

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

In re: TOUSA, INC., <i>et al.</i> , Debtors.	:	Chapter 11 Cases
	:	
	:	Case No. 08-10928-JKO
	:	
	:	Jointly Administered
	:	
	:	
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF TOUSA, INC., <i>et al.</i> , Plaintiff,	:	
	:	Adv. Pro. No. 08-01435
	:	
v.	:	
	:	
CITICORP NORTH AMERICA, INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	

**APPELLANT'S DESIGNATION OF THE ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL AND
STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL**

The Official Committee of Unsecured Creditors, by and through undersigned counsel, and pursuant to Fed. Bankr. P. 8006, hereby designates the items to be included in the record on appeal and submits its statement of the issue to be presented on appeal of the **Order Entering Judgment Under Rule 54(b) for Claims Under the Amended Revolver Agreement** (Docket Entry #268), entered in the captioned case on February 25, 2009 as follows:

**DESIGNATIONS FROM THE DOCKET OF THE ADVERSARY PROCEEDING
NO. 08-01435**

DATE	DOCKET NO.	DESCRIPTION
July 14, 2008	1	Adversary Complaint
August 13, 2008	16 (incl. exhibits)	Motion by Citicorp North America, Inc., in Its Capacity as Administrative Agent for the Revolving Credit Agreement, to Dismiss the Complaint or, in the Alternative, for a More Definite Statement (plus exhibits)
Sept. 3, 2008	59	Plaintiff's Opposition to Citicorp North America's Motion to Dismiss
Sept. 12, 2008	81	Reply Memorandum of Citicorp North America, Inc., as Administrative Agent for the Revolving Credit Agreement, in Support of Its Motion to Dismiss the Complaint, or in the Alternative, for a More Definite Statement
Sept. 22, 2008	87	Order Granting Motion by Citicorp North America, Inc., in Its Capacity as Administrative Agent for the Revolving Credit Facility, To Dismiss the Complaint
Oct. 17, 2008	120	First Amended Adversary Complaint
Nov. 4, 2008	148 (incl. exhibits)	Motion by Citicorp North America, Inc., in Its Capacity as Administrative Agent for the Revolving Credit Facility, to Dismiss the First Amended Adversary Complaint (plus exhibits)
Nov. 18, 2008	166 (incl. exhibits)	Plaintiff's Opposition to Citicorp North America, Inc.'s Motion to Dismiss (plus exhibits)
Nov. 25, 2008	176	Reply Memorandum of Citicorp North America, Inc., as Administrative Agent for the Revolving Credit Facility, in Support of Its Motion to Dismiss the First Amended Adversary Complaint
Dec. 29, 2008	218	Transcript of 12/04/08 Hearing
Feb. 25, 2009	268	Order Entering Judgment Under Rule 54(B) for Claims Under the Amended Revolver Agreement
Feb. 26, 2009	271	Notice of Entry on Docket of Order Entering Judgment Under Rule 54(B) for Claims Under the Amended Revolver Agreement
Mar. 9, 2009	290	Notice of Appeal to United States District Court
Mar. 10, 2009	292	Clerk's Notice of Mailing Notice of Appeal

**DESIGNATIONS FROM THE DOCKET OF THE CHAPTER 11 PROCEEDING
NO. 08-10928**

DATE	DOCKET NO.	DESCRIPTION
October 7, 2008	1877	Transcript of 9/17/08 Hearing

STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL

1. Did the Bankruptcy Court err in dismissing the Official Creditors' Committee's claims under the Revolving Credit Facility?

Appellant reserves the right to modify, restate, and/or supplement the foregoing issue to the fullest extent permitted by the Bankruptcy Code and Rules.

Dated this 19th of March, 2009

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications in this Court set forth in Local Rule 2090-1(A)

/s/ Patricia A. Redmond

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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/ Michael L. Waldman

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CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified below, either via transmission of Notices of Electronic Filing generated by CM/ECF or in by email for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing:

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