

Motion of IBI Group, Inc. for Authority to File a Late Administrative Expense Claim (the “Motion”).

By the Motion, IBI Group, Inc. (“IBI”) seeks entry of an order allowing IBI to file an administrative expense claim after the expiration of the deadline for filing administrative expense claims in the Debtors’ chapter 11 cases (the “Administrative Claims Bar Date”).

On February 26, 2010, with the Committee’s consent, the Debtors filed an *ex parte* motion to establish the Administrative Claims Bar Date. On March 1, 2010, the Court entered an order granting the relief requested in such motion and establishing May 14, 2010 as the Administrative Claims Bar Date.

Both prepetition and postpetition, IBI provided survey services to TOUSA Homes, Inc. IBI asserts that to date, it has outstanding invoices for postpetition services rendered to TOUSA Homes, Inc. totaling \$23,055.00. However, IBI asserts that it was precluded from filing a timely administrative expense claim against TOUSA Homes, Inc. because it did not receive notice of the Administrative Claims Bar Date. In support of its argument, IBI asserts that the service list included with the applicable certificate of service does not indicate that IBI received notice of the bar date motion. IBI further asserts that it first became aware of the Administrative Claims Bar Date on June 25, 2010, when the Debtors’ attorneys brought the bar date to IBI’s attention during a mediation in connection with a preference suit brought by the Debtors against IBI.

The Motion states that because the Debtors failed to provide IBI with notice of the Administrative Claims Bar Date, IBI should be allowed to file its administrative expense claim and have such claim deemed timely filed. Further, IBI asserts that good cause exists to deem its proof of claim timely filed because its delay in filing is due to “excusable neglect.”

A hearing on the Motion is scheduled for August 12, 2010.