

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:	)	Chapter 11 Cases
	)	
TOUSA, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 08-10928-JKO
	)	
Debtors.	)	Jointly Administered
	)	

**NOTICE OF FILING**  
**AFFIDAVIT OF SERVICE**

PLEASE TAKE NOTICE that the undersigned, co-counsel for the Official Committee of Unsecured Creditors, files the attached Affidavit of Service by Dagmara Krasa-Berstell attesting to service of the following:

*Statement in Support of the Debtors' Emergency Motion for an Order Pursuant to Sections 363(b) and 363(f) of the Bankruptcy Code Approving the Debtors' Entry into First Amendment to Lot Purchase and Sale Agreement with Philip J. Frey, Jr., as Trustee of the Frey Living Trust ("Frey"), and Sale of the Property Pursuant Thereto [D.E. 1779].*

<sup>1</sup> The Debtors in the cases are: TOUSA, Inc.; Engle Homes Commercial Construction, LLC; Engle Homes Delaware, Inc.; Engle Homes Residential Construction, L.L.C.; Engle Siena Verde P4, LLC; Engle Sierra Verde P5, LLC; Engle/Gilligan LLC; Engle/James LLC; LB/TE #1, LLC; Lorton South Condominium, LLC; McKay Landing LLC; Newmark Homes Business Trust; Newmark Homes Purchasing, L.P.; Newmark Homes, L.L.C.; Newmark Homes, L.P.; Preferred Builders Realty, Inc.; Reflection Key, LLC; Silverlake Interests, L.L.C.; TOI, LLC; TOUSA Associates Services Company; TOUSA Delaware, Inc.; TOUSA Funding, LLC; TOUSA Homes Arizona, LLC; TOUSA Homes Colorado, LLC; TOUSA Homes Florida, L.P.; TOUSA Homes Investment #1, Inc.; TOUSA Homes Investment #2, Inc.; TOUSA Homes Investment #2, LLC; TOUSA Homes Mid-Atlantic Holding, LLC; TOUSA Homes Mid-Atlantic, LLC; TOUSA Homes Nevada, LLC; TOUSA Homes, Inc.; TOUSA Homes, L.P.; TOUSA Investment #2, Inc.; TOUSA Mid-Atlantic Investment, LLC; TOUSA Realty, Inc.; TOUSA, LLC; TOUSA/West Holdings, Inc., and Beacon Hill at Mountain's Edge, LLC.





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	)	
Debtors.	)	Jointly Administered
	)	

STATE OF NEW YORK )

DAGMARA KRASA-BERSTELL

1. Deponent is not a party to this action, is over 18 years of age and is an employee of Akin Gump Strauss Hauer & Feld LLP, 590 Madison Avenue, New York, New York 10022.

2. On September 16, 2008, I caused true and correct copies of the Statement of the Official Committee of Unsecured Creditors of Touse, Inc., et al., in Support of the Debtors' Emergency Motion for Entry of an Order Pursuant to Sections 363(b) and 363(f) of the Bankruptcy Code Approving the Debtors' Entry Into First Amendment to Lot Purchase and Sale Agreement with Philip Frey, Jr., as Trustee of the Frey Living Trust and Sale of Property

<sup>1</sup> The Debtors in the cases are: TOUSA, Inc.; Engle Homes Commercial Construction, LLC; Engle Homes Delaware, Inc.; Engle Homes Residential Construction, L.L.C.; Engle Sierra Verde P4, LLC; Engle Sierra Verde P5, LLC; Engle/Gilligan LLC; Engle/James LLC; LB/TE #1, LLC; Lorton South Condominium, LLC; McKay Landing LLC; Newmark Homes Business Trust; Newmark Homes Purchasing, L.P.; Newmark Homes, L.L.C.; Newmark Homes, L.P.; Preferred Builders Realty, Inc.; Reflection Key, LLC; Silverlake Interests, L.L.C.; TOI, LLC; TOUSA Associates Services Company; TOUSA Delaware, Inc.; TOUSA Funding, LLC; TOUSA Homes Arizona, LLC; TOUSA Homes Colorado, LLC; TOUSA Homes Florida, L.P.; TOUSA Homes Investment #1, Inc.; TOUSA Homes Investment #2, Inc.; TOUSA Homes Investment #2, LLC; TOUSA Homes Mid-Atlantic Holding, LLC; TOUSA Homes Mid-Atlantic, LLC; TOUSA Homes Nevada, LLC; TOUSA Homes, Inc.; TOUSA Homes, L.P.; TOUSA Investment #2, Inc.; TOUSA Mid-Atlantic Investment, LLC; TOUSA Realty, Inc.; TOUSA, LLC; and TOUSA/West Holdings, Inc.

Pursuant Thereto, to be served via email on the parties listed on the annexed Service List A and via first class mail, postage prepaid, on the parties listed on the annexed Service List B.

/s/ Dagmara Krasa-Berstell  
Dagmara Krasa-Berstell

Sworn to before me this  
16st of September, 2008

/s/ Roselynn D. Mizner  
Roselynn D. Mizner  
Notary Public, State of New York  
No. 01M15003432  
Qualified in New York County  
Commission Expires March 7, 2011

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