

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

|   |   |                       |
|---|---|-----------------------|
| In re:                                    | ) | Chapter 11 Cases      |
|   | ) |                       |
| TOUSA, INC., <i>et al.</i> , <sup>1</sup> | ) | Case No. 08-10928-JKO |
|   | ) |                       |
| Debtors.                                  | ) | Jointly Administered  |
|   | ) |                       |

**NOTICE OF FILING**  
**CERTIFICATE OF SERVICE**

PLEASE TAKE NOTICE that the undersigned, proposed co-counsel for the Committee of Unsecured Creditors, files herewith the Certificate of Service of the following:

- (i) Application of the Official Committee of Unsecured Creditors for Entry of an Order Approving Employment and Retention of J.H. Cohn LLP as Forensic Accountants and Financial Consultants Pursuant to 11 U.S.C. §§ 328(a) and 1103(a), Nunc Pro Tunc to March 27, 2008 [D.E. 844];
- (ii) Application of the Official Committee of Unsecured Creditors for Entry of an Order Approving Employment and Retention of Robert Charles Lesser & Co., as Real Estate Advisors Pursuant to 11 U.S.C. §§ 328(a) and 1103(a), Nunc Pro Tunc to March 27, 2008 [D.E. 848]; and
- (iii) Motion of the Official Committee of Unsecured Creditors of TOUSA, INC., et al., Pursuant to 11 U.S.C. §§ 105(a), 1103(a) and 1109(b), for Entry of an Order Granting Leave, Standing and Authority to Prosecute, and, if Appropriate, Settle Causes of Action on Behalf of the Debtors' Estates [D.E. 850].

<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.



Dated: April 23, 2008.

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

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By: /s/ Patricia A. Redmond .  
Patricia A. Redmond  
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- and -

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*Co-counsel for Creditors' Committee*

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| TOUSA, INC., <i>et al.</i> , <sup>1</sup> | ) | Case No. 08-10928-JKO |
|   | ) |                       |
| Debtors.                                  | ) | Jointly Administered  |
|   | ) |                       |

STATE OF NEW YORK )

SAHAR AZAR

1. Deponent is not a party to this action, is over 18 years of age and is an employee of Akin Gump Strauss Hauer & Feld LLP, 590 Madison Avenue, New York, New York 10022.

2. On April 22, 2008, I caused true and correct copies of the following:

(i) Application of the Official Committee of Unsecured Creditors for Entry of an Order Approving Employment and Retention of J.H. Cohn LLP as Forensic Accountants and Financial Consultants Pursuant to 11 U.S.C. §§ 328(a) and 1103(a), Nunc Pro Tunc to March 27, 2008,

<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 Sierra 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.

(ii) Application of the Official Committee of Unsecured Creditors for Entry of an Order Authorizing the Employment and Retention of Robert Charles Lesser & Co. as Real Estate Advisors, Pursuant to 11 U.S.C. §§ 328(a) and 1103(a) and Fed. R. Bankr. P. 2014(a) and 2016, Nunc Pro Tunc to March 27, 2008, and

(iii) Motion of the Official Committee of Unsecured Creditors of TOUSA, INC., et al., Pursuant to 11 U.S.C. §§ 105(a), 1103(c) and 1109(b), for Entry of an Order Granting Leave, Standing and Authority to Prosecute and, if Appropriate, Settle Causes of Action on Behalf of the Debtors' Estates,

to be served via email on each of the parties listed on the annexed Service List A.

3. On April 22, 2008, I caused true and correct copies of the following:

(i) Application of the Official Committee of Unsecured Creditors for Entry of an Order Approving Employment and Retention of J.H. Cohn LLP as Forensic Accountants and Financial Consultants Pursuant to 11 U.S.C. §§ 328(a) and 1103(a), Nunc Pro Tunc to March 27, 2008,

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to be served via overnight courier upon each of the parties listed on the annexed Service List B.

/s/ Sahar Azar

Sahar Azar

Sworn to before me this  
23rd day of April, 2008

/s/ Roselynn D. Mizner

Roselynn D. Mizner

Notary Public, State of New York

No. 01M15003432

Qualified in New York County

Commission Expires March 7, 2011

**Service List A**

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**Service List B**

|  |  |
|--|--|
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| <b>Broward County Revenue Collection Division</b><br>C/O Jeffrey J. Newton & Hollie N. Hawn<br>Bankruptcy and Litigation Section<br>Government Center Annex<br>115 S. Andrews Avenue<br>Ft. Lauderdale, FL 33301 | <b>DuBosar &amp; Perez</b><br>Howard D. DuBosar<br>120 E. Palmetto Park Rd., Ste. 100<br>Boca Raton, FL 33432  |
| <b>Procopio Cory Hargreaves &amp; Savitch LLP</b><br>Gerald P. Kennedy<br>530 B Street, Ste. 2100<br>San Diego, CA 92101   | <b>Rothstein Rosenfeldt Adler</b><br>Richard B. Storfer<br>401 E Las Olas Blvd Ste. 1650<br>Ft. Lauderdale, FL 33301   |
| <b>United States Attorney General</b><br>Miami Division<br>99 N.E. 4th Street<br>Miami, FL 33182   | <b>State of Florida Dept of Revenue</b><br>Bankruptcy Section<br>Joel S. Knee, Assistant General Counsel<br>6565 Taft Street, Ste. 400<br>Hollywood, FL 33024-4044 |
| <b>State of Florida Dept of Revenue</b><br>Bankruptcy Section<br>PO Box 6668<br>Tallahassee, FL 32314-6668   | <b>Internal Revenue Service</b><br>Special Procedures Insolvency<br>Attn Bankruptcy Unit<br>PO Box 17167 Stop 5760<br>Ft Lauderdale, FL 33318                      |
| <b>Bracewell Guiliani</b><br>Evan Flaschen<br>1177 Avenue of the Americas<br>19th Floor<br>New York, NY 10036-2714   | <b>Internal Revenue Service CIO</b><br>PO Box 21126<br>Philadelphia, PA 19114  |
| <b>Office of the United States Trustee</b><br>51 SW First Avenue<br>Room 1204<br>Miami, FL 33130   | <b>Time Warner Telecom Inc</b><br>C/O Linda Boyle<br>10475 Park Meadows Dr. Unit 400<br>Littleton, CO 80124  |
| <b>Weiss Serota Helfman Pastoriza Cole &amp; Boniske PL</b><br>C/O Douglas R. Gonzales<br>200 E. Broward Blvd Ste. 1900<br>Ft. Lauderdale, FL 33301  | <b>Wolff Hill McFarlin &amp; Herron PA</b><br>C/O Peter N. Hill<br>1851 W. Colonial Dr.<br>Orlando, FL 32804   |

|   |   |
|---|---|
| <b>Office of the United States Trustee</b><br>Steven D. Schneiderman<br>51 SW First Avenue<br>Room 1204<br>Miami, FL 33130                            | <b>Time Warner Telecom Inc</b><br>C/O Linda Boyle<br>10475 Park Meadows Dr. Unit 400<br>Littleton, CO 80124 |
| <b>IKON Financial Services</b><br><b>Bankruptcy Administration</b><br>c/o Christine R. Etheridge<br>1738 Bass Road<br>PO Box 13708<br>Macon, GA 31208 | <b>Mateer &amp; Harbert PA</b><br>c/o Jon E. Kane<br>PO Box 2854<br>Orlando, FL 32802                       |