

**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.

/

**RECEIVER'S MOTION FOR AUTHORITY TO SELL THE RECEIVERSHIP
ESTATE'S INTEREST IN THE THREE REMAINING
PARCELS OWNED BY AHIFO-MAMC CAPE CORAL, LLC BY AUCTION**

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 Authority to Sell the Receivership Estate's Interest in the Three Remaining Parcels Owned by AHIFO-MAMC Cape Coral, LLC by Auction* (the “Motion”). In support of this Motion, the Receiver states as follows:

1. On December 11, 2007, this Court entered a *Temporary Injunction and Agreed Order Appointing Receiver* (“Receivership Order”) appointing Michael Goldberg as the receiver for BMC and MAMC (the “Defendants”) and the Relief Defendants (collectively, the

“Receivership Defendants”) to prevent the waste and dissipation of the Receivership Defendants’ assets to the detriment of the investors (the “Lenders”) who entrusted over \$192 million (“Lender Funds”) to the Receivership Defendants.

2. The Lender Funds were secured by mortgages on approximately 40 real estate projects and properties (collectively referred to as the “Receivership Estate”).

A. Top Two Loan Funded by Lenders and AHIFO-4, LLC

3. In November 2005, BMC originated an \$8.9 million dollar loan (the “Top Two Loan”) to Top Two Development, Inc (the “Borrower”). The Top Two Loan was secured by mortgages on four separate parcels (collectively, the “Cape Coral Parcels”) located in Lee County, Florida – three of which were first mortgages and one of which was a second mortgage that was subordinate to a mortgage held by Fifth Third Bank on that particular parcel of property (the “Fifth Third Parcel”).

4. AHIFO-4, LLC (“AHIFO-4”) financed a \$5 million participation interest in the Top Two Loan. The remaining \$3.9 million of the Top Two Loan, was funded by 114 Lenders. In or about January 2006, the Top Two Loan was modified by MAMC to provide an additional \$2 million advance (by other Lenders) to the Borrower, increasing the outstanding amount under the Top Two Loan to \$10.9 million.

5. Pursuant to the Promissory Note executed by the Borrower, the Top Two Loan was serviced by MAMC in accordance with the terms of servicing agreements entered into by and between MAMC, AHIFO-4 and the Lenders.

B. Top Two Default and Subsequent Foreclosure Case

6. The Borrower ultimately defaulted on the Top Two Loan and on its separate mortgage loan to Fifth-Third Bank. On or about June 29, 2006, Fifth-Third Bank initiated a

foreclosure action against the Borrower in the Twelfth Judicial Circuit in and for Lee County, Florida, in the case styled *Fifth-Third Bank v. Top Two Development, Inc., et al.*, Case No. 06-CA-002677. AHIFO-4 and the Lenders were named as defendants in that suit.

7. MAMC, acting as attorney-in-fact and servicing agent for the Lenders, filed a third party complaint in Fifth-Third Bank's foreclosure action to foreclose on the Top Two Loan as modified to include the \$2 million future advance.

8. On or about February 14, 2007, a Final Judgment of Foreclosure was entered in the amount of \$12,651,937.77 against the Borrower.

9. In or about March, 2007, prior to the institution of this receivership case, Alan Goldberg (no relation to the Receiver) was retained to serve as the Chief Restructuring Officer ("CRO") of BMC and MAMC due to the companies' financial difficulties.

C. Creation of AHIFO-MAMC Cape Coral, LLC

10. On or about May 7, 2007, Alan Goldberg, purportedly acting on behalf of and with the authority of the Lenders, entered into an agreement with AHIFO-4 (the "May 7 Agreement") setting forth the terms and conditions for the acquisition of the Fifth-Third mortgage or resulting foreclosure judgment that encumbered only the Fifth-Third Parcel.

