

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,

vs.

BERMAN MORTGAGE CORPORATION,  
a Florida corporation, M.A.M.C.  
INCORPORATED, a Florida corporation,  
and 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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**RECEIVER'S NOTICE OF FILING  
AFFIDAVIT OF JOAN M. LEVIT IN SUPPORT OF MAILING AND  
SERVICE OF MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT  
AND ENTRY OF BAR ORDER ENJOINING LENDERS AND  
RECEIVERSHIP CREDITORS FROM PROSECUTING CLAIMS  
AGAINST DANA BERMAN, MITCHELL MORGAN AND  
BMC'S E&O INSURANCE CARRIER AND RELATED NOTICE DOCUMENTS**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants Berman Mortgage Corporation and M.A.M.C. Incorporated and Relief Defendants DB Atlanta, LLC, *et al.*, by and through undersigned counsel, hereby gives notice of filing a copy of the attached *Affidavit of Joan M. Levit in Support of Mailing and Service of Motion for Approval of Settlement Agreement and Entry of Bar Order Enjoining Lenders and Receivership Creditors*

*From Prosecuting Claims Against Dana Berman, Mitchell Morgan and BMC's E&O Insurance Carrier and Related Notice Documents.*

Respectfully submitted,

/s/ Joan Levit  
Joan Levit, Esq.  
Florida Bar Number: 987530  
AKERMAN LLP  
Las Olas Centre II, Suite 1600  
350 East Las Olas Boulevard  
Fort Lauderdale, FL 33301-2999  
Phone: (954) 463-2700  
Fax: (954) 463-2224  
Email: joan.levit@akerman.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Court on this 12<sup>th</sup> day of January, 2015 and served by e-mail to all parties on the attached Service List.

/s/ Joan Levit

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT, IN  
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CASE NO. 07-43672 CA 09

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Plaintiff,

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a Florida corporation, M.A.M.C.

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and DANA J. BERMAN, as Owner and  
Managing Member,

Defendants,

and

DB ATLANTA, LLC, a Florida Limited  
Liability Company, *et al.*

Relief Defendants.

/

**AFFIDAVIT OF JOAN M. LEVIT IN SUPPORT OF MAILING AND  
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AND ENTRY OF BAR ORDER ENJOINING LENDERS AND  
RECEIVERSHIP CREDITORS FROM PROSECUTING CLAIMS  
AGAINST DANA BERMAN, MITCHELL MORGAN AND  
BMC'S E&O INSURANCE CARRIER AND RELATED NOTICE DOCUMENTS**

BEFORE ME, the undersigned authority, on this day personally appeared JOAN M. LEVIT, who, being duly sworn, deposes and says:

1. My name is Joan M. Levit. I am a member of the Florida Bar and employed as an attorney with Akerman LLP ("Akerman").
2. I am over the age of eighteen and am otherwise competent to execute this Affidavit.

3. Akerman represents Michael I. Goldberg (the "Receiver") in his capacity as State Court Appointed Receiver over Defendants Berman Mortgage Corporation ("BMC"), M.A.M.C. Incorporated ("MAMC") and Relief Defendants DB Atlanta, LLC, *et al.*, in the above-styled case (the "Receivership Case").

4. I make this Affidavit based on my personal knowledge and my review of the books, records, and documents prepared and maintained by Akerman in the ordinary course of its business. I know that the facts stated in this Affidavit are true. I am authorized by Akerman and the Receiver to make this Affidavit.

5. The records referenced in the preceding paragraph were made at or near the time the acts, events, conditions, or opinions described in such records occurred or were made. I know that the records were made by a person with knowledge of the transactions or occurrences described in such records, or the information contained in the records was transmitted by a person with knowledge of the transactions or occurrences described in the records. The records are kept in the ordinary course of the regularly conducted business activity of Akerman and it is Akerman's regular business practice to prepare the records. I am the custodian of the records.

6. The Receiver asked me to oversee the filing, service and mailing of the *Motion for Approval of Settlement Agreement and Entry of Bar Order Enjoining Lenders and Receivership Creditors From Prosecuting Claims Against Dana Berman, Mitchell Morgan and BMC's E&O Insurance Carrier* (the "Motion") and obtain a hearing date for the Motion.

