

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

CASE NO: 07-43672 CA (09)

STATE OF FLORIDA., OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

vs.

BERMAN MORTGAGE CORPORATION,
et al,

Defendants.

MOTION FOR RESCHEDULING OF HEARINGS

ALEX BISTRICER ("Mr. Bistricer"), as limited partner of GULF ISLAND RESORT, L.P., and GULF ISLAND RESORT, L.P. ("GIR LP") (collectively "GIR), hereby respectfully request that the Court reschedule to a later date the hearings that are scheduled to take place on February 11, 2011 in this matter, concerning the Receivers' motion for an order approving the Receiver's execution of three current and additional future contracts for the sale of condominium units that area currently titled in the name of Oceanside Acquisitions, LLC ("Oceanside") but which GIR LP contends it still owns (the "Subject Units"). In support thereof, GIR states as follows:

1. The Receiver has scheduled hearings for February 11, 2011 on motions to approve the sale of three of the Subject Units and to approve all future sales of the Subject Units.

2. On February 7, 2011, oral argument is scheduled to take place before the Third District Court of Appeal in Case No. 3D09-3002, in which the Third DCA will consider GIR's appeal from the prior order of J. Cobb determining that the Subject Units should be titled in the name

of Oceanside based on alleged discovery violations by GIR in prior litigation between GIR and Oceanside.

3. In addition, on March 1, 2011, the Third DCA is scheduled to conduct an oral argument in Case No. 3D10-2047, in which the Third DCA will consider the propriety of this Court's July 30, 2010 Order, authorizing the Receiver's prior sale of three of the Subject Units, given the pendency of GIR LP's claim that it still owns those Units.

4. In view of the pendency of those appeals, GIR submits that it would be a more appropriate use of judicial resources if the Court were to reschedule the hearing authorizing further sales by the Receiver of the Subject Units until after the Third DCA: (a) determines that the Subject Units were properly titled in the name of Oceanside; or (b) determines that the Receiver is authorized to sell the Subject Units, notwithstanding the pendency of GIR LP's claim that it still owns those Units.

Respectfully submitted,

**ANANIA, BANDKLAYDER,
BAUMGARTEN & TORRICELLA**

Attorneys for GIR

Miami Tower - Suite 4300

100 S.E. Second Street

Miami, Florida 33131

Tel: (305) 373-4900

Fax: (305) 373-6914

By: 

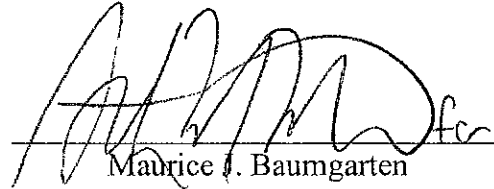
Maurice J. Baumgarten

Florida Bar No. 525324

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email and regular mail on January 28th, 2011

to: James Gassenheimer, Berger Singerman, Counsel for Receiver Michael I. Goldberg; 200 South Biscayne Boulevard, Suite 1000, Miami, Florida 33131.


Maurice J. Baumgarten