

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.

THE ORIGINAL
FILED ON:
MAR 10 2008
IN THE OFFICE OF
CIRCUIT COURT DADE CO FL

**RECEIVER'S EMERGENCY MOTION FOR COURT APPROVAL
OF RECEIVER'S CONTRACT WITH THE ALEX N. SILL
COMPANY LOSS CONSULTANTS AND APPRAISERS AGREEMENT**

Receiver, Michael Goldberg, by and through undersigned counsel, files this Motion for an Order *Approving the attached Loss Consultants and Appraisers Agreement between the Receiver and Alex N. Sill*, and as grounds therefore states:

1. Michael Goldberg acts as State Court Appointed Receiver for the Defendants and Relief Defendants.

2. Three of the Relief Defendants, DB Biloxi, LLC, DB Biloxi II, LLC and DB Biloxi, III, LLC, have pending litigation against Landmark Insurance with respect to certain hurricane losses.

3. Alex N. Sill Company was the appraiser retained by these Relieved Defendants to assess the losses.

4. Alex N. Sill Company has requested that Michael Goldberg, as Receiver, approve and ratify the agreements previously entered into between Alex N. Sill and the Relieved Defendants, DB Biloxi, LLC, DB Biloxi II, LLC and DB Biloxi, III, LLC.

5. The Receiver recommends the approval of the agreement as the work of Alex N. Sill Company was and remains essential to the State Court litigation adverse to the insurance company, which is pending trial.

WHEREFORE, the Receiver moves this Court for the aforementioned relief, including ratification of the attached agreement and all prior agreements entered into between Alex N. Sill Company and Relief Defendants, DB Biloxi, LLC, DB Biloxi, II, LLC, and DB Biloxi, III, LLC, and for such other relief as the Court deems just and appropriate to complete the intended purpose of the motion.

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 **10th day of March 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 **Daniel Kaplan, Esquire, Counsel for Deborah A. Berman**, at the LAW OFFICES OF DANIEL KAPLAN, P.A., Turnberry Plaza, Suite 600, 2875 N.E. 191st Street, Aventura, Florida 33180.

Respectfully submitted,

BERGER SINGERMAN
Attorneys for the Receiver, Michael I. Goldberg
200 South Biscayne Boulevard, Suite 1000
Miami, Florida 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By:  For

JAMES D. GASSENHEIMER
Florida Bar No. 959987

cc: The Honorable Thomas Wilson, Jr. *(via hand-delivery)*
Michael Goldberg, Esq., as Receiver *(via email)*
The Group of Lenders *(via email)*
Jerome W. Cook, Esq. *(via Facsimile & US Mail)*

983582-1

McDonald Hopkins

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March 7, 2008

Via Facsimile #954-463-2224 and U.S. Mail
Michael I. Goldberg, Esq.
Akerman Senterfitt
350 East Las Olas Boulevard, Suite 1600
Fort Lauderdale, FL 33301

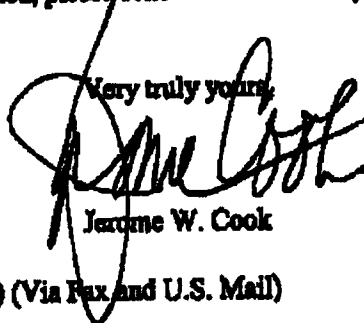
Re: **State of Florida, Office of Financial Regulation v. Berman Mortgage Corporation, et al.**
Reaffirmation of Professional Services Contract with The Alex N. Sill Company

Dear Mr. Goldberg:

I spoke with Robert Parks and he informed me that you are now aware of the important role that the professional services of The Alex N. Sill Company ("Sill") has and continues to contribute to the effort to recover insurance proceeds relative to losses suffered at Edgewater Garden Apartments, Le Chateau Condominium HOA and Oakwood Apartments. For your convenience, I have attached the Loss Consultants and Appraisers Agreement Form and the Fee Schedule.

It is my understanding that you will be presenting a motion to the Court in the above-referenced matter in order to obtain an order reaffirming Sill's Loss Consultants and Appraisers Agreement Form and the Fee Schedule. Please confirm this by letter and copy me on any filing. When the Order is obtained, please send me a time-stamped copy for my file. Thank you.

Very truly yours,



Jerome W. Cook

Encl.

cc: Robert L. Parks, Esq. (w/encs.) (Via Fax and U.S. Mail)
Jack Kuzz
Larry Sheldon

MH

SEP -21 05 (WED) 13:31

BERMAN MGT.

TEL:305 358 5160

P.004/

FROM: ALEX N. SILL

FORM NO. : 216-328-5149

SEP. 21 2005 06:17PM PJ

SILL

- Building
- Business Interruption

ALEX N. SILL COMPANY
 Loss Consultants and Appraisers
AGREEMENT FORM

To Insurance Companies and Whom It May Concern:

The undersigned, _____, on behalf of
 The Berman Group, ("Insured") agree(s) to employ the Alex N. Sill Company ("Sill
 Company") to assist in the preparation of claim(s) for losses caused by hurricane, occurring on
 August 29, 2005, and located at:

1. DB Biloxi, LLC, DBA Edgewater Garden Apartments, 2660 Beach Boulevard, Biloxi,
 Mississippi ("Claim");
2. DB Biloxi II, LLC, DBA Le Chateau Condominium HOA, 1994 Beach Boulevard,
 Biloxi, Mississippi ("Claim"); and
3. DB Biloxi III, LLC, DBA Oakwood Apartments, 1664 Beach Boulevard, Biloxi,
 Mississippi ("Claim").

I (We) agree to pay for such services and hereby assign and conveys (per attached Fee
 Schedule) % of the total proceeds relating to the Claim(s) including salvage and advances,
 however recovered and whatever paid by the Insurance Company(ies), or as otherwise
 recovered.

ACCEPTED BY /
 ALEX N. SILL COMPANY

By: _____
 Title: _____
 Date: 9/21/05

ACCEPTED BY/
 THE BERMAN GROUP

By: _____
 Title: CFO
 Date: 9/21/05

* Fee Schedule to be applied to all 3 claims referred to above
 in the aggregate.

**FEE SCHEDULE
for
THE BERMAN GROUP**

TOTAL RECOVERY	FEE %
500,000 or Less	10.00%
1,750,000	4.32%
3,000,000	3.38%
4,250,000	2.99%
5,500,000	2.77%
6,750,000	2.64%
8,000,000	2.55%
9,250,000	2.48%
10,500,000	2.43%
11,750,000	2.39%
13,000,000	2.36%
14,250,000	2.33%
15,500,000	2.31%
16,750,000	2.29%
18,000,000	2.27%
19,250,000	2.25%
20,000,000 or More	2.25%

The total fee due the SMI Company will be the amount produced by multiplying the total recovery by the percentage closest to that amount in the scale above and is totally inclusive of all costs and expenses the SMI Company incurs in the adjustment of the claim. Proceeds recovered before the approximate total recovery is known will be billed at 2.43%.

The prospective client hereby agrees that the fee schedule and literature provided are for the prospective client's sole use and agree not to copy or distribute this information to anyone other than its financial advisor or legal counsel.


Accepted by Alex N. SMI Company


Accepted by Insured

8/24/08
Date

7/21/08
Date