

**Lennar Colorado, LLC's Motion to Compel Assumption or Rejection of Agreement ("Lennar Motion").**

By the Lennar Motion, Lennar Colorado, LLC ("Lennar") seeks entry of an order directing TOUSA Homes, Inc. ("TOUSA Homes") to assume or reject an agreement to acquire and develop real property with Lennar.

On December 29, 2005, Lennar and TOUSA Homes entered into a Limited Liability Company Agreement of Waterview JV Partners, LLC (the "Agreement"). Under the Agreement, Lennar and TOUSA Homes are each fifty percent members in Waterview JV Partners, LLC (the "Waterview JV"), which was formed to acquire and develop real property in Fountain Valley, Colorado. Pursuant to the Agreement, both TOUSA Homes and Lennar are required to make capital contributions from time to time. In the last several months, Lennar has continued to make its capital contributions to the Waterview JV. TOUSA Homes, however, has not made any capital contributions. As a result, Lennar has advanced in excess of \$80,000 to the Waterview JV (the "Advances") on behalf of TOUSA Homes. Under the Agreement, the Advances are treated as a loan to TOUSA Homes. As TOUSA Homes has not performed all of its obligations under the Agreement and has had more than ten months to determine whether to assume or reject the Agreement, Lennar seeks to compel TOUSA Homes to assume or reject the Agreement at this time.

***A hearing on the Lennar Motion has been scheduled for January 9, 2009, with an objection deadline of January 2, 2009.***