

Verified Motion for Relief from the Automatic Stay by E.J. Strickland Construction, Inc. (the “Strickland Motion”).

By the Strickland Motion, E.J. Strickland Construction, Inc. (“Strickland”) seeks relief from the automatic stay to pursue a state court action (the “Action”) against a bond posted by the Debtors.

In 2004, Strickland entered into an agreement (the “Agreement”) with TOUSA Homes, Inc. (“TOUSA Homes”) to provide labor, services and materials related to the development of lots owned by TOUSA Homes (the “Property”). Strickland alleges that it completed all work under the Agreement, but TOUSA Homes failed to pay the sum of \$203,933.75 due under the Agreement.

On August 30, 2005, Strickland filed a claim for a lien against the Property. In order to prevent Strickland from asserting a lien against the Property, TOUSA Homes posted a bond, issued by International Fidelity Insurance (“Fidelity”), to secure the alleged obligations in respect of the Property. TOUSA Homes provided a release of lien bond (the “Bond”) and, on October 21, 2005, the claim of lien was transferred to the Bond by the clerk of the court in Seminole County, Florida. In August of 2006, Strickland filed the Action against TOUSA Homes seeking to recover the outstanding amount. Strickland now seeks relief from the automatic stay to proceed to judgment against the Debtors for the purpose of recovering against the Bond.

No hearing on the Strickland Motion has been scheduled, but an objection deadline has been set for May 8, 2009.