

Copper Creek Homeowners Association’s Motion for Limited Relief from the Automatic Stay to Pursue Insurance Proceeds (the “Copper Creek Motion”).

By the Copper Creek Motion, the Copper Creek Homeowners Association (“Copper Creek”) seeks entry of an order lifting the automatic stay to allow Copper Creek to pursue insurance proceeds to satisfy certain alleged construction defect claims asserted by Copper Creek against TOUSA, Inc. (the “Claims”).

Copper Creek alleges that prior to the commencement of the Debtors’ chapter 11 cases, Copper Creek demanded \$1,500,000 from the Debtors to cover the cost of repairs of alleged construction defects in the community known as Copper Creek Estates, Clark County, Nevada (the “Construction Defects”). According to Copper Creek, to date, the Debtors have not paid any amounts relating to the Claims.

Copper Creek believes that the Debtors warranty insurance coverage (the “Insurance Coverage”) provided by Professional Warranty Service Corporation and/or Zurich North America (the “Insurer”) is available to cover losses, costs and expenses related to the Construction Defects. As such, Copper Creek seeks relief from the stay to recover against the Insurance Coverage.

A hearing on the Copper Creek Motion has not been scheduled.