

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.*,

Plaintiff,

vs.

TENNENBAUM MULTI-STRATEGY MASTER
FUND, *et al.*,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 10-02242-JKO

**NOTICE OF FILING
CERTIFICATE OF SERVICE**

PLEASE TAKE NOTICE that Plaintiff, OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF TOUSA, INC., et al., hereby files,

A. Sworn Affidavit of Service of Maribeth Solis attesting to service of initial process on Defendant, Tennenbaum Capital SPC, and Acknowledgement of Service of:

1. Adversary Complaint [D.E. 1]; and,
2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding [D.E. 3].

B. Certificate of Service and attestation of Daniel Newcomb, regarding service of initial process on Defendant, Goldman Sachs Lending Partners, LLC, CMTGLQ Investors, L.P., acknowledging service of:

1. Adversary Complaint [D.E. 1]; and,
2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding [D.E. 3].

C. Sworn Affidavits of Service of Maribeth Solis attesting to service of initial process on Defendant Fall Creek CLO Ltd., and Acknowledgements of Service of:

1. Adversary Complaint [D.E. 1]; and,
2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding [D.E. 3].

DATED: April 1, 2010.

**STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.**
150 West Flagler Street
Miami, FL 33130
Telephone: (305) 789-3553
Facsimile: (305) 789-3395

/s/ Patricia A. Redmond
PATRICIA A. REDMOND
(Florida Bar No. 303739)
predmond@stearnsweaver.com

*Local Counsel to the Official Committee of
Unsecured Creditors of TOUSA, Inc., et al.*

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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

Chapter 11 Cases
Case No. 08-10928-JKO

Debtors

Jointly Administered

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

Plaintiff

vs.

TENNENBAUM MULTI-STRATEGY MASTER
FUND, TENNENBAUM CAPITAL SPC,
MARATHON FINANCING I, B.V., ESPERANCE
C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

AFFIDAVIT OF MARIBETH SOLIS

I, MARIBETH SOLIS, of Mailfast Services, P.O. Box 410, Grand Cayman, KY1-1106,
Cayman Islands, **MAKE OATH** and say as follows:

1. I am an employee of Mailfast Services, a delivery service which operates in the Cayman Islands with offices at P.O. Box 410, Grand Cayman, KY1-1106, Cayman Islands. Mailfast Services provides courier services for the firm of Solomon Harris, amongst others, and also delivers legal documents and executes process as and when required.

2. Save where otherwise indicated the facts and matters to which I depose herein I derive from my own knowledge. To the extent that matters to which I depose are derived from information supplied to me, they are true to the best of my knowledge, information and belief.

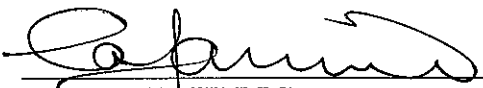
3. On 11 February 2010 at approximately 4:35 pm I attended at the office of the service agent of Tennenbaum Capital SPC located at Maples Finance Limited, Boundary Hall, Cricket Square, Grand Cayman, Cayman Islands and served upon Tennenbaum Capital SPC copies of the following documents by delivering the same to and leaving them with Sarah Ebanks:
 - 3.1. Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division; and
 - 3.2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division.

4. The said Sarah Ebanks signed an Acknowledgement of Service of the documents referred to in paragraphs 3.1 and 3.2 hereof. There is now produced and shown to me marked "MS1" a true copy of the said Acknowledgement of Service.

SWORN by the said **MARIBETH SOLIS**)
 At Grand Cayman, Cayman Islands)
 This 5 day of February 2010,)
 Before me:)



MARIBETH SOLIS



NOTARY PUBLIC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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

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Plaintiff

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MARATHON FINANCING I, B.V., ESPERANCE
C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

**EXHIBIT MS1 TO THE
AFFIDAVIT OF MARIBETH SOLIS**

This is the document marked "MS1" mentioned and referred to in the Affidavit of Maribeth Solis
sworn to on the 15 day of February 2010.



