

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

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In re:  TOUSA, INC., <i>et al.</i> , <sup>1</sup>  Debtors.	) ) ) ) ) )	Chapter 11 Cases  Case No. 08-10928-JKO  Jointly Administered
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**JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF TOUSA, INC., ET AL. TO THE DEBTORS’  
OBJECTION TO CREDITOR ROBERT KRIEFF’S MOTION  
FOR STAY RELIEF AND REQUEST FOR ADEQUATE PROTECTION**

The Official Committee of Unsecured Creditors (the “Committee”) of TOUSA, Inc., et al. (collectively, the “Debtors”), by and through its undersigned proposed co-counsel, joins (the “Joinder”) in the Debtors’ Objection (the “Objection”) to Creditor Robert Krieff’s (“Krieff”) Motion for Stay Relief and Request for Adequate Protection (the “Motion”) [D.E. #464]. In support of this Joinder, the Committee respectfully submits as follows:

**BACKGROUND**

1. On February 29, 2008, Krieff filed the Motion requesting that the Court enter an order granting Krieff relief from the automatic stay to (a) allow him to complete garnishment

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<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; and TOUSA/West Holdings, Inc.



proceedings in Florida state court and/or (b) grant him adequate protection with respect to Krieff's asserted secured claim.

**THE COMMITTEE'S JOINDER**

2. On March 18, 2008, the Debtors filed the Objection [D.E. # 629]. Based on the facts available to the Committee, the Committee agrees with the legal arguments set forth in the Objection and, accordingly, files this Joinder in support thereof.<sup>2</sup>

**CONCLUSION**

For the reasons set forth in the Objection as qualified hereby, the Committee respectfully requests that the Court (a) deny the relief requested in the Motion and (b) grant the Committee such other and further relief as the Court deems just, proper and equitable.

Dated: March 18, 2008

Respectfully submitted,

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 to practice in this court set forth in Local Rule 2090-1(A).

**STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.**

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-and-

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<sup>2</sup> The Debtors assert in the Objection that, to the extent valid, Krieff's lien is subordinate to the liens of the Debtors' prepetition secured bank lenders (the "Prepetition Lenders") who are owed more than \$800 million. Objection at ¶ 28. The Committee disputes the validity and extent of the liens and claims asserted by the Prepetition Lenders. Therefore, nothing contained in this Joinder should be construed as a waiver of the Committee's rights to challenge such liens and claims and the Committee expressly reserves all rights related thereto.

We hereby certify that the undersigned attorneys are appearing pro hac vice in this matter pursuant to Court orders dated February 27, 2008 and March 3, 2008.

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et al.*