

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

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

**MOTION FOR EXTENSION OF TIME  
TO FILE AMENDED COMPLAINT**

Plaintiff Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.* (“the Committee”), by and through undersigned counsel, files this Motion for Extension of Time to File Amended Complaint and states as follows:

1. On September 22, 2008, the Court granted the Committee permission to file an Amended Complaint on or before October 7, 2008. [Adv. Pro. #87]
2. The Committee intends to amend the Complaint, *inter alia*, to add additional parties.
3. The Committee and defendant Wells Fargo Bank, N.A., have been working on an agreement whereby Second Lien Term Loan lenders could avoid being named as defendants in

an Amended Complaint if they agreed to certain provisions that would make the results of the current litigation binding on them.

4. However, because there are a large number of Second Lien Term Loan lenders who would have to be contacted and would need to decide whether to enter into such an agreement, Wells Fargo believes that it is unlikely that this task will be completed by October 7<sup>th</sup>.

5. Additional time might allow the Committee to avoid the necessity of naming many Second Lien Term Loan lenders as defendants in this action.

6. Accordingly, the Committee requests that the deadline for the filing of an Amended Complaint be extended, up to and including October 17, 2008.

7. No party will be prejudiced if the relief requested herein is granted.

8. The Committee has contacted all other parties to this litigation. No one has objected to this proposed extension of time for the Committee's filing an Amended Complaint, although counsel for Citicorp North America, Inc., indicated that it needed to consult with its client.

9. A proposed order granting the relief requested herein has been submitted to the Court via CM/ECF.

WHEREFORE, the Committee respectfully requests the entry of an order extending the deadline for the filing of its Amended Complaint, up to and including October 17, 2008.

I HEREBY CERTIFY that the foregoing Motion was filed electronically and furnished to counsel who participate in this case as electronic users via the Court's CM-ECF program.

Dated: October 3, 2008

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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*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/ Michael L. Waldman

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

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Plaintiff,	:	
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CITICORP NORTH AMERICA, INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER GRANTING AGREED MOTION FOR EXTENSION OF TIME  
TO FILE AMENDED COMPLAINT**

**THIS MATTER** came before the Court upon the Plaintiff Official Committee of Unsecured Creditors of TOUSA, Inc., *et al.*'s ("the Committee's") Motion for Extension of Time to File Amended Complaint (the "Motion"). Having reviewed the Committee's Motion, being advised that no party has objected to the relief requested in the Motion, and the Court being otherwise fully advised in the premises, it is

**ORDERED AND ADJUDGED** that:

1. The Committee's Motion is **GRANTED**.
2. The Committee shall have up to and including October 17, 2008 to file its Amended Complaint.

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**Submitted by:**

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*Fraudulent Conveyance Adversary Proceeding Counsel for the Official  
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Copies to:

Patricia A. Redmond

(Attorney Redmond shall upon receipt serve a copy of this Order upon all interested parties and file a certificate of service.)