

**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,

Defendants,  
and

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

Relief Defendants.

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**UNOPPOSED ORDER GRANTING RECEIVER'S MOTION TO APPROVE  
THE SALE OF REAL PROPERTY OWNED BY MAMC BELLA VISTA, LLC**

THIS MATTER came before the Court without hearing, upon consideration of the Motion to Approve the Sale of Property owned by MAMC Bella Vista, LLC (the "Motion"), filed by Michael I. Goldberg, in his capacity as the court-appointed receiver (the "Receiver") over Berman Mortgage Corporation, M.A.M.C. Incorporated, and the Relief Defendants, including MAMC Bella Vista, LLC.

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, does hereby find that:

A. Pursuant to the *Temporary Injunction and Agreed Order Appointing Receiver* ("Receivership Order") dated December 11, 2007, Michael Goldberg is the Court-appointed Receiver over BMC and MAMC and the Relief Defendants.

B. Prior to the entry of the Receivership Order, BMC brokered the funding of at least \$192 million in mortgage loans from approximately 700 private investors ("Lenders") by offering fractional interests in short-term acquisition and/or construction commercial mortgage loans.

C. MAMC serviced the loans pursuant to servicing agreements entered into between each investor and MAMC.

D. One of the loans was made to Bella Vista del Mar by Obake, LLC (the "Borrower") and secured by a first mortgage ("Mortgage") on vacant land located at 97 1<sup>st</sup> Street South, Jacksonville, Florida (the "Property").

E. Pursuant to the *Order Granting Receiver's Amended Motion to Determine Procedures by Which Receiver Can Make Decisions on Specific Loans and Projects*, dated, February 8, 2008, the Receiver is authorized in his sole discretion to make all decisions previously reserved to management under the loan serving agreements, including to declare a loan in default and to initiate foreclosure proceedings with respect to a loan.

F. After the Borrower defaulted under the loan documents, the Lenders, by and through BMC, commenced a foreclosure suit in the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida against the Borrower and other parties who had an interest in the Property, Case No. 2006-CA-8129.

G. On June 18, 2016, Final Summary Judgment was entered in favor of the Lenders. After a foreclosure sale, the Clerk of the Court issued a Certificate of Title in the name of

MAMC Bella Vista, LLC, dated July 23, 2008 and recorded the Certificate of Title in the Official Records of Duval County at Book 14599, Page 1856. A true and correct legal description of the Property is attached hereto as **Exhibit A**.

H. Upon motion, notice and hearing, this Court has entered Orders expanding the Receivership Defendants to add additional Relief Defendants. On August 11, 2008, this Court entered an *Order Granting the Receiver's Motion to Expand Receivership to Include Additional Relief Defendant MAMC Bella Vista LLC*.

I. The terms set forth in the Vacant Land Purchase and Sale Agreement (the "Sale Agreement") on behalf of MAMC Bella Terra, LLC for the sale of the Property to Pineapple Corporation of Jacksonville, Inc. (the "Buyer") or any partnership or joint venture entity formed, in which Buyer has at least a fifty percent (50%) ownership interest and is its managing partner, for the purpose of acquiring the property are in the best interests of all parties hereto.

J. The sale price reflected in the Sale Agreement is more than what is likely to be realized at a public auction of the Property pursuant to Section 45.031, F.S.

K. The Receiver is not connected with the proposed purchaser under the Sale Agreement through any employment or ownership interest nor familial affiliation.

It is therefore **ORDERED AND ADJUDGED** that:

1. The Receiver's Motion to Approve the Sale of Property Owned by MAMC Bella Vista, LLC is GRANTED.

2. The Receiver is authorized to execute the Sale Agreement on behalf of MAMC Bella Vista, LLC. The Receiver is further authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein.

3. Upon receipt of the consideration set forth in the Sale Agreement, and delivery of the deed and other documents called for in the Sale Agreement by the Receiver, the sale shall stand as confirmed, without further Order of the Court.

4. Upon the closing of the sale of the Property, the Receiver shall be discharged as the receiver over the Property and the Property shall be released from any receiver's lien or certificate of indebtedness.

5. The release of the Property shall not release any indebtedness owed by MAMC Bella Terra LLC to the Receiver, the Lenders or the receivership estate.

6. A copy of this Order shall be filed in the official records of Duval County, Florida.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 04/15/16.

  
JERALD BAGLEY  
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on THIS  
MOTION  
CLERK TO RECLOSE CASE IF POST  
JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.

**THE HONORABLE JERALD BAGLEY  
CIRCUIT COURT JUDGE**

**Conformed copies to:**

All counsel of record

Posted to the Receiver's Web Site

EXHIBIT A

The South One Hundred (100) feet of that certain unnumbered Block at Pable Beach (Jacksonville Beach, Florida) according to Plat Book 3, Page 28, public records of Duval County, Florida, more particularly described as: Beginning at the intersection of the East line of South First Street and the North line of First Avenue South, formerly Shockley Avenue as the Place of Beginning; thence North along East line of First Street One Hundred (100) feet; thence East Two Hundred Four and Forty-Four Hundredths (204.44) feet, more or less, to the present concrete bulkhead line or sea wall heretofore constructed by the City of Jacksonville Beach, Florida; thence Southerly along said present concrete bulkhead line One Hundred (100) feet to the North line of First Avenue South, formerly Shockley Avenue; thence West Two Hundred Three and Nine Tenths (203.9) feet, more or less, along the North line of First Avenue South, formerly Shockley Avenue to the POINT OF BEGINNING. DUVAL COUNTY, FLORIDA.

BUYER 

