

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

In re:
TOUSA, INC., *et al.*,

Debtors.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF TOUSA, INC., *ET AL.*,

Plaintiffs,

vs.

CITICORP NORTH AMERICA, INC., *ET AL.*,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 08-1435-JKO

PLAINTIFF'S DESIGNATION OF ADDITIONAL ITEMS FOR RECORD ON APPEAL

Plaintiff, the Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* ("Plaintiff"), hereby files this Designation of Additional Items for Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure 8006 and Local Rule 8006-1, relating to the Notice of Appeal filed by the Second Lien Lenders [D.E. #1042], and the Second Lien Lenders' Designations of Record on Appeal [D.E. #1064].

Plaintiff designates for inclusion in the record on appeal items included in its Designation of Additional Items for Record on Appeal in the Second Lien Lenders' original appeal [D.E. #762]. Plaintiff designates for inclusion in the record on appeal the following items from the Adversary Proceeding docket (No. 08-1435-JKO):

Date Filed	D.E. #	Document Description
10/13/09	0660	Notice of Entry of Final Judgment in Favor of the Official Committee of Unsecured Creditors of TOUSA, Inc., et. al.
10/23/09	0699	[Proposed] Amended Findings of Fact and Conclusions of Law
10/23/09	0700	[Blacklined Proposed] Amended Findings of Fact and Conclusions of Law
10/23/09	0701	Final Judgment Between the Official Committee of Unsecured Creditors of TOUSA, Inc., et al., and Citicorp North America, Inc., et al.
10/23/09	0702	[Proposed] Amended Final Judgment Between the Official Committee of Unsecured Creditors of TOUSA, Inc., et al., and Citicorp North America, Inc., et al.
11/2/09	0728	Notice of Filing First Lien Term Loan Defendants' Proposed Findings of Fact and Conclusions of Law by Citicorp North America, Inc.
11/2/09	0729	Notice of Entry of Amended Final Judgment
11/9/09	0748	Notice of Appeal on Amended Final Judgment by Citicorp North America, Inc.
11/19/09	0767	Statement of Issues on Appeal Filed by Citicorp North America, Inc.
11/23/09	0774	Request for Leave to Amend the Senior Transeastern Lenders' Amended Designation of Record and Statement of Issues on Appeal
12/9/09	0782	Notice of Filing First Lien Term Loan Lenders' Corrected Accounting of Amounts Ordered to be Disgorged
12/22/09	0789	Agreed Motion by Westport Capital Partners LLC and WCP Real Estate Strategies Fund (Cayman), L.P. for Order Approving Stipulation Substituting Party Defendant
1/7/10	0847	Notice of Docketing Record on Appeal. Case Number: 113C 10-cv-60018-CMA [re: Docket No. 664]
1/7/10	0848	Notice of Docketing Record on Appeal. Case Number: 113C 10-cv-60017-ASG [re: Docket Nos. 670, 747, and 772]
1/7/10	0849	Notice of Docketing Record on Appeal. Case Number: 113C 10-cv-60019-AJ [re: Docket Nos. 668 and 748]
1/11/10	0855	Order Approving Stipulation of Extension of Time
1/13/10	0856	Stipulation as to Replacement Bond by Morgan Stanley Senior Funding Inc, Van Kampen Dynamic Credit Opportunities Fund, Van Kampen Senior Income Trust and Van Kampen Senior Loan Fund
1/26/10	0866	Stipulation of Joinder of Party Defendant Helios Funding LLC
1/26/10	0867	Stipulation of Joinder of Party Defendant SOF Investments, L.P.
1/26/10	0868	Stipulation of Joinder of Party Defendant Castlerigg Master Investments, Ltd.
1/27/10	0883	Stipulation of Joinder of Party Defendant McDonnell Loan Opportunity Ltd.