7. The following court papers were electronically filed through the Florida Courts E-Filing Portal:

- (a) a copy of the Motion was filed in the Receivership Case;

- (b) a copy of the Notice of Hearing of the Motion was filed in the Receivership Case;
- (c) a *Notice of Filing a Notice to Lenders and Receivership Creditors of Proposed Bar Order* ("Notice of Bar Order") was filed in the Receivership Case;
- (d) a copy of the Motion, Notice of Hearing and Notice of Bar Order (the "Motion and Notice Documents), was filed in the probate case styled *In re: Estate of Robert Revitz*, Case No. 2014-004454-CP-02 (the "Probate Case"); and
- (e) a copy of the *Certificate of Service* of the Motion and Notice Documents was filed in the Receivership Case.

8. I received e-mail confirmations of the filings from the Florida Courts E-Filing Portal. True and correct copies of the e-mail confirmations are attached hereto as Composite Exhibit 1.

9. On December 19, 2014, I oversaw the mailing of the Motion and Notice Documents to the investors (the "Lenders") in the MAMC projects as listed on Exhibit A to the Motion, the creditors (the "Receivership Creditors") of the Receivership Case as listed on Exhibit B to the Motion and to the interested parties and counsel of record in the Probate Case.

10. My Legal Assistant sent a copy of the Motion and Notice Documents to Tony Valencia, Asset Manager for the Receivership Entities, for posting on the receivership website and to inform the Lenders of the posting through an e-mail "blast" to the Lenders.

11. Mr. Valencia notified me that he posted copies of the Motion and Notice Documents on [www.bermanmortgageinfo.com](http://www.bermanmortgageinfo.com), the webpage for the Receivership Case.

12. Mr. Valencia also informed the Receiver that some of the Lender's mailing addresses were out of date.

13. On January 8, 2015, Mr. Valencia provided me with an updated mailing list for the Lenders. I amended the Motion (the "Amended Motion") for the sole purpose of including (i) a revised Exhibit A to reflect updated mailing addresses for certain of the Lenders, and (ii) a revised Exhibit B to remove the single purpose corporate entities affiliated with the Defendants, that have been administratively dissolved and receive notice through the Receiver.

14. My Legal Assistant electronically filed the Amended Motion through the Florida Courts E-Filing Portal. On January 8, 2015, I received confirmation from the Florida Courts E-Filing Portal of the electronic filing of the Amended Motion. A true and correct copy of the e-mail confirmation from the Florida Courts E-Filing Portal is attached hereto as Exhibit 2.

15. On January 8, 2015, my office staff mailed a copy of the Amended Motion, Notice of Hearing and Notice of Bar Order to all of the Lenders listed on the revised Exhibit A, and all of the Receivership Creditors listed on the revised Exhibit B to the Amended Motion.

16. I received confirmation from Mr. Valencia that he posted a copy of the Amended Motion on the webpage for the Receivership Case and sent an e-mail notification to the Lenders of the web filing.

17. I checked the webpage for the Receivership Case and viewed a copy of the Amended Motion and Notice Documents on the webpage.

THIS CONCLUDES MY AFFIDAVIT

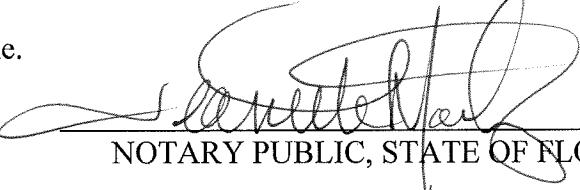


JOAN M. LEVIT

STATE OF FLORIDA )  
 ) ss:  
COUNTY OF BROWARD )

The foregoing instrument was sworn to and subscribed before me this 12 day of  
January, 2015, by Joan M. Levit, as an attorney with Akerman LLP, counsel for the

Receiver. She is personally known to me.

  
NOTARY PUBLIC, STATE OF FLORIDA

  
(Print, Type or Stamp Commissioned Name of Notary Public)



**SERVICE LIST**

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**EXHIBIT 1**

**Levit, Joan (OC-Ftl)**

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**From:** eservice@myflcourtaccess.com  
**Sent:** Thursday, December 18, 2014 2:34 PM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 132007CA043672000001  
**Attachments:** Motion.pdf; Notice Of Hearing.pdf

**Notice of Service of Court Documents****E-service recipients selected for service:**

| Name                | Email Address  |
|---------------------|--|
| Joan M. Levit       | <a href="mailto:joan.levit@akerman.com">joan.levit@akerman.com</a>               |
|                     | <a href="mailto:charlene.cerda@akerman.com">charlene.cerda@akerman.com</a>       |
| Mark A Basurto      | <a href="mailto:mbasurto@bushross.com">mbasurto@bushross.com</a>                 |
|                     | <a href="mailto:kdillon@bushross.com">kdillon@bushross.com</a>                   |
|                     | <a href="mailto:klong@bushross.com">klong@bushross.com</a>                       |
| Mitchell W. Mandler | <a href="mailto:mmandler@bplegal.com">mmandler@bplegal.com</a>                   |
|                     | <a href="mailto:cpons@bplegal.com">cpons@bplegal.com</a>                         |
|                     | <a href="mailto:Miaefile@becker-poliakoff.com">Miaefile@becker-poliakoff.com</a> |
| Michael I. Goldberg | <a href="mailto:michael.goldberg@akerman.com">michael.goldberg@akerman.com</a>   |
|                     | <a href="mailto:charlene.cerda@akerman.com">charlene.cerda@akerman.com</a>       |