NOTARY PUBLIC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

In re:
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Chapter 11 Cases
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FUND, TENNENBAUM CAPITAL SPC,
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C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

ACKNOWLEDGEMENT OF SERVICE

Receipt is hereby acknowledged of a copy of the Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division and Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division delivered to the service agent of Tennenbaum Capital SPC, being Maples Finance Ltd., Boundary Hall, Cricket Square, Grand Cayman, Cayman Islands on the 11th day of February 2010 at 4:30 pm by:-

Signature: 

Name of Signatory: Sarah Elbanks
(Please print name)

EXHIBIT B

CERTIFICATE OF SERVICE

I, Daniel Newcomb (name), certify that service of this summons and a copy of the complaint was made 2/8/2010 at 2:40 PM (date) by:

Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

Service was effectuated on Goldman Sachs Lending Partners, LLC, OMIGLO Investors, L.P. by serving Scott LaScala, Managing Agent duly authorized to accept service, of registered agent, The Corporation Trust Company. Service was made at 1209 Orange Street, Wilmington, DE 19801.

Residence Service: By leaving the process with the following adult at:

Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

Publication: The defendant was served as follows: [Describe briefly]

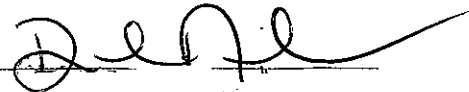
State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date: February 26, 2010

Signature: _____



Print Name: Daniel Newcomb
Address: P.O. Box 7465
City: Miami State: FL Zip: 33152

PROCEED GROUP
SERVICE OF PROCESS
305 971 8090

EXHIBIT C

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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

Chapter 11 Cases
Case No. 08-10928-JKO

Debtors

Jointly Administered

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Plaintiff

vs.

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FUND, TENNENBAUM CAPITAL SPC,
MARATHON FINANCING I, B.V., ESPERANCE
C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

AFFIDAVIT OF MARIBETH SOLIS

I, MARIBETH SOLIS, of Mailfast Services, P.O. Box 410, Grand Cayman, KY1-1106,
Cayman Islands **MAKE OATH** and say as follows:

1. I am an employee of Mailfast Services, a delivery service which operates in the Cayman Islands with offices at P.O. Box 410, Grand Cayman, KY1-1106, Cayman Islands. Mailfast Services provides courier services for the firm of Solomon Harris, amongst others, and also delivers legal documents and executes process as and when required.

TOUSA Creditors' Committee
Affidavit of Maribeth Solis
Sworn February 2010
Exhibit "MS1"

2. Save where otherwise indicated the facts and matters to which I depose herein I derive from my own knowledge. To the extent that matters to which I depose are derived from information supplied to me, there are true to the best of my knowledge, information and belief.
3. On 12 February 2010 at approximately 10 am I attended at Maples Finance Limited, Queensgate House, Grand Cayman, Cayman Islands and delivered to Andrew Dean, a director of FALL CREEK CLO, Ltd. copies of the following documents by delivering the same to and leaving them with Michele Berry:-
 - 3.1. Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division; and
 - 3.2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division.
4. The said Michele Berry signed an Acknowledgement of Receipt of the documents referred to in paragraphs 3.1 and 3.2 hereof. There is now produced and shown to me marked "MS1" a true copy of the Acknowledgement of Receipt.

SWORN by the said **MARIBETH SOLIS**)
 At Grand Cayman, Cayman Islands)
 This 5 day of February 2010,)
 Before me:)



MARIBETH SOLIS



NOTARY PUBLIC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

**EXHIBIT MS1 TO THE
AFFIDAVIT OF MARIBETH SOLIS**

This is the document marked "MS1" mentioned and referred to in the Affidavit of Maribeth Solis
sworn to on the 5 day of February 2010.



NOTARY PUBLIC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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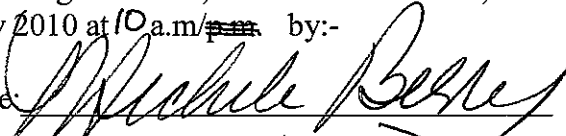
vs.