Date Filed	D.E. #	Document Description
1/29/10	0885	Motion for Order Approving Stipulations for Joinder of Castlerigg Master Investments, Ltd., Helios Funding, LLC, McDonnell Loan Opportunity, Ltd. and SOF Investments, L.P.
1/29/10	0886	Order Granting Motion for Order Approving Stipulations for Joinder of Castlerigg Master Investments, Ltd., Helios Funding, LLC, McDonnell Loan Opportunity, Ltd. and SOF Investments, L.P.
2/15/10	0907	Agreed Motion for Order Approving Stipulation Between the Van Kampen Dynamic Credit Opportunities Fund, Van Kampen Senior Income Trust, Van Kampen Senior Loan Fund, Morgan Stanley Senior Funding, Inc., and the Official Committee of Unsecured Creditors of TOUSA, Inc. for Filing of Replacement Bond
2/17/10	0913	Order Granting Agreed Motion by Westport Capital Partners LLC and WCP Real Estate Strategies Fund (Cayman), L.P. for Order Approving Stipulation Substituting Party Defendant
2/26/10	0920	Notice of Tender of Supersedeas Bond to the Clerk of the Court on Behalf of Helios Funding, LLC
2/26/10	0921	Notice of Tender of Cash to the Clerk of the Court on Behalf of Castlerigg Master Investment, Ltd.
2/26/10	0922	Notice of Tender of Cash to the Clerk of the Court on Behalf of McDonnell Loan Opportunity, Ltd.
2/26/10	0923	Notice of Tender of Cash to the Clerk of the Court on Behalf of SOF Investments, L.P.
3/4/10	0925	Order Granting Agreed Motion for Order Approving Stipulation Between the Van Kampen Dynamic Credit Opportunities Fund, Van Kampen Senior Income Trust, Van Kampen Senior Loan Fund, Morgan Stanley Senior Funding, Inc., and the Official Committee of Unsecured Creditors of TOUSA, Inc. for Filing of Replacement Bond
3/11/10	0933	Motion of Citicorp North America, Inc., First Lien Term Loan Administrative Agent, and Certain First Lien Term Loan Lenders for a Status Conference
3/19/10	0941	Stipulation Between Committee and Non-Responding Defendants Fortress Credit Investments I, Ltd. and Fortress Credit Investments II Ltd.
3/19/10	0943	Agreed Order Adopting Stipulation Between the Committee and the Fortress Funds
4/2/10	0959	Notice of Tender of Cash to the Clerk of the Court on Behalf of Fortress Investment Group, Inc.
4/2/10	0960	Transmittal of Record to District Court [re: Docket No. 903]
4/14/10	0962	Transcript of Hearing Held on March 18, 2010 [Document Image Available Only to Court Users]
4/26/10	0973	Original Supersedeas Bond Returned on April 20, 2010 by Bankruptcy Court Financial Division
6/8/10	1001	Order Setting Further Hearing; to be Held on June 9, 2010 at 3:00 p.m. [Docket Nos. 937 and 985]

Date Filed	D.E. #	Document Description
7/2/10	1028	Motion for Entry of Order on Motion to Set Payment Amounts Filed by Defendant Citicorp North America, Inc.
7/23/10	1051	Order Dismissing Appeal for Failure by Appellant(s) to Timely File Designation of Items or Statement of Issues
7/26/10	1061	Unopposed Motion to Reinstate Appeal
7/29/10	1062	Notice of Hearing re: Unopposed Motion to Reinstate Appeal
8/4/10	1064	Designations of Record on Appeal by Wells Fargo Bank, N.A.
8/4/10	1065	Statement of Issues on Appeal by Wells Fargo Bank, N.A.

As to the items on the District Court's docket designated by the Second Lien Lenders, Plaintiff does not believe that items on the District Court's docket are properly part of the Bankruptcy Court's record on appeal. Therefore, while reserving the right to cite to, refer to, and rely on documents on the District Court's dockets, Plaintiff does not designate any additional items from the District Court docket at this time.

Dated: August 10, 2010

I HEREBY CERTIFY that the undersigned attorneys are appearing *pro hac vice* in this matter pursuant to court order dated July 10, 2008 [D.E. 1360, 1362, 1363 in Ch. 11 No. 08-10928]

/s/ Patricia A. Redmond

PATRICIA A. REDMOND
 (Florida Bar No. 303739)
 DAVID C. POLLACK
 (FLORIDA BAR NO. 362972)
**STEARNS WEAVER MILLER WEISSLER
 ALHADEFF & SITTERSON, P.A.**
 150 West Flagler Street
 Miami, FL 33130
 Telephone: (305) 789-3553
 Facsimile: (305) 789-3395
predmond@stearnsweaver.com
dpollack@stearnsweaver.com

/s/ Lawrence S. Robbins

LAWRENCE S. ROBBINS *pro hac vice*
 (D.C. Bar No. 420260)
 ALAN D. STRASSER *pro hac vice*
 (D.C. Bar No. 967885)
 MICHAEL L. WALDMAN *pro hac vice*
 (D.C. Bar No. 414646)
**ROBBINS, RUSSELL, ENGLERT, ORSECK,
 UNTEREINER & SAUBER LLP**
 1801 K Street N.W., Suite 411-L
 Washington, DC 20006
 Telephone: (202) 775-4500
 Facsimile: (202) 775-4510
lrobbins@robbinsrussell.com
astrasser@robbinsrussell.com
mwaldman@robbinsrussell.com

Fraudulent Conveyance Adversary Proceeding Counsel for the Official Committee of Unsecured Creditors of TOUSA, Inc., et al.

