

Winfield Partners III, LLC's Motion for Relief from Stay (the "Winfiled Motion").

By the Winfield Motion, creditor Winfield Partners III, LLC ("Winfield") seeks entry of an order lifting the automatic stay to allow Winfield to retake possession of certain leased Premises (as defined below) and terminate the Lease (as defined below).

On September 30, 2003, TOUSA Homes Florida ("THF") entered into an agreement (the "Lease") to lease certain property located in Fort Meyers, Florida (the "Premises") from Winfield. The lease was due to terminate on January 31, 2009. However, on January 28, 2008, THF sent correspondence to Winfield indicating that THF had (i) "moved out" of the Premises effective January 3, 2008 and (ii) turned in all keys in its possession. THF also failed to pay rent for January 2008, and each month thereafter. By letter dated February 4, 2008, THF informed Winfield that it intended to breach the lease and would not attempt to cure.

The Winfield Motion has not been set for a hearing, but an objection deadline has been set for April 29, 2008.