. Count VI (Claim in the Alternative for Equitable Lien)

Each party is to bear its own fees and costs with respect to the above-referenced counterclaims, although Coastal/Berman Defendants are pursuing costs and attorneys fees (as appropriate) with respect to other claims between the parties.

Dated this 18th day of January, 2007.


Respectfully submitted,



Scott A. McLaren
Florida Bar No. 414816
Eric E. Page
Florida Bar No. 905291
HILL, WARD & HENDERSON, P.A.
P. O. Box 2231
Tampa, Florida 33601
(813) 221-3900 Business
(813) 221-2900 Facsimile
Attorneys for Defendants/Counterclaim
Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Defendants' Notice of Dismissal Without Prejudice of Counts II-VI of Defendants' Counterclaims has been served via U.S. Mail and facsimile to: **Maurice J. Baumgarten, Esquire**, Anania, Bandklayder, Blackwell, Baumgarten, Torricella & Stein, Bank of America Tower – Suite 4300, 100 S.E. Second Street, Miami, Florida 33131, **P. Hutchison Brock, II, Esquire**, Johnson, Auvil, Brock & Wilson, P.A., P. O. Box 2337, Dade City, Florida 33526-2337, **William H. Bartlett, Esquire**, Fisher & Sauls, P.A., 100 Second Avenue South, City Center Suite 701, St. Petersburg, Florida 33701, **Robert Lang, Esquire**, Holland & Knight, LLP, P.O. Box 1288, Tampa, Florida 33601, **Deborah Poore Fitzgerald, Esquire**, Walton Lantaff Schroeder & Carson, 110 E. Broward Blvd., Suite 2000, Fort Lauderdale, Florida 33301-3503, **Peter Valori, Esquire**, Damian & Valori, LLP, 120 Brickell Avenue, Suite 950, Miami, Florida 33131; and **Charles L. Neustein, Esquire**, Charles L. Neustein, P.A., 777 Arthur Godfrey Road, Second Floor, Miami Beach, Florida 33140, on this 18th day of January, 2007.



Attorney