11. The May 7 Agreement contemplated that AHIFO-4 would advance the funds necessary to acquire the Fifth-Third Judgment and that AHIFO-MAMC Cape Coral, LLC would be created to take the assignment of the Fifth-Third Judgment, to ultimately bid and acquire title to the Fifth-Third parcel at the foreclosure sale and to acquire title to the remaining three parcels of the Property. The May 7 Agreement also provided AHIFO-4 with a priority for repayment from the first funds that AHIFO-MAMC Cape Coral, LLC realized from the sale of the Cape Coral Parcels, or any portion thereof.

12. On or about June 4, 2007, the court presiding over Fifth-Third's foreclosure action entered a Final Summary Judgment in favor of Fifth-Third (the "Fifth-Third Judgment"). The Fifth-Third Judgment awarded the bank \$3,248,481.59 and granted it a first priority position with respect to the Fifth-Third Parcel.

13. Pursuant to and reliance on the May 7 Agreement, AHIFO-4 negotiated and purchased the Fifth-Third Judgment for \$1,850,000. As a result, the Fifth-Third Judgment and the associated loan documents were assigned to AHIFO-MAMC Cape Coral, LLC.

14. AHIFO-MAMC Cape Coral, LLC subsequently purchased the Fifth-Third Parcel at the foreclosure sale resulting from the Fifth-Third Judgment and took title to all four of the Cape Coral Parcels secured by the Top Two Loan by virtue of two Certificates of Title.

D. Settlement of Dispute between AHIFO-4, LLC and MAMC

15. A dispute arose regarding the May 7 Agreement and on May 24, 2010, AHIFO-4 filed a lawsuit styled: *AHIFO-4, LLC v. Michael Goldberg, as Receiver for M.A.M.C. Incorporated and Alan Goldberg*, Case No. 10-30070 CA 09 (the "AHIFO Action"), wherein AHIFO-4 asserted claims for declaratory relief with regard to the various parties' interest in the Cape Coral Parcels.

16. On May 24, 2011, the parties in the AHIFO Action reached a mediated settlement of all claims among them, which apportioned all proceeds the sale of the Cape Coral Parcels. On October 3, 2011, upon motion and notice to all interested parties, the Court in the AHIFO Action entered an Order approving the settlement.

17. The settlement provided, in relevant part, (i) title to the Cape Coral Parcels shall remain in the name of AHIFO-MAMC Cape Coral, LLC; (ii) the Lenders shall pay all outstanding real estate taxes on the Cape Coral Parcels, which were estimated to be \$516,000

(the “Lender Tax Loan”); *(iii)* the Lender Tax Loan shall be repaid to the Lenders from the first sales proceeds from any portion of the Cape Coral Parcels or any other monies; *(iv)* that AHIFO-4 shall pay 50% and the Lenders shall pay the other 50%, of all expenses incurred in connection with the Cape Coral Parcels; and *(v)* that payment of sale proceeds, after repayment of the Lender Tax Loan, shall be distributed to AHIFO-4 and the Lenders to repay expenses, then \$1,575,000 to AHIFO-4, and finally 55% to AHIFO-4 and 45% to the Lenders.

E. Sale of the Parcels

18. On January 9, 2017, upon motion of the Receiver and after notice and hearing, the Court approved the sale of one of the four Cape Coral Parcels to the Board of County Commissions for Lee County, Florida for \$2,100,000.00.

19. The receivership estate now consists of the Lenders’ interest in three remaining Cape Coral Parcels and four other projects/properties.¹ Recently, on June 21, 2017, this Court approved the marketing and sale of the four other properties by auction, after traditional marketing efforts failed to attract interest in those properties. The Receiver believes that an auction sale of the three remaining Cape Coral Parcels is also the most viable approach to sell the Cape Coral Parcels.

20. Through this Motion, the Receiver seeks authority from the Court to market and sell the three remaining Cape Coral Parcels as proposed in the Auction Marketing Strategic Plan (the “Auction Plan”), a copy of which is attached hereto as **Exhibit 1**.

