

Motion for Relief from the Automatic Stay (the “Banks Motion”).

By the Banks Motion, Jeremy and Carla Banks; Shannon Cambric; Walter J. and Marie Grasmeyer; Helene and Christina Kranz; Anthony J. Patti; Jay and Sandie Seavers; Mohammad and Ruth Serajuddowla; Santos and Martha Sierra; Thomas E. Simonian and Barbara R. Petty; and Qi Ming Su (collectively, the “Plaintiffs”) seek entry of an order lifting the automatic stay to permit the Plaintiffs to litigate to conclusion a state court action (the “Action”) currently pending in Lee County, Florida.

According to the Plaintiffs, the Action alleges strict products liability, negligence, negligence per se, breach of express warranty, fraudulent misrepresentation, fraudulent concealment, and violation of the Florida Deceptive and Unfair Trade Practices Act against certain of the Debtors. Specifically, the Plaintiffs allege that they are owners of homes in the Olympia Pointe development in Lehigh Acres, Florida and that such homes were constructed using defective drywall made in China.

The Plaintiffs allege that (i) they are seeking relief from stay only to the extent of available and applicable insurance coverage, and (ii) they do not intend to obtain a judgment against TOUSA, Inc. or any of its affiliates.

A hearing on the Banks Motion has been scheduled for September 9, 2009 with an objection deadline set for September 4, 2009.