



ORDERED in the Southern District of Florida on May 06, 2009.

**John K. Olson, Judge
United States Bankruptcy Court**

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

In re:)	Chapter 11 Cases
)	
TOUSA, INC., et al.,)	Case No. 08-10928-JKO
)	
Debtors.)	Jointly Administered
)	

**ORDER AWARDING COMPENSATION AND REIMBURSEMENT OF EXPENSES
INCURRED DURING THIRD INTERIM FEE PERIOD TO
STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.**

(CO-COUNSEL TO OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF TOUSA, INC., ET AL.)

THIS CAUSE came before the Court, for hearing on April 23, 2009 (“Hearing”), upon the Third Interim Fee Application of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. for Compensation and Reimbursement of Expenses (“Third Fee Application”) [DE #2502]. Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. (“Stearns Weaver”) has served as co-counsel to the Official Committee of Unsecured Creditors of TOUSA, Inc., et al. (“Creditors’ Committee”) of these jointly administered bankruptcy estates, pursuant to this Court’s Order authorizing the

*Case No. 08-10928-JKO
Jointly Administered Chapter 11 Cases*

retention and employment of Stearns Weaver as local counsel for the Creditors' Committee *nunc pro tunc* to February 14, 2008, dated March 20, 2008 [DE #804].

The amounts requested by Stearns Weaver in its Third Fee Application for which no previous request or award has been made, include the following:

Fee Period	Requested Fees	Requested Expenses	Total
09/01/2008 - 12/31/2008	\$727,450.00	\$ 16,918.29	\$ 744,668.29

The Court has considered the Third Fee Application as an interim application, the arguments and representations at the Hearing, and all requisite factors for awarding fees and expenses. The Court is fully advised in the premises and as to the record in these cases. For the reasons stated on the record which are incorporated by reference herein, the Court finds that (a) the Fee Application complies with the Court's Guidelines for Fee Applications and prior orders of the Court; (b) the requested allowances are reasonable under the applicable provisions of the Bankruptcy Code; (c) good and sufficient notice of the Hearing was provided, (d) the services rendered by Stearns Weaver were necessary, and (e) the time spent by Stearns Weaver was reasonable to accomplish the tasks requested of it. Accordingly, it is –

ORDERED as follows:

1. Stearns Weaver's Fee Application is GRANTED, however, 20% of the requested fees shall constitute a "hold-back" and shall not be awarded at this time.
2. STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A., Co-Counsel to the Creditors' Committee, is allowed an interim award of 80% of the fees requested in the Fee Application in the amount of \$581,960.00 and reimbursement of 100% of the expenses

Case No. 08-10928-JKO
Jointly Administered Chapter 11 Cases

requested in the amount of \$16,918.29 for a total award of \$598,878.29 for the period from September 1, 2008 through December 31, 2008, which sum has been paid or is hereby authorized to be paid by the Debtors in accordance with this Court's Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals (DE 103). This award is without prejudice to Stearns Weaver seeking an award of the total amount of fees and expenses, including any non-awarded amounts, at a subsequent interim period or at the conclusion of these cases.

3. Stearns Weaver's is awarded an additional 10% of the fees previously held back pursuant to this Court's orders (DE 1596 and DE 2256) on Stearns Weaver's First and Second Interim Applications in the amount of \$16,919.35.

4. In allowing the foregoing fees, this Court has considered the criteria specified in 11 U.S.C. §§ 328, 330 and 331 and the requirements of Bankruptcy Rule 2016, in light of the principles stated in *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Blum v. Stenson*, 465 U.S. 886, 897 (1984); *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546 (1986); and *Norman v. Housing Authority of Montgomery*, 836 F.2d 1292, 1299 (11th Cir. 1988). Specific findings and a statement of the facts and considerations supporting these conclusions have been omitted in the interest of brevity but will be prepared and filed at the request of any party if received by this Court within ten (10) days after the entry of this Order.

###

Submitted by and Copy furnished to:
Patricia A. Redmond, FNB 303739
predmond@swmwas.com
Stearns Weaver Miller Weissler, et al
Co-Counsel for Creditors Committee
150 West Flagler Street, Suite 2200
Miami, Florida 33130

(Attorney Redmond is directed to serve a conformed copy of this order on all interested parties and to file a certificate of service)