21. Moreover, as with the other properties, the Receiver seeks flexibility with regard to the Auction Plan in order to obtain the best possible price for the sale. The Receiver requests authority to modify or cancel the auction(s), without further order of the Court.

¹ The other four projects/properties are the Gulf Island Properties, Biloxi Property, the Highlands Property and the Atlantic Beach Property, each of which are more fully defined in the Receiver’s Motion for Authority to Sell Certain Receivership Properties by Auction.

22. The Receiver is authorized to enter into agreements and take such actions, as he deems advisable or proper for the marshaling, maintenance or preservation of the Receivership Estate. *See Receivership Order at ¶ 17.* The Receiver believes that approval of the Auction Plan is in the best interest of all parties with an interest in the Cape Coral Properties. (AHIFO-4, which shares an interest in the Cape Coral Properties, also supports the Auction Plan.)

23. The Receiver has consulted with the Top Two lender committee², who has advised the Receiver that they approve of the Auction Plan.

24. Notice of this Motion shall be provided by posting a copy (and the Notice of Hearing) on the Receivership website and sending a copy to the Lenders via e-mail.

WHEREFORE, Michael I. Goldberg, in his capacity as Receiver of BMC, MAMC, and related entities, respectfully request this Court to enter an Order in the form attached hereto as **Exhibit 2** approving the sale and to grant such further relief as is just and proper.

Respectfully submitted,

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Counsel for the Receiver
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Email: joan.levit@akerman.com

By: /s/ Joan Levit
Joan M. Levit, Esquire
Florida Bar No. 987530

² At the outset of the receivership, the Receiver set up committees comprised of lenders for each loan and one overall committee made up of at least one lender from each loan ("Executive Committee") to advise the Receiver.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this November 9, 2017, a true and correct copy of the motion was furnished via e-mail and U.S. Mail to the parties on the attached Service List. A copy of the motion (along with a Notice of Hearing) will also be posted on the receivership website.

/s/ Joan Levit
Joan Levit, Esq.

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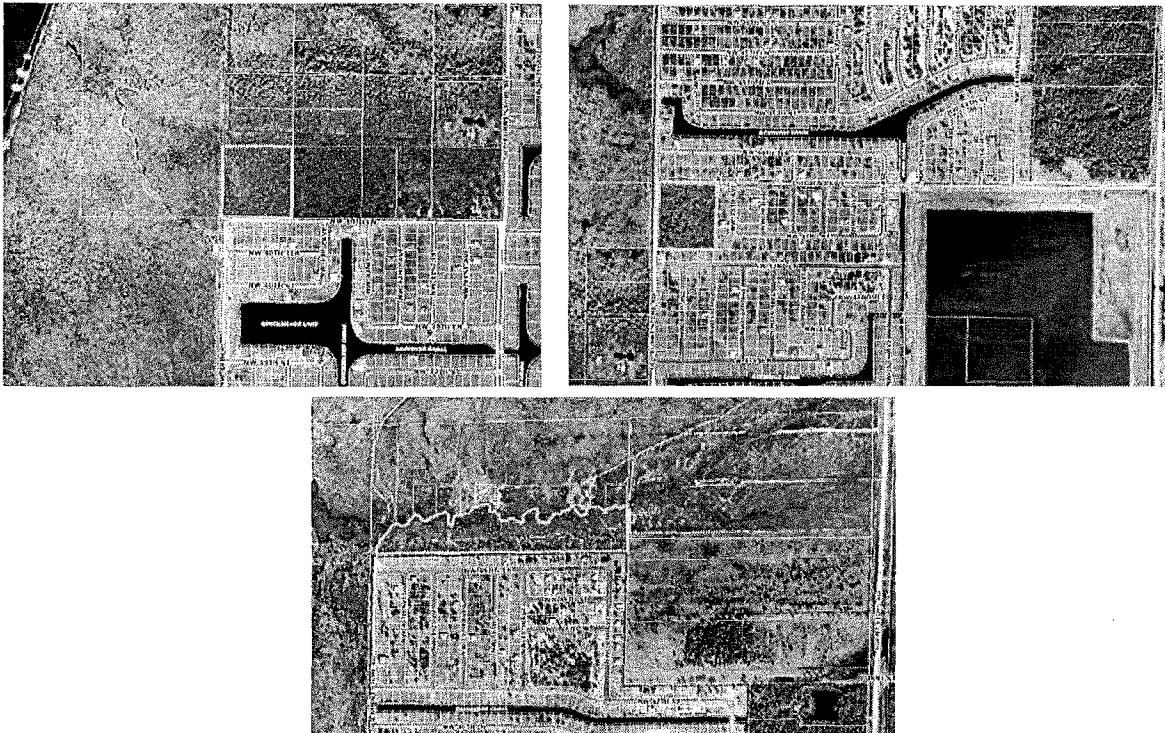
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EXHIBIT 1

