

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

STATE OF FLORIDA, OFFICE OF  
FINANCIAL REGULATION,

CASE NO.: 07-43672 CA 09

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.

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**NOTICE OF APPEAL**

NOTICE IS GIVEN that ALEX BISTRICER, as limited partner of GULF ISLAND RESORT, L.P., and GULF ISLAND RESORT, L.P. ("GIR") (collectively, "Appellants"), appeal to the District Court of Appeal for the Third District of Florida the order of this Court rendered on July 30, 2010, entitled "Order Granting the 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" ("Order"). A conformed copy of the Order is attached hereto.

The Order is a final order dated July 30, 2010, granting the Motion of Michael I. Goldberg, the Receiver appointed by the court for Receivership Defendant Oceanside

Acquisitions, LLC (“Oceanside”), over the objections of Appellants, to sell two condominium units located in Building I at the Gulf Island Resort in Hudson, Florida (the “Subject Units”) to Anthony Linville. The Subject Units are currently titled in the name of Oceanside. However, Appellants claim that GIR is the rightful owner of the Subject Units, and that claim currently is the subject of an appeal pending before the Third District Court of Appeal in Case No. 3D09-30022, *Alex Bistricher, as limited partner of Gulf Island Resort, L.P., and Gulf Island Resort, L.P. 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.*

The Order is reviewable pursuant to Fla. R. App. Proc. 9.130(a)(3)(C)(ii), as an order providing for the right to immediate possession of property. *Arzuman v. Saud*, 964 So. 2d 809 (Fla. 4<sup>th</sup> DCA 2007).

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was sent via regular mail on August 2, 2010 to: all  
counsel on the attached service list.

  
\_\_\_\_\_  
Maurice J. Baumgarten

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STATE OF FLORIDA, OFFICE OF  
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CASE NO.: 07-43672 CA 09

Plaintiff,

vs.

BERMAN MORTGAGE CORPORATION,  
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company, et al.,

Relief Defendants.

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**ORDER GRANTING THE 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**

**THIS MATTER** comes before the Court on the Motion of the Receiver for a Court Order Approving the Receiver's Execution of Sales Contracts for the Sale of Two Condominium Units Owned by Relief Defendant, Oceanside Acquisitions, LLC, pursuant to this Court's Order Granting Receiver, Michael I. Goldberg's Motion to Sell the Property of Oceanside Acquisitions, LLC (the "Motion"), for an evidentiary hearing on Friday, July 2, 2010 at 8:30 am followed by a hearing to issue ruling on July 12, 2010 at 8:30 am, and the Court having considered the

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pleadings filed with the Court, the documents received in evidence and the testimony of the witnesses, it is:

**ORDERED AND ADJUDGED** as follows:

1. For the reasons stated in open Court on July 12, 2010, the Motion is GRANTED. As a result of the Court denying the Motion of Alex Bistricher as limited partner of Gulf Island Resort LP for stay pending appeal of this Court’s Order of September 1, 2009, in case no. 08-79619 CA (09), this ruling is without prejudice for Gulf Island Resort, L.P. (“GIR”) to seek a stay of this Court’s Order granting the Motion from the Third District Court of Appeal.

2. GIR shall have the right to seek a stay of this Court’s Order granting the Motion from the Third District Court of Appeal on or before August 6, 2010. If a timely motion for stay is filed with the Third District Court of Appeal, the sale which is the subject of the Motion shall be stayed pending a ruling from the Third District Court of Appeal. If the request for a stay is denied by the Third District Court of Appeal, the sale which is the subject of the Motion may proceed without further order of this Court.

**DONE AND ORDERED** in Chambers at Miami, Miami-Dade County, Florida, on this \_\_\_\_\_ day of July, 2010.

Conformed Copy

JUL 30 2010

\_\_\_\_\_  
THE HONORABLE JERALD BAGLEY  
CIRCUIT COURT JUDGE

Copies furnished to:

- Counsel of Record
- Michael Goldberg, as Court Appointed Receiver
- Posted to Receivership Website
- E-Mail Distribution to Lenders/Investors

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