

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA, OFFICE OF FINANCIAL
REGULATION,

CASE NO.: 07-43672 CA 09

Plaintiff,

v.

BERMAN MORTGAGE CORPORATION, a
Florida corporation, M.A.M.C.
INCORPORATED, a Florida corporation, DANA
J. BERMAN, as Owner and Managing Member,

Defendant.

and,

DB ATLANTA, LLC, a Florida Limited Liability
Company, et al.,

Relief Defendants.

THE ORIGINAL
FILED ON:

JUN - 2 2010

IN THE OFFICE OF
CIRCUIT COURT DADE CO., FL

**RECEIVER'S NOTICE OF JOINDER IN MOTION FOR COURT TO DETERMINE
WHETHER AXIS SURPLUS INSURANCE COMPANY MAY PROCEED
WITH DECLARATORY JUDGMENT ACTION**

Michael I. Goldberg, as Court Appointed Receiver over Defendants Berman Mortgage Corporation, M.A.M.C. Incorporated, et al., and Relief Defendants DB Atlanta LLC, et al., (the "Receiver") files this Notice of Joinder in Jerilynn Gidney's ("Gidney's") Motion for Court to Determine Whether Axis Surplus Insurance Company May Proceed With Declaratory Judgment Action and states:

1. The Receiver hereby files his Notice of Joinder with Gidney's Motion For Court to Determine Whether Axis Surplus Insurance Company May Proceed With Declaratory Judgment Action and incorporates same as if more fully set forth herein.

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

WHEREFORE, the Receiver respectfully requests that this Court enter an Order dismissing Axis's state court-filed Declaratory Judgment action (Case No.: 10-11393 CA (10)) with prejudice, and award such further relief as this Court deems just and proper.

Respectfully submitted,

BERGER SINGERMAN
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Telephone: (305) 755-9500
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By: _____

~~JAMES D. GASSENHEIMER~~
~~Florida Bar No. 959987~~
~~jgassenheimer@bergersingerman.com~~

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished via U.S. Mail and/or electronic mail to all parties on the attached Service List on this 2nd day of June, 2010.

By: 

JAMES D. GASSENHEIMER

Florida Bar No. 959987

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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

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