AUCTION MARKETING STRATEGIC PLAN

“AHIFO-MAMC Cape Coral LLC”



Cape Coral, Florida Properties

Especially Prepared for:

**Mr. Bill Lezinski and
Mr. Alex Nobile
Ambit Funding**

**Mr. Michael Goldberg
Receiver**

Submitted By:

Lamar P. Fisher, CAI, AARE
President / C.E.O.
Fisher Auction Company
754.220.4113
lamar@fisherauction.com

fisherauction.com

The Standard of Excellence



FISHER
AUCTION COMPANY

2112 East Atlantic Boulevard, Pompano Beach, Florida 33062 800.331.6620

Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

INTRODUCTION

Fisher Auction Company ("Fisher") thanks each of you and Receiver Mr. Goldberg for the opportunity to present our qualifications and Auction Marketing Strategic Plan ("Plan") for retention in the individual sales of the AHIFO-MAMC Cape Coral LLC's three properties located in Cape Coral, Florida ("Properties"). Our team of professionals would be privileged to work with all parties within this Receivership case. We commit to giving this assignment our top priority and will devote our full resources towards executing an efficient national marketing effort that is satisfactory to all parties and yield maximum pricing. The Properties' legal descriptions will become an Exhibit "A" to the final Auction Agreement between all parties.

For over fifty years, Fisher has been serving numerous Governmental Agencies (U.S. Federal Bankruptcy Court, State Court Receiverships, Assignment for the Benefit of Creditors and the Federal Deposit Insurance Corporation), Major Corporations, Financial Institutions, States, Counties, Municipalities, Real Estate Brokerage Firms and Private Sellers across North America, the Commonwealth of Puerto Rico and the U.S. Virgin Islands with total sales in excess of three billion dollars. Fisher is consistently ranked in the top tier of National Real Estate Auction Marketing Firms producing qualified cash bidders and ultimately successful purchasers throughout the United States and abroad.

Fisher continues to lead its industry by formulating new techniques in "Accelerated Marketing", which in turn outperforms any competition and maximizes the value-return for its client's real estate assets. We encourage our potential clients to check our references!

SCOPE OF SERVICES

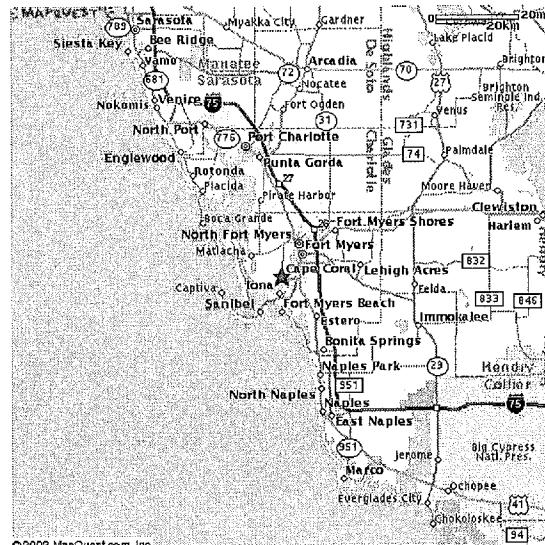
Fisher proposes to conduct a live open-outcry auction ("Auction") on the three (3) Properties located at;