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2010, the foregoing Designation of Additional Items for Record on Appeal was filed electronically with the Clerk of the Court, and served via Notice of Electronic Filing upon registered ECF users through the Court's CM-ECF system. I further certify that I caused copies of the foregoing Designation to be served by email upon all parties named on the attached Service List.

/s/ Patricia A. Redmond
PATRICIA A. REDMOND

OCUC of TOUSA, Inc., et al. v. Citicorp North America, Inc., et al.
Adv. Case No. 08-01435
SERVICE LIST

Paul Steven Singerman singerman@bergersingerman.com
Paul A. Avron pavron@bergersingerman.com
BERGER SINGERMAN P.A., Local Counsel
200 S. Biscayne Blvd., Suite 1000 Telephone: 305.775.9500
Miami, FL 33131 Facsimile: 305.714.4340
– and –
Paul M. Basta pbasta@kirkland.com
Richard M. Cieri rcieri@kirkland.com
M. Natasha Labovitz nlabovitz@kirkland.com
KIRKLAND & ELLIS, LLP
153 East 53 Street Telephone: 212.446.4800
New York, NY 10022 Facsimile: 212.446.4900
– and –
Jeffrey S. Powell jpowell@kirkland.com
Matthew E. Papez mpapez@kirkland.com
Daniel T. Donovan ddonovan@kirkland.com
KIRKLAND & ELLIS, LLP
655 15 Street, NW Telephone: 202.879.5000
Washington DC 20005 Facsimile: 202.879.5200
Counsel for TOUSA, Inc., et al., Debtors / Third Party Defendants

Patricia A. Redmond predmond@stearnsweaver.com
David C. Pollack dpollack@stearnsweaver.com
Martin Simkovic msikmovic@stearnsweaver.com
Kelly R. Melchiondo kmelchiondo@stearnsweaver.com
STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A., Local Counsel
150 W. Flagler Street, Suite 2200 Telephone: 305.789.3200
Miami, FL 33130 Facsimile: 305.789.3395
– and –
Lawrence S. Robbins lrobbins@robbinsrussell.com
Alan D. Strasser astrasser@robbinsrussell.com
Michael L. Waldman mwaldman@robbinsrussell.com
Eric Feigin, Esq. efeigin@robbinsrussell.com
Gary Orseck gorseck@robbinsrussell.com
ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER LLP,
1801 K Street, Suite 411-L Telephone: 202-775-4500
Washington, DC 20006 Facsimile: 202.775.4510
Fraudulent Conveyance Adversary Proceeding Special Counsel
– and –
Daniel H. Golden dgolden@akingump.com
Philip C. Dublin pdublin@akingump.com

AKIN GUMP STRAUSS HAUER & FELD LLP

590 Madison Avenue
New York, NY 10022

Telephone: (212) 872-1000
facsimile: (212) 872-1002

Counsel for Official Committee of Unsecured Creditors of TOUSA, Inc., et al, Plaintiff

Allan E Wulbern
Stephen D. Busey

awulbern@smithhulsey.com
busey@smithhulsey.com

SMITH HULSEY & BUSEY

225 Water Street, Suite 1800
Jacksonville, FL 32202

Telephone: 904.359.7700
Facsimile: 904.359.7708

– and –

Richard Craig Prosser
Harley Edward Riedel
Amy D. Harris
Edward Peterson

rprosser@srbp.com
hriedel@srbp.com
aharris.ecf@srbp.com
epeterson@srbp.com

STICHTER, RIEDEL, BLAIN & PROSSER, P.A.

