

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/Appellants,

vs.

NOTICE OF APPEAL

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/Appellees,

NOTICE IS GIVEN that the Plaintiffs/Appellants ALEX BISTRICER, as limited partner of GULF ISLAND RESORT, L.P., and GULF ISLAND RESORT, L.P. (collectively, "Appellants"), appeal to the District Court of Appeal for the Third District of Florida the order of this Court rendered on October 9, 2009 ("Oct. 9, 2009 Order"). A conformed copy of the October 9, 2009 Order is attached hereto.

The nature of the order is a final order dated October 9, 2009, granting summary final judgment in favor of Defendants/Appellees, Oceanside Acquisitions, LLC ("Oceanside"), DBKN Gulf Incorporated ("DBKN"), and Steven Carlyle Cronig with respect to Counts III and IV of the Third Amended Complaint. Because said Oct. 9, 2009 Order disposed of all the remaining claims against Oceanside and DBKN, said Oct. 9, 2009 Order also has caused the May 18, 2007 "Revised

Partial Final Judgment on Action to Quiet Title” entered by Judge Wayne L. Cobb in favor of Oceanside and DBKN with respect to Count I (Quiet Title) of the Second Amended Complaint (“May 18, 2007 Order”) to become an appealable final judgment as of October 9, 2009.¹ Appellants hereby appeal to the District Court of Appeal for the Third District of Florida the May 18, 2007 Order. A conformed copy of the May 18, 2007 Order also is attached hereto.

As part of their appeal, Appellants reserve the right to appeal any and all interlocutory orders entered by the trial court including, but in no way limited to, the trial court’s order dated September 1, 2009 granting the Motion of Receiver Michael Goldberg to Sell the Property of Oceanside Acquisitions, LLC Free and Clear of Liens, Claims, and Encumbrances, and the August 30, 2006 Order Granting Defendants’ Motion for Contempt and Sanctions.

Respectfully submitted,

**ANANIA BANDKLAYDER BAUMGARTEN &
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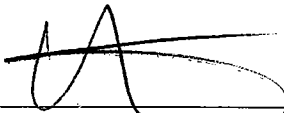
By: _____


Maurice J. Baumgarten
Florida Bar No. 525324

¹ This action originally was pending before Judge Wayne L. Cobb in the Pasco County Circuit Court as Case No. 51-2003-CA-942 ES. The case before Judge Cobb was transferred to the Miami-Dade County Circuit Court on December 22, 2008 where it was assigned Case No. 08-79169.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email and regular mail on November 3rd, 2009 to: Ariadna Hernandez, Berger Singerman, 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 ELEVENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR MIAMI-DADE COUNTY
CIVIL DIVISION

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.)

CASE NO.: 08-79169 CA (09)

**SUMMARY FINAL JUDGMENT IN FAVOR OF OCEANSIDE AND DBKN AS TO
COUNTS III AND IV AND IN FAVOR OF STEVEN CARLYLE CRONIG AS TO
COUNT III**

This matter came before the Court on September 15, 2009, on Receiver's Motion for Summary Judgment in Favor of Oceanside and DBKN (the "Receiver's Motion") and Steven Carlyle Cronig's Motion for Summary Judgment as to Count III ("Cronig's Motion"). The Receiver's Motion requested the entry of a final summary judgment in favor of Oceanside Acquisitions, LLC ("Oceanside") and DBKN Gulf Incorporated ("DBKN") as to Counts III (conspiracy) and IV (civil theft) of Plaintiffs' Third Revised Amended Complaint (the "Complaint"). Cronig's Motion requested the entry of a final summary judgment in favor of Steven Carlyle Cronig ("Cronig") as to Count III. All claims other than those asserted in Counts III and IV have been adjudicated and disposed of by previous orders of the Court.

The Court has reviewed the motions and the record, including the exhibits filed by the parties, and has considered the arguments of counsel. The

Court finds that there are no genuine issues of material fact as to the claims asserted in Counts III and IV of the Complaint, and that Oceanside, DBKN, and Cronig are entitled to judgment as a matter of law. It is, therefore,

ORDERED AND ADJUDGED as follows:

1. The Receiver's Motion and Cronig's Motion are hereby GRANTED.
2. Plaintiffs, Alex Bistricher, as limited partner of Gulf Island Resort, L.P., and Gulf Island Resort, L.P., shall take nothing by this action.
3. Defendants, Oceanside, DBKN, and Cronig, shall go hence without day.
4. The Court reserves jurisdiction to tax costs and attorney fees upon appropriate motion.