**E-service recipients deselected for service:**

| Name                | Email Address |
|---------------------|---------------|
| No Matching Entries |               |

**Filing Information**

Filing #: 21772949  
Filing Time: 12/18/2014 02:34:13 PM ET  
Filer: Michael I. Goldberg (954)463-2700  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132007CA043672000001  
Court Case #: 07043672CA01

**Documents**

| Title             | File                         |
|-------------------|------------------------------|
| Motion:           | Berman Motion.pdf            |
| Notice Of Hearing | Berman Notice of Hearing.pdf |

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Thank you,  
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request\_id#:21772949;Audit#:74291121;UCN#:132007CA043672000001;

**Levit, Joan (OC-Ftl)**

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**From:** eservice@myflcourtaccess.com  
**Sent:** Friday, December 19, 2014 3:35 PM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 132007CA043672000001  
**Attachments:** Notice Of Filing.pdf

**Notice of Service of Court Documents****E-service recipients selected for service:**

| Name                | Email Address  |
|---------------------|--|
| Joan M. Levit       | <a href="mailto:joan.levit@akerman.com">joan.levit@akerman.com</a>               |
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| Mark A Basurto      | <a href="mailto:mbasurto@bushross.com">mbasurto@bushross.com</a>                 |
|                     | <a href="mailto:kdillon@bushross.com">kdillon@bushross.com</a>                   |
|                     | <a href="mailto:klong@bushross.com">klong@bushross.com</a>                       |
| Michael I. Goldberg | <a href="mailto:michael.goldberg@akerman.com">michael.goldberg@akerman.com</a>   |
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|                     | <a href="mailto:cpons@bplegal.com">cpons@bplegal.com</a>                         |
|                     | <a href="mailto:Miaefile@becker-poliakoff.com">Miaefile@becker-poliakoff.com</a> |

**E-service recipients deselected for service:**

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|---------------------|---------------|
| No Matching Entries |               |

**Filing Information**

Filing #: 21830616  
Filing Time: 12/19/2014 03:35:07 PM ET  
Filer: Michael I. Goldberg (954)463-2700  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132007CA043672000001  
Court Case #: 07043672CA01

Case Style:

STATE OF FLA OFFICE OF FIN REG vs BERMAN MORTGAGE CORP

## Documents

| Title             | File                        |
|-------------------|-----------------------------|
| Notice Of Filing: | BERMAN Notice of Filing.pdf |

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request\_id#:21830616;Audit#:74496258;UCN#:132007CA043672000001;

**Levit, Joan (OC-Ftl)**

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**From:** eservice@myflcourtaccess.com  
**Sent:** Friday, December 19, 2014 4:31 PM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 132007CA043672000001  
**Attachments:** Certificate Of Service.pdf

**Notice of Service of Court Documents****E-service recipients selected for service:**

| Name                | Email Address  |
|---------------------|--|
| Joan M. Levit       | <a href="mailto:joan.levit@akerman.com">joan.levit@akerman.com</a>               |
|                     | <a href="mailto:charlene.cerda@akerman.com">charlene.cerda@akerman.com</a>       |
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|                     | <a href="mailto:klong@bushross.com">klong@bushross.com</a>                       |
| Michael I. Goldberg | <a href="mailto:michael.goldberg@akerman.com">michael.goldberg@akerman.com</a>   |
|                     | <a href="mailto:charlene.cerda@akerman.com">charlene.cerda@akerman.com</a>       |
| Mitchell W. Mandler | <a href="mailto:mmandler@bplegal.com">mmandler@bplegal.com</a>                   |
|                     | <a href="mailto:cpons@bplegal.com">cpons@bplegal.com</a>                         |
|                     | <a href="mailto:Miaefile@becker-poliakoff.com">Miaefile@becker-poliakoff.com</a> |

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| Name                | Email Address |
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| No Matching Entries |               |

**Filing Information**

Filing #: 21836415  
Filing Time: 12/19/2014 04:31:17 PM ET  
Filer: Michael I. Goldberg (954)463-2700  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132007CA043672000001  
Court Case #: 07043672CA01