- › 10+- Acre Vacant Residential Development Site located at N.W. 40th Lane & Old Burnt Store Road
- › 10+- Acre Vacant Residential Development Site located on Durden Boulevard
- › 20+- Acre Residential Development Site located at N.W. 48th Terrace & Old Burnt Store Road

Each property will be offered individually at the Auction.

The terms of the offerings will be predefined in the Bidding Procedures-General Terms and Conditions of Sale. All pre-qualified bidders will competitively bid based upon the bidding procedures at the selected Auction date and time.

Fisher's specifically designed approved marketing plan for the Properties will deliver a distinct message to all pre-qualified bidders that the Sellers are highly motivated and desires to sell the Properties now in order to generate maximum level of interest and obtain the highest net sales prices for all parties involved.



Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

AUCTION / SALE TIMELINE

Upon Fisher's retention by the Court, the Auction will take place within sixty (60) calendar days which allows for sufficient time to prepare the necessary due diligence-marketing packages for distribution to all the prospective bidders and implement our specifically designed approved marketing campaign for the Properties. The Auction day-date-time will be mutually agreed upon by all parties involved.

If a Court confirmation hearing is required to approve the sales, we recommend the hearing be scheduled as soon as possible following the Auction so the closings may be expedited.

AUCTION SALE LOCATION

The Auction will take place in Cape Coral, Florida at a hotel meeting room facility and will be audio recorded and videotaped for Court purposes.

PROPERTY INSPECTIONS

Since the Properties are vacant, potential buyers will be able to conduct their own property inspections at their convenience and scheduling. We will be in constant contact with the real estate brokerage community encouraging them to introduce the Properties to their clients and register them to participate in the Auction.



MARKETING STRATEGY

The Properties will be marketed via national, regional and local venues in order to give the broadest range of coverage and attract the maximum number of pre-qualified bidders. Fisher's marketing campaigns reach worldwide and continue to produce buyers across the United States and from multiple foreign countries.

Fisher's specific marketing strategy will be to market the Properties to their international-national-regional-local buyer databases, national-regional-local residential builders/developers, all previous interested parties, immediate area

property owners, foreign and U.S. investors land bankers, business professionals, real estate brokerage firms etc. The marketing campaign will stress the Sellers urgency for buyers to act now knowing that they will not have any other opportunity to purchase the Properties.

We will emphasize to all pre-qualified bidders that the Properties will be purchased free and clear of all liens and monetary encumbrances via Special Warranty Deeds.

SPECIFIC MARKETING HIGHLIGHTS

The marketing highlights will include but not limited to the following;



Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

■ Direct Mail:

A direct mail offering summary will be designed and mailed to all logical, identifiable buying individuals-groups, previous interested parties and the immediate property owners. Fisher has extensive buyer databases for utilization in the direct mail campaign.

■ Print Medias/Specialty Journals:

The national, regional and local print media campaign will be scheduled for a six week program. Sample Medias will include but not limited to;

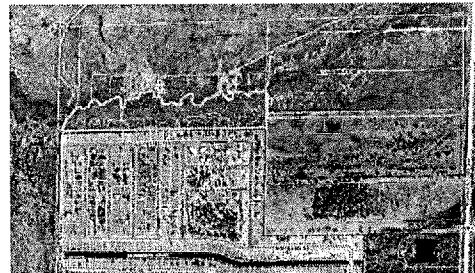
- The Wall Street Journal – Florida Edition
- Cape Coral News
- The Southeast Real Estate Business Journal

We continuously monitor all prospective bidder response from each media advertisement allowing daily analysis. All responses from prospective bidders are logged by date and source into our advertising response computer software system providing reporting and analytics at any time to all parties involved.

