

**Emergency Motion of Suncoast Paving, Inc. for Relief from the Automatic Stay (the “Suncoast Motion”).**

By the Suncoast Motion, which was filed April 9, 2008, creditor Suncoast Paving, Inc. (“Suncoast”) seeks entry of an order granting Suncoast relief from the automatic stay for the limited purpose of perfecting a lien against the Debtors’ property. Suncoast is a subcontractor that performed paving services for the Tampa Bay Golf & Tennis Club (the “Project”), which the Debtors own. On July 17, 2007, Suncoast issued a notice to the Debtors that expressed Suncoast’s right to assert liens against the Project for the value of any unpaid invoices. As of the Petition Date, Suncoast was owed \$232,688.95 for work performed on the Project.

Suncoast alleges that it is entitled to assert a lien against the Property, but that, in accordance with Florida law, Suncoast must perfect such lien by April 14, 2008. Suncoast also alleges that it only recently became aware of the Debtors’ chapter 11 cases and therefore was unable to file this motion earlier. As a result, Suncoast requests a hearing before the April 14, 2008 to ensure this perfection or, alternatively, entry of an order without a hearing.

In support of its Motion, Suncoast alleges that Bankruptcy Code sections 362(b)(3) and 546(b) allow a creditor to continue to perfect a lien in accordance with state law. Suncoast further alleges that Bankruptcy Code section 547(e) protects its perfection of its lien from avoidance as a preferential transfer. In addition, Sun Coast argues that the *Final Order (A) Authorizing the Debtors to Sell Homes Free and Clear of Liens, Claims, Encumbrances and Other Interests and (B) Establishing Procedures for the Resolution and Payment of Lien Claims* [D.E. #455], which was entered on February 28, 2008 in these cases, does not require lien claimants to perfect their liens, and that perfection of such liens will not be a violation of the automatic stay.

***An agreed order granting Suncoast relief from the automatic stay to perfect its liens was entered by the Court on April 14, 2008.***