Case Style:

STATE OF FLA OFFICE OF FIN REG vs BERMAN MORTGAGE CORP

## Documents

| Title                  | File          |
|------------------------|---------------|
| Certificate Of Service | BERMAN CS.pdf |

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request\_id#:21836415;Audit#:74517787;UCN#:132007CA043672000001;

## Levit, Joan (OC-Ftl)

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**From:** Cerdá, Charlene (LAA-Ftl)  
**Sent:** Monday, December 22, 2014 11:24 AM  
**To:** Levit, Joan (OC-Ftl)  
**Subject:** FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 132014CP004454000002  
**Attachments:** Notice Of Filing.pdf

### Charlene L. Gallo-Cerdá

Legal Administrative Assistant  
Akerman LLP | Las Olas Centre II, Suite 1600 | 350 East Las Olas Boulevard | Fort Lauderdale, FL 33301-2999  
Dir: 954.712.6001 | Main: 954.463.2700 | Fax: 954.463.2224  
[charlene.cerdá@akerman.com](mailto:charlene.cerdá@akerman.com)

**From:** [eservice@myflcourtaccess.com](mailto:eservice@myflcourtaccess.com) [mailto:[eservice@myflcourtaccess.com](mailto:eservice@myflcourtaccess.com)]  
**Sent:** Monday, December 22, 2014 11:22 AM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 132014CP004454000002

## Notice of Service of Court Documents

### E-service recipients selected for service:

| Name                | Email Address  |
|---------------------|--|
| Daniel Seigel       | <a href="mailto:courtdocs@seigel-law.com">courtdocs@seigel-law.com</a>         |
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| Lisa J Jerles       | <a href="mailto:ljerles@klugerkaplan.com">ljerles@klugerkaplan.com</a>         |
|                     | <a href="mailto:miglesias@klugerkaplan.com">miglesias@klugerkaplan.com</a>     |
| Bruce A Katzen      | <a href="mailto:bkatzen@klugerkaplan.com">bkatzen@klugerkaplan.com</a>         |
|                     | <a href="mailto:kmsuarez@klugerkaplan.com">kmsuarez@klugerkaplan.com</a>       |
| Michael I. Goldberg | <a href="mailto:michael.goldberg@akerman.com">michael.goldberg@akerman.com</a> |
|                     | <a href="mailto:charlene.cerdá@akerman.com">charlene.cerdá@akerman.com</a>     |

### E-service recipients deselected for service:

| Name                | Email Address |
|---------------------|---------------|
| No Matching Entries |               |

## Filing Information

Filing #: 21857571

Filing Time: 12/22/2014 11:22:10 AM ET  
Filer: Michael I. Goldberg (954)463-2700  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132014CP004454000002  
Court Case #: 2014-004454-CP-02  
Case Style: IN RE: Revitz, Robert

## Documents

| Title             | File                                  |
|-------------------|---------------------------------------|
| Notice Of Filing: | Berman Corrected Notice of Filing.pdf |

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request\_id#:21857571;Audit#:74597846;UCN#:132014CP004454000002;

**EXHIBIT 2**

**Levit, Joan (OC-Ftl)**

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**From:** eservice@myflcourtaccess.com  
**Sent:** Thursday, January 08, 2015 2:33 PM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 132007CA043672000001  
**Attachments:** Motion.pdf

**Notice of Service of Court Documents****E-service recipients selected for service:**

| Name                | Email Address  |
|---------------------|--|
| Joan M. Levit       | <a href="mailto:joan.levit@akerman.com">joan.levit@akerman.com</a>               |
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|                     | <a href="mailto:Miaefile@becker-poliakoff.com">Miaefile@becker-poliakoff.com</a> |

**E-service recipients deselected for service:**

| Name                | Email Address |
|---------------------|---------------|
| No Matching Entries |               |

**Filing Information**

Filing #: 22326467  
Filing Time: 01/08/2015 02:32:41 PM ET  
Filer: Joan M. Levit (954) 463-2700  
Court: Eleventh Judicial Circuit in and for Miami-Dade County, Florida  
Case #: 132007CA043672000001  
Court Case #: 07043672CA01

Case Style:

STATE OF FLA OFFICE OF FIN REG vs BERMAN MORTGAGE CORP

## Documents

| Title   | File                      |
|---------|---------------------------|
| Motion: | Berman Amended Motion.pdf |

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The Florida Courts E-Filing Portal

request\_id#:22326467;Audit#:76275986;UCN#:132007CA043672000001;