

**Ignacio and Theresa de Almargo's Motion for Relief from Automatic Stay to Pursue Insurance Proceeds (the "Lift Stay Motion").**

By the Lift Stay Motion, Ignacio and Theresa de Almargo (the "de Almargos") seek entry of an order lifting the automatic stay to allow the de Almargos to pursue a state court action against TOUSA Homes, Inc. ("TOUSA Homes"). Prior to the petition date, the de Almargos filed a Florida state court action against TOUSA Homes alleging claims for negligent failure to instruct in the proper storage of hurricane shutters sold to the de Almargos in conjunction with their home.

The de Almargos purchased a home with unattached hurricane shutters from TOUSA Homes. According to the de Almargos, on October 2, 2004, Ignacio de Almargo was permanently injured when the hurricane shutters collapsed on him while he was trying to store the shutters in his garage.

The de Almargos assert that (i) at the time of the incident the Debtors were insured under a policy with limits of \$5,000,000 per occurrence and (ii) they wish to proceed with the state court action to reach only the proceeds of the insurance policy.

***A hearing on the Lift Stay Motion has not been scheduled.***