

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

GENERAL JURISDICTION DIVISION

Case No. 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,
v BERMAN MROTGAGE
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 16 2010
IN THE OFFICE OF
CIRCUIT COURT DADE CO., FL

RECEIVER'S MOTION TO ALLOW WITNESSES TO APPEAR TELEPHONICALLY

Michael I. Goldberg, as Receiver over the Defendants and Relief Defendant, Oceanside Acquisitions, LLC by and through their undersigned counsel, hereby moves the Court for an order allowing the following witnesses to appear and testify telephonically at the evidentiary hearing scheduled for April 28, 2010¹ and in support hereof states:

1. After an evidentiary hearing, on September 1, 2009, this Court (Judge Wilson) granted the Receiver's Motion to Sell the Property of Relief Defendant, Oceanside Acquisitions, LLC

¹ RECEIVER'S MOTION FOR AN ORDER APPROVING THE RECEIVER'S EXECUTION OF SALES CONTRACTS FOR THE SALE OF TWO CONDOMINIUM UNITS OWNED BY RELIEF DEFENDANT, OCEANSIDE ACQUISITIONS, LLC

PLAINTIFF'S MOTION TO STAY ORDER DATED SEPTEMBER 1, 2009 PENDING APPEAL (Motion filed in Miami-Dade County Circuit Court Case No. 08-79168-CA-09 - *Bistricher v. Coastal*)

("Oceanside") free and clear of liens and gave the Receiver the discretion to enter into sales contracts for the sale of condominium units owned by Oceanside.

2. Pursuant to the authority of the Receivership Court, the Receiver entered into contracts for the sale of condominium units 601 and 706A to Sunwest Investments, LLC. Consequently, the Receiver filed his Motion for an Order Approving the Receiver's Execution of the Sales Contracts, which is the subject of the hearing before this Court to take place on April 28, 2010.

3. Alex Bistricher, as Limited Partner of Gulf Island Resort, L.P. challenged the transfer of the units to Oceanside in a quiet title action which was transferred to the Receivership Court from Pasco County, which action was resolved in favor of Oceanside by this Court. Bistricher has sought to appeal the judgments issued in the underlying quiet title action and to stay this Court's September 1, 2009 Order allowing the Receiver to Sell the Oceanside Units Free and Clear of Liens. Bistricher's motion to stay the Order is also the subject of the hearing before this Court.

4. Among the issues to be determined by this Court are the propriety of staying the Court's Order, and whether such stay should be conditioned on the posting of a bond by Bistricher.

5. The Receiver seeks to present the testimony of the following witnesses telephonically to avoid the witnesses incurring the hardship and expense of travelling to this jurisdiction from Pasco County, Florida. The Receivership has limited assets relating to the Oceanside project and cannot afford to pay for the witnesses to travel to Miami, Florida for the hearing.

6. Allowing the witnesses to testify telephonically will not prejudice any of the parties in this case.

7. The Receiver respectfully requests this Court's approval to take the telephonic testimony of:

- **Claudia Traywick** of Coastal Real Estate Associates, Inc. (Hudson, FL). Ms. Traywick is familiar with the history of the subject property and comparable sales for the units;

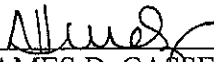
- A representative of the proposed buyer of the two Oceanside units, **Sunwest Investments LLC** who is familiar with the contracts for the sale of the units at issue; and
- A representative of the **Gulf Island Beach and Tennis Club Condominium Association, Inc.**, which is the Condominium Association for the subject property, who will be questioned regarding the condition of the property and hardships faced by the condominium association due to outstanding assessments and the inability to market the subject units.

WHEREFORE, the Receiver, Michael I. Goldberg, as Receiver over Oceanside Acquisitions, LLC, requests this Court to enter an order allowing the witnesses to testify telephonically and for such additional relief deemed necessary and proper by this Court.

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 15th day of April, 2010, to the attached Service List.

Respectfully submitted,

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cc: The Honorable Jerald Bagley (via U.S. Mail)
 Michael Goldberg, Esq., as Receiver (via e-mail)
 The Investor(s)/Lender(s) Group (via e-mail)
 Posted to the Berman Mortgage Website
 Jeannie Reporting (via e-mail)