

**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.

UNOPPOSED

**ORDER GRANTING RECEIVER'S MOTION FOR AUTHORITY TO SELL
CERTAIN RECEIVERSHIP PROPERTIES BY AUCTION**

THIS MATTER came before the Court on June 21, 2017 upon the hearing on the *Motion for Authority to Sell Certain Receivership Properties by Auction* (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 ("MAMC"), and the Relief Defendants.

The Court having reviewed the Motion, heard argument of counsel, finding that the notice and established procedures of posting a copy of the Motion on the Receivership website and e-mail distribution to the Lenders constitutes adequate notice of this Motion, the hearing thereon and this Order, 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:

ORDER AND ADJUDGE that:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to enter into the Agreement for Sale by Auction (a copy of which is attached to the Motion as Composite Exhibit 1 for the property identified in the Motion as the Atlantic Beach Property. The Receiver is authorized to execute any documents and take any actions reasonably necessary to consummate the transactions contemplated therein without further Order of the Court.
3. The Receiver is further authorized to use his business judgment in order to obtain the best possible price for the sale of the Atlantic Beach Property, even if that requires the Receiver to modify the Agreement for Sale by Auction and reevaluate the form or date of the sale of the Atlantic Beach Property, which the Receiver may modify without further Order of the Court.
4. The Receiver is also authorized to market and sell the Gulf Island Property, the Highlands Property and the remaining parcel of MAMC Biloxi, LLC (each as defined in the Motion), utilizing similar auction sale procedures as with the Atlantic Beach Property, without the requirement of obtaining court approval for each separate auction sale.
5. The Receiver shall provide notice to all interested parties¹ of each proposed auction agreement and an opportunity to file an objection to the auction sale (within 14 days of receipt of notice of the sale or such other time as determined by the Receiver). In the event an

¹ The interested parties will include counsel for OFR, the lenders for the specific project and all parties who have filed a notice of appearance in the case.)

objection is timely filed with the Court and a copy is served on the Receiver, the Receiver will schedule a hearing to approve the specific auction sale.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida on this ____ day
of _____, 2017.

CONFORMED COPY

JUN 21 2017

THE HONORABLE PEDRO P. ECHARTE JR.
CIRCUIT COURT JUDGE
PEDRO P. ECHARTE, JR.
CIRCUIT COURT JUDGE

Conformed copies to:

All counsel of record

Posted to the Receiver's Web Site