-DONE AND ORDERED in chambers at Miami, Dade County, Florida, this

___ day of _____, 2009.

Confirmed Copy

OCT 09 2009

Thomas S. Wilson, Jr.
Circuit Court Judge

THOMAS R. WILSON, JR.
CIRCUIT COURT JUDGE

Copies furnished to:

Counsel of Record
Receivership Website

RECORDING; SEE BODY
FOR SPECIFIC PARTIES

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.



FILED FOR RECORD
PASCO COUNTY, FLORIDA
2007 MAY 18 PM 5:28
JED PITTMAN CLERK OF CIRCUIT
AND SIXTH JUDICIAL CIRCUIT

JED PITTMAN, PASCO COUNTY CLERK
06/27/07 03:07pm 1 of 3
OR BK 7549 PG 1613

REVISED PARTIAL FINAL JUDGEMENT ON ACTION TO QUIET TITLE

This action was tried before the Court. Matters arose during trial, which resulted in an Evidentiary Hearing on August 8, 2006, upon a Motion for Contempt and Sanctions. This Court granted Defendants' Motion for Contempt and Sanctions in an Order dated August 30, 2006. Therefore, pursuant to Defendants, *PC* Oceanside



Acquisitions, LLC) and (DBKN Gulf Incorporated's,) Motion for Entry of Final Judgment
as to Quiet Title and Slander of Title Actions, it is

OR BK **7549** PG **1614**
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ADJUDGED that:

1. Good and marketable title to Units 104-A, 105-A, 111-A, 202-A, 210-A, 301-A, 302-A, 308-A, 311-A, 401-A, 406-A, 408-A, 510-A, 601-A, 704-A, 706-A, 803-A, and 804-A, of GULF ISLAND BEACH AND TENNIS CLUB I, A CONDOMINIUM, according to the Declaration of Condominium thereof filed for record in Official Records Book 1381, at Page 992, of the Public Records of Pasco County, Florida, together with all dock spaces, parking spaces and other limited common elements appurtenant thereto, and Condominium Unit 201-W of GULF ISLAND BEACH AND TENNIS CLUB II, A CONDOMINIUM, according to the Declaration of Condominium thereof filed for record in Official Records Book 3300, at Page 208, of the Public Records of Pasco County, Florida, is quieted in favor of Oceanside Acquisitions, LLC, which shall be entitled to immediate possession thereon.

2. Good and marketable title to the property known as, SECTION 32, TOWNSHIP 24 SOUTH, RANGE 16 EAST, Pasco County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northeast one-quarter (1/4) of Section 33, Township 24 South, Range 16 East; thence 89° 36' 30" West a distance of 3170.03 feet to the POINT OF BEGINNING; thence run due South a distance of 883.80 feet; thence run South 83° 03' 23" West a distance of 33.41 feet; thence run South 08° 30' 58" East a distance of 319.09 feet; thence run South 03° 00' 00" West a distance of 5.63 feet; thence run North 87° 00' 00" West a distance of 91.87 feet; thence run South 03° 00' 00" a distance of 134.74 feet; thence run South 89° 29' 25" West a distance of 175.92 feet; thence run due North a distance of 1341.45 feet; and thence run North 89° 36' 30" East a distance of 287.99 feet to the POINT OF BEGINNING.

Is quieted in favor of DBKN Gulf Incorporated and said Defendant shall be entitled to immediate possession of the subject property and entry thereon.

3. This Court retains jurisdiction over this action to award attorney's fees and costs pursuant to Defendant's pending Motion for Attorney's Fees and Costs.

DONE AND ORDERED in Chambers, at Pasco County, Florida, this 18 day of

May 2007.

[Handwritten Signature]
CIRCUIT JUDGE

Copies furnished to:

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OR BK 7549 PG 1615
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D ALEX BISTRICER, derivatively as limited partner of GULF ISLAND RESORT, L.P., and derivatively as shareholder of GULF ISLAND RESORT, INC.,
L

PARTIES TO FJ PER ATTY.
JAMES GASSENHEIMER. 6-27-07
LDS