

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,

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.

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**RECEIVER'S MOTION FOR ENTRY OF A DUPLICATE ORDER  
APPROVING THE SALE OF UNIT 401 AT  
GULF ISLAND BEACH AND TENNIS CLUB**

Michael I. Goldberg, the receiver (the "Receiver") for Defendants Berman Mortgage Corporation ("BMC"), M.A.M.C. Incorporated ("MAMC"), and Relief Defendants DB Atlanta, LLC, *et al.*, hereby files this Motion for Entry of a Duplicate Order Approving the Sale of Unit 401 at Gulf Island Beach and Tennis Club (the "Motion"). In support, the Receiver states as follows:

1. On December 12, 2012, upon the Unopposed *Ex Parte* Motion for Entry of an Order Approving the Sale of Unit 401 at Gulf Island Beach and Tennis Club (the "Sale Motion"),

this Court entered an Order granting the Sale Motion (the "Sale Order"). A true and correct conformed copy of the Sale Order is attached hereto as Exhibit 1.

2. The closing agent has requested a certified copy of the Sale Order. However, despite multiple efforts, the Receiver has not been able to obtain a certified copy of the Sale Order. Based on conversations with the Clerk's office and with the judge's Judicial Assistant, no one has located Volume 31 of the case file (which should contain the original Sale Order).


3. Although the Receiver is in possession of a confirmed copy of the Sale Order, the Clerk's office will only provide a certified copy of the original order.

4. Without the certified copy, the closing agent has not been able to complete the sale or disburse the proceeds of the sale to the Receiver. As a result, the Receiver seeks the entry of a duplicate original Sale Order in the form attached hereto as Exhibit 2.

**WHEREFORE**, Michael I. Goldberg, in his capacity as Receiver of Berman Mortgage, MAMC and related entities, respectfully request this Court enter a duplicate original sale order and to grant such further relief as is just and proper.

Respectfully submitted,

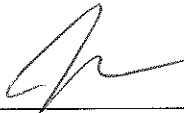
**AKERMAN SENTERFITT**  
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Email: joan.levit@akerman.com

By:   
\_\_\_\_\_  
Joan M. Levit, Esquire  
Florida Bar No. 987530

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7 day of February, 2013, a true and correct copy of the forgoing was furnished via e-mail and U.S. Mail to the parties on the attached Service List. A copy of the Motion will also be sent to the Lenders who have an interest in this property by e-mail and posted on the receivership website.

By: \_\_\_\_\_



Joan M. Levit

**SERVICE LIST**

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**EXHIBIT "1"**

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

CASE NO.: 07-43672 CA 09

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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.

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**ORDER GRANTING RECEIVER'S UNOPPOSED *EX PARTE* MOTION  
FOR ENTRY OF AN ORDER APPROVING THE SALE OF  
UNIT 401 AT GULF ISLAND BEACH AND TENNIS CLUB**

THIS MATTER came before the Court, without hearing on the Unopposed *Ex Parte* Motion for Entry of an Order Approving the Sale of Unit 401 at Gulf Island Beach and Tennis Club (the "Motion") filed by Michael I. Goldberg, the receiver (the "Receiver") for Defendants Berman Mortgage Corporation ("BMC"), M.A.M.C. Incorporated ("MAMC"), and Relief Defendants DB Atlanta, LLC, *et al.* The Court, having reviewed the Motion, being advised that notice was provided to all interested parties, each of whom have no opposition to the entry of this

Order and being otherwise fully advised in the premises, it is

**ORDER AND ADJUDGE that:**

1. The Motion is GRANTED.
2. The Receiver is authorized to execute the "AS IS" Residential Contract for Sale and Purchase with Tommy and Brenda Tallon Unit 401, 6035 Sea Ranch Drive, Hudson, Florida, located at the Gulf Island Beach and Tennis Club I. The Receiver is further authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein.
3. The Receiver is further authorized to satisfy the outstanding taxes and condominium assessments from the proceeds of the sale of Unit 401 and to maintain the remaining sale proceeds pending further order of this Court.

**DONE AND ORDERED** in Chambers in Miami-Dade County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2012.

**Conformed Copy**

DEC 12 2012  
THE HONORABLE JERALD BAGLEY  
CIRCUIT COURT JUDGE  
Circuit Court Judge

**Conformed copies to:**

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## **EXHIBIT 2**



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,

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BERMAN MORTGAGE CORPORATION,  
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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.

---

**DUPLICATE ORDER  
GRANTING RECEIVER'S UNOPPOSED *EX PARTE* MOTION  
FOR ENTRY OF AN ORDER APPROVING THE SALE OF  
UNIT 401 AT GULF ISLAND BEACH AND TENNIS CLUB**

THIS MATTER came before the Court on February \_\_\_\_, 2013 upon hearing on the Motion for Entry of a Duplicate Order Approving the Sale of Unit 401 at Gulf Island Beach and Tennis Club (the "Motion") filed by Michael I. Goldberg, the receiver (the "Receiver") for Defendants Berman Mortgage Corporation ("BMC"), M.A.M.C. Incorporated ("MAMC"), and Relief Defendants DB Atlanta, LLC, *et al.* The Court, having reviewed the Motion, being advised that notice was provided to all interested parties, each of whom have no opposition to the entry of this Order and being otherwise fully advised in the premises, it is

**ORDER AND ADJUDGE that:**

1. The Motion is GRANTED.
2. The Receiver is authorized to execute the "AS IS" Residential Contract for Sale and Purchase with Tommy and Brenda Tallon Unit 401, 6035 Sea Ranch Drive, Hudson, Florida, located at the Gulf Island Beach and Tennis Club I. The Receiver is further authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein.
3. The Receiver is further authorized to satisfy the outstanding taxes and condominium assessments from the proceeds of the sale of Unit 401 and to maintain the remaining sale proceeds pending further order of this Court.
4. This Order is effective *nunc pro tunc* to December 12, 2012, which is the date the Court entered the Order Granting Receiver's Unopposed *Ex Parte* Motion for Entry of a Duplicate Order Approving the Sale of Unit 401 at Gulf Island Beach and Tennis Club.

**DONE AND ORDERED** in Chambers in Miami-Dade County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

**Conformed copies to:**  
counsel of record