

Motion to Confirm Corporate Name Change By Newmark Homes, LP to TOUSA Texas, LP and Related Relief as to Newmark Homes Houston, LLC (the “Name Change Motion”).

By the Name Change Motion, the Debtors seek entry of a comfort order confirming (i) the corporate name change by Newmark Homes, LP (“Newmark”) to TOUSA Texas, LP and (ii) that Newmark Homes Houston, LLC (“NHH”) is a legally distinct entity that is unaffiliated with the Debtors.

Pursuant to a transaction approved by the Bankruptcy Court on June 1, 2009 (the “Agreement”), substantially all of the assets of Newmark, including all rights to the name and trademark “Newmark Homes” were sold to NHH. Under the terms of the Agreement, Newmark was permitted to continue to use the name “Newmark Homes” while the Nashville, Austin, Houston and San Antonio divisions of Newmark were still winding down, for a limited period, not to exceed twelve months from the closing of the Agreement.

On January 19, 2010, the Debtors began filing approximately 1,400 adversary complaints seeking to recover certain prepetition preferential transfers. Several of the adversary complaints seek to avoid and recover payments that were made by Newmark to suppliers of NHH. Accordingly, NHH has faced issues with several suppliers who are confused over the use of the name “Newmark Homes” in the adversary complaints. As a result, prior to the expiration of the twelve-month period contained in the Agreement, the Debtors filed the requisite documents seeking to effectuate a corporate name change of Newmark to TOUSA Texas, LP.

A hearing on the Name Change Motion has been scheduled for August 12, 2010 with a corresponding objection deadline of August 6, 2010.