

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.*,

Plaintiffs,

vs.

CITICORP NORTH AMERICA, INC., *ET AL.*,

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adv. Pro. No. 08-1435-JKO

NOTICE OF TAKING DEPOSITION IN AID OF EXECUTION

PLEASE TAKE NOTICE that the Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.*, will take the deposition of:

NAME: **Highland CDO Opportunity Fund (“Highland”)**
(by an officer, director, managing agent or other person designated by Highland to testify on its behalf about the assets and liabilities of Highland and the subject matters in the attached Exhibit “A”)
c/o Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005

DATE and TIME: Thursday, January 28, 2010
1:30 p.m.

PLACE: **Milbank, Tweed, Hadley & McCloy LLP**
1 Chase Manhattan Plaza
New York, NY 10005

This examination will be taken pursuant to Federal Rules of Civil Procedure 30(b)(6) and 69, made applicable to adversary proceedings by Federal Rules of Bankruptcy Procedure 7030 and 7069. The deposition may continue from day to day until completed. The deposition will be taken for the purpose of discovery in aid of execution of final judgment or for such other purposes as are permitted under the applicable Rules.

Dated: December 23, 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

PATRICIA A. REDMOND

(Florida Bar No. 303739)

DAVID C. POLLACK

(FLORIDA BAR NO. 362972)

MARTIN SIMKOVIC

(FLORIDA BAR NO. 0870625)

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predmond@swmwas.com

Local Counsel to the Fraudulent Conveyance Adversary Proceeding Counsel for the Official Committee of Unsecured Creditors of TOUSA, Inc., et al.

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/ Lawrence S. Robbins

LAWRENCE S. ROBBINS

pro hac vice

(D.C. Bar No. 420260)

ALAN D. STRASSER

pro hac vice

(D.C. Bar No. 967885)

MICHAEL L. WALDMAN

pro hac vice

(D.C. Bar No. 414646)

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Fraudulent Conveyance Adversary Proceeding Counsel for the Official Committee of Unsecured Creditors of TOUSA, Inc., et al.

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2009, I caused a true and correct copy of the foregoing Notice of Taking Deposition in Aid of Execution to be served by Notice of Electronic Filing or by e-mail on the parties named on the attached Service List.

/s/ Patricia A. Redmond

Patricia A. Redmond

EXHIBIT "A"

1. Highland's corporate structure, parent and subsidiary corporations, partnerships or limited liability companies.
2. Highland's communications and transactions with financial institutions, including but not limited to banks, savings and loan institutions, brokerage houses and credit unions, from January 1, 2005 through the date of the deposition.
3. Highland's most recent deposits and withdrawals at any and all financial institutions.
4. Highland's passbooks, certificates of deposit, or savings certificates, from January 1, 2005 through the date of the deposition.
5. The accounting firms that Highland has retained for all purposes from January 1, 2005 through the date of the deposition, including but not limited to the preparation of its tax returns.
6. Highland's tax returns and corresponding amendments and schedules, filed from January 1, 2005 through the date of the deposition.
7. Highland's anticipated tax refunds, if any, and the anticipated dates and amounts of such refunds.
8. Debts currently owed to Highland, the identities of Highland's debtors, the amounts owed and the consideration provided for the debts.
9. Debts that Highland currently owes, the identities of Highland's creditors, the amounts owed and the consideration provided for the debts.
10. Any and all debts that Highland owed and repaid from January 1, 2005 through the date of the deposition.

11. Any and all real property that Highland owns in whole or in part and the appraised values of all such property.

12. Any and all debts that Highland owes with respect to any real property in which it has an interest.

13. Any and all personal property that Highland owns in whole or in part, including but not limited to motor vehicles, boats, launches, helicopters, airplanes, art work, jewelry, precious metals or collectibles worth over \$2,000.00, and the appraised values of all such property.

14. Highland's transfers of any real or personal property from January 1, 2005 through the date of the deposition, the dates of such transfers, the transferees, and the consideration for such transfers.

15. Any and all securities, options or commodities that Highland owned from January 1, 2005 through the date of the deposition.

16. All credit cards or charge accounts in Highland's name and the identities of any and all individuals authorized to make charges on them, (or any of them) from January 1, 2005 through the date of the deposition.

17. All insurance policies or annuities for which Highland is or has been the insured or beneficiary from January 1, 2005 through the date of the deposition.

18. Any claims Highland has made on any insurance policies from January 1, 2005 through the date of the deposition.

19. The salaries of Highland's employees, officers, directors, shareholders, members, managers and/or partners from January 1, 2005 through the date of the deposition.

20. Distributions, bonuses and other payments made to Highland's employees, officers, directors, members, managers and/or partners from January 1, 2005 through the date of the deposition.

21. Highland's ownership interest in any corporations, partnerships, limited liability companies or other business entities from January 1, 2005 through the date of the deposition.

22. Highland's sale, transfer or disposition of any stock certificates, partnership interests or other interests in any corporations, partnerships, limited liability companies or other business entities, from January 1, 2005 through the date of the deposition.

23. Highland's filings with and submissions to the Securities and Exchange Commission from January 1, 2005 through the date of the deposition.

24. Any and all trusts for which Highland is the beneficiary, trustee or settlor or has been the beneficiary, trustee or settlor from January 1, 2005 through the date of the deposition.

25. Any and all judgments, recorded or unrecorded, against Highland from January 1, 2005 through the date of the deposition, and any and all payments Highland has made on those judgments.

26. Any and all transfers of Highland's assets, tangible or intangible, from January 1, 2005 through the date of the deposition.

27. Any and all voluntary bankruptcy proceedings that Highland has initiated from January 1, 2005 through the date of the deposition.

28. Any and all involuntary bankruptcy proceedings initiated against Highland from January 1, 2005 through the date of the deposition.

29. Any and all assignments for the benefit of creditors that Highland has made from January 1, 2005 through the date of the deposition.

30. Whether a receiver has been appointed for Highland or any of its property from January 1, 2005 through the date of the deposition.

31. Any and all outstanding executions, orders or subpoenas in supplementary proceedings against Highland from January 1, 2005 through the date of the deposition.

32. Highland's ownership interest in patents, trademarks or copyrights.

33. The total amount of Highland's liabilities, exclusive of this judgment, as of the date of the deposition.

34. All assets, tangible and intangible, that Highland owns as of the date of the deposition.

35. Any and all debts that Highland owes on its assets, tangible and intangible, as of the date of the deposition.

36. The total value of Highland's assets, as of the date of the deposition.

37. Highland's financial condition as of the date of the deposition.