TENNENBAUM MULTI-STRATEGY MASTER
FUND, TENNENBAUM CAPITAL SPC,
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Defendants.

ACKNOWLEDGEMENT OF RECEIPT

Receipt is hereby acknowledged of a copy of the Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division and Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division delivered to Andrew Dean, a director of FALL CREEK CLO, Ltd., at the registered office of FALL CREEK CLO, Ltd., being Maples Finance Ltd., Queensgate House, South Church Street, Grand Cayman, Cayman Islands on the 12th day of February 2010 at 10 a.m. by:-

Signature:



Name of Signatory:

Michelle Berry
12/2/10

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

AFFIDAVIT OF MARIBETH SOLIS

I, MARIBETH SOLIS, of Mailfast Services, P.O. Box 410, Grand Cayman, KY1-1106,
Cayman Islands **MAKE OATH** and say as follows:

1. I am an employee of Mailfast Services, a delivery service which operates in the Cayman Islands with offices at P.O. Box 410, Grand Cayman, KY1-1106, Cayman Islands. Mailfast Services provides courier services for the firm of Solomon Harris, amongst others, and also delivers legal documents and executes process as and when required.

2. Save where otherwise indicated the facts and matters to which I depose herein I derive from my own knowledge. To the extent that matters to which I depose are derived from information supplied to me, they are true to the best of my knowledge, information and belief.

3. On 11 February 2010 at approximately 4 pm I attended at Maples Finance Limited, Queensgate House, Grand Cayman, Cayman Islands and delivered to Carrie Bunton, a director of FALL CREEK CLO, Ltd. copies of the following documents by delivering the same to and leaving them with Michele Berry:-
 - 3.1. Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division; and
 - 3.2. Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division.

4. The said Michele Berry signed an Acknowledgement of Receipt of the documents referred to in paragraphs 3.1 and 3.2 hereof. There is now produced and shown to me marked "MS1" a true copy of the Acknowledgement of Receipt.

SWORN by the said **MARIBETH SOLIS**)
 At Grand Cayman, Cayman Islands)
 This 5 day of February 2010,)
 Before me:)



MARIBETH SOLIS



NOTARY PUBLIC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:
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FUND, TENNENBAUM CAPITAL SPC,
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GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

**EXHIBIT MS1 TO THE
AFFIDAVIT OF MARIBETH SOLIS**

This is the document marked "MS1" mentioned and referred to in the Affidavit of Maribeth Solis
sworn to on the ¹⁵ day of February 2010.



NOTARY PUBLIC

(Please print name)
**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

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Plaintiff

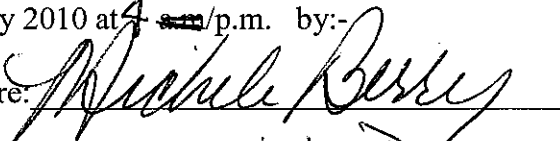
vs.

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FUND, TENNENBAUM CAPITAL SPC,
MARATHON FINANCING I, B.V., ESPERANCE
C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
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Defendants.

ACKNOWLEDGEMENT OF RECEIPT

Receipt is hereby acknowledged of a copy of the Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division and Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division delivered to Carrie Bunton, a director of FALL CREEK CLO, Ltd., at the registered office of FALL CREEK CLO, Ltd., being Maples Finance Ltd., Queensgate House, South Church Street, Grand Cayman, Cayman Islands on the 1st day of February 2010 at 4:00 p.m. by:-

Signature:



Name of Signatory:

Michele Berry

(Please print name)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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Jointly Administered

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FUND, TENNENBAUM CAPITAL SPC,
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Defendants.