■ Telemarketing:

After our market segmentation, we will utilize all data to develop a plan for our team of personnel to contact potential purchasers, introduce them to the auction sales process and provide the due diligence-marketing packages.

Each bidder inquiry will be handled on a real time basis for the dissemination of the marketing materials. We believe it is of critical importance to recognize that typical prospective purchaser questions are answered and dealt with differently in a real estate auction marketing offering.



■ E-Platforms:

The Auction will be prominently featured on Fisher's web-site. We receive thousands of hits from potential buyers for these types of properties. We will also advertise-list on all appropriate-targeted e-platform sites including but not limited to;

- landbluebook.com
- rebusinessonline.com
- landflip.com
- loopnet.com
- landwatch.com
- costar.com
- landandfarm.com
- propertyblast.com
- cmailmarketing
- propertycampaign.com
- propertiesend.com
- Additional Marketing Tools include all social medias (Facebook, Twitter, and LinkedIn), property signage and personal solicitations.

AUCTION METHODOLOGY

Fisher's successful *Auction Marketing Plan* combines traditional and modern distribution channels to provide synergy through an expansive advertising campaign "spotlighting" a property or properties for purchase. Our process removes the paradigm of pricing thereby creating maximum competition, which



Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

equals maximum value received under the terms of the offering. Our successful Plan will convert the Properties into cash within thirty days after the Auction.

We provide three types of Auction Methodologies for our client's selection. They are as follows;

Absolute, Minimum Bid and Subject to Confirmation Methodologies

Absolute – There is no reserve or minimum bid and the property is sold to the highest bidder. An absolute auction is the strongest calling card. It attracts the most bidders, since bidders can justify their time and effort to spend money in conducting their due diligence, bid and buy when they know there is no question the property will be sold.

Minimum Bid – Published in the marketing campaign that any price obtained at or above the published minimum bid, the property will be sold. It must be a very aggressive minimum bid to be effective and create the required buyer momentum process necessary for a successful sale and drive pricing to a retail level.

Subject to Confirmation – The property is offered to the highest bidder and the seller has the authority to accept or not accept the highest offer.



Agreement immediately following the conclusion of the Auction which includes no post due diligence period, no financing contingencies, site plan approvals etc.

PROPERTY GUARANTEES / TITLE

The Properties will be sold in their "AS IS, WHERE IS" condition with all faults and defects, with no representations, guarantees or warranties express or implied. The Sellers will pass title free and clear of all liens and monetary encumbrances; subject to any matters identified and disclosed in the final Auction Agreement.

REAL ESTATE CLOSINGS

The real estate closings will take place within thirty (30) calendar days from the Auction and will be coordinated through the Escrow / Settlement Agent.

DUE DILIGENCE / MARKETING PACKAGE

Fisher's years of experience in selling real property has taught us that the more knowledgeable a buyer is about the property prior to bidding, the more they will pay for the property.



Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

We will prepare and provide to all prospective bidders complete marketing packages for each property including but not limited to; executive summary, environmental reports (if any), property surveys, zoning information with permitted uses, building requirements, any entitlements-conceptual site plans-development agreements (if any), aerial photographs, location maps, market overview, the approved purchase and sale agreement with any exhibits, approved bidding procedures-general terms and conditions of sale, buyer's broker participation registration form, telephone bidding documents etc.

MARKETING CAMPAIGN BUDGET

The marketing campaign is the key to the success for maximizing the sales prices of the Properties. The Sellers are only responsible for the fixed marketing expenses (all real estate commissions are paid by the Buyers) to promote the Properties for Auction, which is estimated to be \$8,500. **Some of these costs can be recaptured by the Sellers through the buyer's premium outlined below.** Fisher will provide the detailed line by line specifically designed marketing campaign budget encompassing all costs for all parties' approval. At the conclusion of the marketing campaign, we will provide a complete expense portfolio with copies of paid invoices, advertisements, etc. verifying each expense in the approved marketing budget. The approved marketing campaign funds are to be advanced by the Sellers to Fisher at the time of contractual agreement.