110 East Madison Street, Suite 200
Tampa, FL 33602-4718

Telephone: 813.229.0144
Facsimile: 813.229.1811

– and –

Joseph H. Smolinsky

joseph.smolinsky@weil.com

WEIL GOTSHAL

767 Fifth Avenue
New York, NY 10153

Telephone: 212.310.8767
Facsimile: 212.310.8007

– and –

Thomas J. Hall
Seven R. Rivera
Thomas J. McCormack

thall@chadbourne.com
srivera@chadbourne.com
tmccormack@chadbourne.com

CHADBOURNE & PARKE LLP

30 Rockefeller Plaza
New York, NY 10112

Telephone: 212.408.5100
Facsimile: 212.541.5369

Counsel for Citicorp North America, Inc., in its capacity as Administrative Agent for the First Lien Revolver and First Lien Term Loan Credit Agreement, Defendant

Counsel for Castlerigg Master Investments, Ltd. Helios Funding LLC, SOF Investments, L.P., ,

Joined Defendant

Scott L. Baena
Matthew I. Kramer
Jeffrey I Snyder

sbaena@bilzin.com
mkramer@bilzin.com
jsnyder@bilzin.com

BILZIN SUMBERG BAENA PRICE & AXELROD LLP, Local Counsel

200 S. Biscayne Blvd., Suite 2500
Miami, FL 33131

Telephone: 305.374.7580
Facsimile: 305.374.7593

Co-Counsel to Wells Fargo, as Successor Administrative Agent under that Certain Second Lien Term Loan Credit Agreement, and an Informal Group of Holders of Second Lien Term Loan

Lenders, Defendants

Edward J. Estrada
Jordan W. Siev
John L. Scott

eestrada@reedsmith.com
jsiev@reedsmith.com
jscott@reedsmith.com

REED SMITH LLP

599 Lexington Avenue, 22nd Floor
New York, NY 10022

Telephone: 212.541.5400
Facsimile: 212.541.5450

Counsel to Morgan Stanley Senior Funding, Inc., a Second Lien Term Loan Lender, Defendant
– and –

Evan D. Flaschen
Gregory W. Nye
Richard Whiteley
Daynor M. Carman

evan.flaschen@bgllp.com
gregory.nye@bgllp.com
richard.whiteley@bgllp.com
daynor.carman@bgllp.com

BRACEWELL & GIULIANI LLP

225 Asylum Street, Suite 2600
Hartford, CT 06013

Telephone: 860.947.9000
Facsimile: 860.246.3201

– and –

David M. Levine
Lawrence A. Kellogg
Robin J. Rubens
Jeffrey C. Schneider

dml@LKLaw.com
lak@LKLaw.com
rjr@LKLaw.com
jcs@LKLaw.com

LEVINE KELLOGG LEHMAN SCHNEIDER & GROSSMAN LLP

201 South Biscayne Blvd.
Miami Center – 34th Floor
Miami, FL 33131

Telephone: 305.403.8788
Facsimile: 305.403.8789

Local Counsel to several members of an Informal Group of Holders of Second Lien Term Loan Lenders, Defendants

John H. Genovese
Paul J. Battista
Heather L. Yonke

jgenovese@gjb-law.com
pbattista@gjb-law.com
hyonke@gjb-law.com

GENOVESE JOBLOVE & BATTISTA, P.A., *Local Counsel*

100 SE 2 Street, 44 Floor
Miami, FL 33131

Telephone: 305.349.2300
Facsimile: 305.349.2310

– and –

David S. Rosner
Andrew K. Glenn
Jeffrey R. Gleit
Daniel A. Fliman
John Minsker

drosner@kasowitz.com
aglenn@kasowitz.com
jgleit@kasowitz.com
dfliman@kasowitz.com
jminsker@kasowitz.com

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

1633 Broadway
New York, NY 10019

Telephone: 212.506.1700

Counsel to Aurelius Named-Entities, GSO Named-Entities, and Carlyle Strategic Partners (collectively, the “Noteholders”), Defendants

Michael I Goldberg
Philip Landau
AKERMAN SENTERFITT, *Local Counsel*
350 East Las Olas Blvd., Suite 1600
Fort Lauderdale, FL 33301-2229

michael.goldberg@akerman.com
philip.landau@akerman.com

Telephone: 954.463.2700
Facsimile: 954.463.2224

– and –

Dennis F. Dunne
Andrew M. LeBlanc
Andrew Beirne
Atara Miller
Dennis C. O'Donnell
MILBANK, TWEED, HADLEY & MCCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005

ddunne@milbank.com
aleblanc@milbank.com
abeirne@milbank.com
amiller@milbank.com
dodonnell@milbank.com

