

**Michelle Barton's Motion to Compel Assumption or Rejection of Unexpired Executory Contract ("Barton Motion").**

By the Barton Motion, Michelle Barton ("Barton") seeks entry of an order directing TOUSA Homes, Inc. ("TOUSA Homes") to assume or reject a contract providing flood insurance for Barton's home.

In 2004, Barton purchased a home from TOUSA Homes. Barton alleges that, prior to closing, TOUSA Homes made representations and assurances in a letter, dated April 29, 2004 (the "Contract"), that TOUSA Homes would pay the annual flood insurance premium on Barton's home until FEMA amended the map of the flood plain to exclude Barton's home. Barton alleges that TOUSA Homes paid the annual insurance premium of \$4,400.00 per year in 2004, 2005, 2006, and 2007, but failed to make the September 18, 2008 payment. Accordingly, Barton seeks to compel TOUSA Homes to assume or reject the Contract.

*A hearing on the Barton Motion has been scheduled for December 4, 2008, with an objection deadline of November 28, 2008.*