AFFIDAVIT OF MARIBETH SOLIS

I, MARIBETH SOLIS, of Mailfast Services, P.O. Box 410, Grand Cayman, KY1-1106,
Cayman Islands **MAKE OATH** and say as follows:

1. I am an employee of Mailfast Services, a delivery service which operates in the Cayman Islands with offices at P.O. Box 410, Grand Cayman, KY1-1106, Cayman Islands. Mailfast Services provides courier services for the firm of Solomon Harris, amongst others, and also delivers legal documents and executes process as and when required.

2. Save where otherwise indicated the facts and matters to which I depose herein I derive from my own knowledge. To the extent that matters to which I depose are derived from information supplied to me, they are true to the best of my knowledge, information and belief.
3. On 11 February 2010 at approximately 4:05 pm I attended at Maples Finance Limited, Queensgate House, Grand Cayman, Cayman Islands to serve upon FALL CREEK CLO, Ltd. copies of the following documents by delivering the same to and leaving them with Michele Berry:-
 - 3.1. Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division; and
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4. The said Michele Berry signed an Acknowledgement of Service of the documents referred to in paragraphs 3.1 and 3.2 hereof. There is now produced and shown to me marked "MS1", a true copy of the Acknowledgement of Service.
5. On 11 February 2010 at approximately 4:40 pm I attended at Maples Finance Limited, Boundary Hall, Cricket Square, Grand Cayman, Cayman Islands to serve upon FALL CREEK CLO, Ltd. a copy of the following documents by delivering the same to and leaving them with Sarah Ebanks:-
 - 5.1. Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division; and
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6. The said Sarah Ebanks signed an Acknowledgement of Service of the documents referred to in paragraphs 5.1 and 5.2 hereof. There is now produced and shown to me marked "MS1" the Acknowledgement of Service.

SWORN by the said **MARIBETH SOLIS**)
At Grand Cayman, Cayman Islands)
This 15 day of February 2010,)
Before me:)



MARIBETH SOLIS



NOTARY PUBLIC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

**EXHIBIT MS1 TO THE
AFFIDAVIT OF MARIBETH SOLIS**

This is the document marked "MS1" mentioned and referred to in the Affidavit of Maribeth Solis
sworn to on the 15 day of February 2010.



NOTARY PUBLIC

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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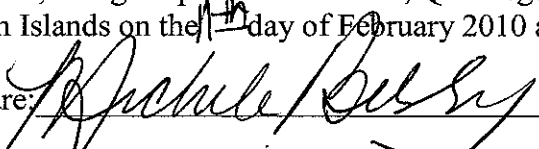
Plaintiff

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ACKNOWLEDGEMENT OF SERVICE

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Signature: 

Name of Signatory: Michele Berry
(Please print name)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

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

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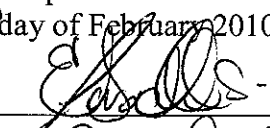
Plaintiff

vs.

TENNENBAUM MULTI-STRATEGY MASTER
FUND, TENNENBAUM CAPITAL SPC,
MARATHON FINANCING I, B.V., ESPERANCE
C/O SCOTIABANK (IRELAND) LIMITED;
FORTRESS CREDIT INVESTMENTS I LTD.;
FORTRESS CREDIT INVESTMENTS II LTD.;
GOLDMAN SACHS LENDING PARTNERS LLC
CMTGLQ INVESTORS, L.P. DBA FKA SSIG
SPF ONE LQ L.L.C.; FALL CREEK CLO Ltd.
Defendants.

ACKNOWLEDGEMENT OF SERVICE

Receipt is hereby acknowledged of a copy of the Adversary Complaint dated 27 January 2010 in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division and Summons and Notice of Pretrial/Trial in an Adversary Proceeding in Case No. 08-10928-JKO filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division delivered to the registered office of FALL CREEK CLO, Ltd., being Maples Finance Ltd., Boundary Hall, Cricket Square, Grand Cayman, Cayman Islands on the ~~1st~~ day of February 2010 at ~~4:30~~ p.m. by:-

Signature: 

Name of Signatory: Sara A Elbanks
(Please print name)