REAL ESTATE COMMISSIONS

All real estate commissions are paid by the successful purchasers not the Sellers in the form of a ten percent (10%) buyer's premium, which will be charged and added to the final bid prices and included in the total contract prices.

It is proven that the buyers get very involved in our accelerated process and the buyer's premium will result in an overall much higher than anticipated sales price. This is an internationally accepted method of auction sales and enhances our client's net results.

It is Fisher's policy to encourage and work with all real estate brokerage firms to register their clients to participate at the Auction. We will offer a buyer's broker a portion of the buyer's premium as their earned real estate commission if their registered bidder closes on a property.

The 10% buyer's premium will be divided as follows;

- › Fisher to receive 6% of the final bid prices.
- › A buyer's broker to receive 3% of the final bid prices. If there is no buyer's broker involved in the sale of a property, the Sellers to receive an additional 3% of the final bid prices until Sellers recoup the marketing campaign funds and any overage thereafter will be split 50/50 with Fisher and Sellers.
- › The Sellers to receive 1% of the final bid prices at the closings to help reimburse the marketing campaign funds.

PROJECT COORDINATOR / PROJECT MANAGERS

Lamar P. Fisher will be the project coordinator for this assignment. He will oversee the entire sales process keeping all parties informed through weekly progress-analytical market reports. Francis Santos and Jason Welt will be the project managers coordinating all the marketing efforts and will work directly with the Sellers.



Auction Marketing Strategic Plan

"AHIFO-MAMC Cape Coral LLC"

CONCLUSION

There is no other method of sale other than the outlined sales process above in which will provide arm's length transactions with total transparency to the Sellers, fiduciary responsibility, national marketing campaign, pre-qualified purchasers participating under pre-determined terms, buyers responsible for all real estate commissions; not the Sellers, "as-is no contingency" transactions with immediate hard escrow deposits and thirty day closings, no re-trading of price or post due diligence, and maximizes competition and therefore maximizes pricing. Our process creates the ultimate urgency factor in which buyers are forced to react at a time certain event-there is no tomorrow!

We thank you again for this opportunity to present our Plan for consideration and we sincerely hope we will be selected for this assignment.



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
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BERMAN MORTGAGE CORPORATION, a
Florida corporation, M.A.M.C. INCORPORATED,
a Florida corporation, DANA J. BERMAN, as
Owner and Managing Member,

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and

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

Relief Defendants.

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**ORDER GRANTING RECEIVER'S MOTION FOR AUTHORITY
TO SELL THE RECEIVERSHIP ESTATE'S INTEREST IN THE
THREE REMAINING PARCELS OWNED BY
AHIFO-MAMC CAPE CORAL, LLC BY AUCTION**

THIS MATTER came before the Court on ____, 2017 upon the hearing on the *Motion for Authority to Sell the Receivership Estate's Interest in the Three Remaining Parcels Owned by AHIFO-MAMC Cape Coral, LLC 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 sell the receivership estate's interest in the three remaining parcels owned by AHIFO-MAMC Cape Coral, LLC (the "Cape Coral Parcels") by auction as proposed in the Auction Marketing Strategic Plan (the "Auction Plan"), a copy of which is attached to the Motion as **Exhibit 1**. 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 Cape Coral Parcels, even if that requires the Receiver to modify the Auction Marketing Strategic Plan and reevaluate the form or date of the sale of the Cape Coral Parcels, which the Receiver may modify without further Order of the Court.

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

THE HONORABLE PEDRO P. ECHARTE JR.
CIRCUIT COURT JUDGE

Conformed copies to:

All counsel of record
Posted to the Receiver's Web Site