Telephone: 212.530.5287
Facsimile: 212.530.5219 or 212.822.5057

Counsel for the "Senior Transeastern Lenders," **Defendants**

David P. Draigh
WHITE & CASE LLP
200 S. Biscayne Blvd., Suite 4900
Miami, FL 33131

ddraigh@whitecase.com

Telephone: 305.371.2700
Facsimile: 305.995.5289

– and –

Meghan McCurdy
David G. Hille
WHITE & CASE LLP
1155 Avenue of the Americas
New York, NY 10036

mmccurdy@whitecase.com
dhille@whitecase.com

Telephone: 212.819.8200
Facsimile: 212.354.8113

Counsel for Deutsche Bank Trust Company Americas, Highland Named-Entities, Jasper CLO Ltd., Loan Funding VII LLC, Quadrangle Master Funding Ltd., Stedman Loan Fund II Subsidiary Holding Company II, LLC

Darren D. Farante
FOWLER WHITE BOGGS P.A.
P.O. Box 1438
Miami, FL 33131

dfarfante@fowlerwhite.com

Telephone: 813.228-7411
Facsimile: 813.229.8313

Counsel for Centurion CDO 10, Ltd., Centurion DCO 8, Limited, Centurion CDO 9, Ltd., Centurion CDO II, Ltd., Centurion DCO VI, Ltd., Centurion CDO VII, Ltd., Centurion CDO XI, Ltd., Eaton Vance Credit Opportunities Funds, Eaton Vance Floating-Rate Income Trust, Eaton Vance Grayson & Co., Eaton Vance Limited Duration Income Fund, Senior Debt Portfolio, Eaton Vance Senior Floating-Rate Trust, Eaton Vance Senior Income Trust, Eaton Vance VT Floating-Rate Income Fund, VierSource Floating Rate Fund, Sequils-Centurion V, Ltd.

Craig V. Rasile
Mathew Mannering
HUNTON & WILLIAMS LLP
1111 Brickell Avenue, Suite 2500
Miami, FL 33131
– and –

crasile@hunton.com
mmannering@hunton.com

Telephone: 305.810.2500
Facsimile: 305.810.2460

Ryan A. Becker
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166

rbecker@hunton.com

Telephone: 212.309.1000
Facsimile: 212.309.1100

Counsel for CIT Group/ Business Credit, Inc.

Jerry M. Markowitz
Rachel L. Rubio
MARKOWITZ, DAVIS, RINGEL & TRUSTY, P.A.
9130 South Dadeland Boulevard, Suite 1225
Miami, FL 33156-7849
– and –

jmarkowitz@mdrtlaw.com
rrubio@mdrtlaw.com

Telephone: 305.670.5000
Facsimile: 305.670.5011

Joseph T. Baio
WILKIE FARR & GALLAGHER PA
787 Seventh Avenue
New York, NY 10019-6099

jbaio@wilkie.com; sjones@wilkie.com;
mabrams@wilkie.com; and
dgibson@wilkie.com

Telephone: 212.728.8521
Facsimile: 212.728.9521

Counsel for AlixPartners LLP.

Joaquin J. Alemany
Jose A. Casal
Rodolfo Sorondo, Jr.
HOLLAND & KNIGHT LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
– and –

joaquin.alemany@hkllaw.com
jcasal@hkllaw.com
rsorondo@hkllaw.com

Telephone: 305.374.8500
Facsimile: 305.789.7799

David M. Feldman
James Hallowell
Matthew K. Kelsey
GIBSON, DUNN & CRUTCHER LLP
200 Park Ave., 47th Floor
New York, NY 10166-0193

dfeldman@gibsondunn.com
jhallowell@gibsondunn.com
mkelsey@hkllaw.com

Telephone: 212.351.4000
Facsimile: 212.351.4035

*Counsel for Tannenbaum Multi-Strategy Master Fund, **Joined Defendant***

Shalom L. Kohn
SIDLEY AUSTIN LLP
787 7th Avenue, Suite 2400
New York, NY 10019

skohn@sidley.com

Telephone: 212.839.5440
Facsimile: 312.859.7036

Counsel for Fortress Credit Investments I Ltd. and Fortress Credit Investments II Ltd.

Steven Schneiderman

steven.d.schneiderman@usdoj.gov

OFFICE OF THE ASSISTANT UNITED STATES TRUSTEE

51 SW 1 Avenue, Suite 1204

Telephone: 305.536.7285

Miami, FL 33130

Facsimile: 305.536.7360
