

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

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

vs.

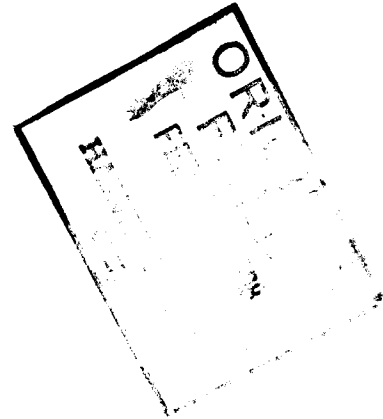
BERMAN MORTGAGE CORPORATION,
a Florida corporation, M.A.M.C.
INCORPORATED, a Florida corporation,
DANA J. BERMAN, as Owner and Managing
Member,

Defendants,

and,

DB ATLANTA, LLC, a Florida limited liability
company, et al...

Relief Defendants.



**RECEIVER'S MEMORANDUM IN OPPOSITION TO USA FUNDING
MORTGAGE INC.'S MOTION FOR RECEIVER TO PROVIDE LEGAL
DESCRIPTION OF ANY AND ALL PROPERTIES UNDER A SALES CONTRACT**

Receiver, Michael Goldberg, by and through undersigned counsel, hereby responds to
*USA Funding Mortgage Inc.'s Motion for Receiver to Provide Legal Description of Any and All
Properties Under a Sales Contract*, and as grounds therefore states:

1. USA Funding Mortgage, Inc. by virtue of a pre-petition agreement is entitled to
be paid the sum of \$162,000.00 plus interest from December 13, 2007 to the date of payment at
the State of Florida judgment rate, from the sales proceeds of M.A.M.C. Incorporated's interest

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in Bayside Lenders, LLC's assets. These are the assets formally owned by Bayview Apartments, LLC.

2. USA Funding Mortgage, Inc. seeks an Order from the Court directing the Receiver to either acknowledge a judgment lien payable to USA Funding Mortgage, Inc. from any future sale of property; or provide the legal description to USA Funding Mortgage, Inc. of property Berman or its affiliates under contract for sale.

3. The requested relief of USA Funding Mortgage, Inc. seeks to obtain a priority within the Receivership Court to which it is not otherwise authorized and entitled and for which it cites no legal authority to create a priority claim.

4. Alternatively, it asks the Receiver to comply with the discovery requests without a discovery request having been made.

5. The Court does not have the authority to grant any of the relief requested by USA Funding Mortgage, Inc., and should therefore deny the motion.

6. USA Funding Mortgage, Inc. is a judgment creditor within the Receivership case and should be required to await payment as is any other judgment creditor within the case.

WHEREFORE, the Receiver moves this Honorable Court for the granting of this motion for the reasons set forth herein, and for such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and U.S. Mail on this **25th day of February 2008**, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2nd Avenue, Suite N-708, Miami, Florida 33128; to **Alan M. Sandler, Esquire, Counsel for**

Defendants, Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer SD IRA and Mary Joe Meyer Roth IRA, of SANDLER & SANDLER, 117 Aragon Avenue, Coral Gables, Florida 33134; to Allan A. Joseph, Esquire, Counsel for The Amid Companies and Amedia Family Investors, DAVID AND JOSEPH, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; to Richard R. Robles, Esquire, LAW OFFICES OF RICHARD ROBLES, P.A., Counsel for the Four Ambassadors Association, Inc., 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; and to Lawrence M. Shoot, Esquire, Attorney for USA Funding Mortgage, Inc., 4830 SW 92nd Avenue, Miami, Florida 33165.

Respectfully submitted,

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By: 

JAMES D. GASSENHEIMER
Florida Bar No. 959987

cc: The Honorable Thomas Wilson, Jr. *(via hand-delivery)*
Daniel Kaplan, Esq. *(via Fax and U.S. Mail)*
Michael Goldberg, Esq., as Receiver *(via email)*
The Group of Lenders *(via email)*

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