

Strategic Capital Resources, Inc.’s Motion for Allowance of Administrative Expense Claim in Connection with Model Home Closing Costs (the “SCR Expense Motion”).

By the SCR Expense Motion, creditor Strategic Capital Resources, Inc. (“SCR”) seeks entry of an order allowing its claim for an administrative expense related to certain model homes previously used by the Debtors.

On January 31, 2003, September 29, 2003, and March 31, 2004, TOUSA, Inc. (“TOUSA”) entered into agreements (the “Agreements”) with SCR, pursuant to which, TOUSA was obligated to sell certain finished homes (the “Homes”) for SCR and to pay all closing costs associated with the sale of each Home. Concurrently, TOUSA entered into leases (the “Leases”) with SCR for the use of the Homes as model homes and sales centers.

SCR asserts that, after the Petition Date, TOUSA continued to use certain of the Homes. However, SCR alleges that TOUSA has not paid all closing costs in accordance with the Agreements. Specifically, SCR alleges that it is entitled to closing costs of \$24,174.93 for a sale in Broomfield, Colorado, \$21,005.46 for a sale in Fort Worth, Texas, \$16,492.84 for a sale in Aurora, Colorado, and \$13,275.84 for a sale in Colorado Springs, Colorado.

SCR asserts that its claim should be treated as an administrative expense under Bankruptcy Code section 503(b)(1)(A) because SCR has conferred a concrete benefit upon the estate by allowing the Homes to be used after the Petition Date.

The SCR Expense Motion has been scheduled for a hearing on July 10, 2008, with a corresponding objection deadline of July 3, 2008.