



ORDERED in the Southern District of Florida on September 22, 2008.

**John K. Olson, Judge
United States Bankruptcy Court**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov**

In re:)	Chapter 11 Cases
)	Case No. 08-10928-JKO
TOUSA, INC., <i>et al.</i> ,)	Jointly Administered
)	
Debtors.)	
)	

ORDER (A) SETTING BAR DATES FOR FILING PROOFS OF CLAIM AGAINST BEACON HILL AT MOUNTAIN'S EDGE, LLC (B) APPROVING THE FORM AND MANNER FOR FILING PROOFS OF CLAIM AND (C) APPROVING NOTICE THEREOF

Upon the motion [D.E. # 1727] (the "Motion") of Beacon Hill at Mountain's Edge, LLC ("Beacon Hill") and TOUSA, Inc. and its affiliated debtors and debtors in possession in the above-captioned, jointly administered chapter 11 cases (the "Original Debtors," and together with Beacon Hill, the "Debtors") for entry of an order (a) establishing October 22, 2008 as the deadline for filing claims in Beacon Hill's chapter 11 case, (b) approving the form and manner for filing such claims and (c) approving notice thereof; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors and all other parties in interest; and



the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and a hearing having been held upon the Motion and any objections to the Motion having been resolved or overruled at the hearing; and after due deliberation and sufficient cause appearing therefor, it is **ORDERED** that:

1. The relief requested in the Motion is granted.

The Bar Date and Claim Filing Procedures

2. Each person or entity that asserts against a claim (as defined in section 101(5) of the Bankruptcy Code, including any claims arising prepetition that may be entitled to administrative priority pursuant to section 503(b)(9) of the Bankruptcy Code) that arose before July 30, 2008 (such person or entity, a “Claimant” and such claim, a “Claim”) against Beacon Hill shall be required to file an original, written proof of that claim (a “Proof of Claim”), substantially in the form of the Proof of Claim Form annexed hereto as Exhibit 1 or Official Form No. 10 (“Official Form 10”). **All Proofs of Claim against Beacon Hill are required to be received on or before October 22, 2008 at 5:00 p.m. (Prevailing Pacific Time) (the “Bar Date”) at the addresses and in the form set forth in the following paragraph.**

3. Notwithstanding the Bar Date set forth above, January 26, 2009 shall be the deadline for all governmental units (as defined in section 101(27) of the Bankruptcy Code) to file a Proof of Claim in Beacon Hill’s chapter 11 case (the “Governmental Bar Date”).

4. All Proofs of Claim must be received on or before the Bar Date (or the Governmental Bar Date, as applicable) by Kurtzman Carson Consultants LLC (“KCC”), the claims and noticing agent retained in these chapter 11 cases or be filed with the Clerk of the Bankruptcy Court for the Southern District of Florida (the “Clerk”). If Proofs of Claim are not received by the Bar Date, except in the case of certain exceptions explicitly set forth below, the holders of the underlying claims shall be barred from asserting such claims against Beacon Hill, as more fully discussed in paragraph 17 below. All Proofs of Claim should be (i) delivered to KCC by first-class mail, overnight delivery or hand delivery at the following address: TOUSA Claim Processing Center, c/o Kurtzman Carson Consultants, LLC, 2335 Alaska Avenue, El Segundo, California 90245 or (ii) timely filed with the Clerk.

5. Only original Proofs of Claim will be deemed acceptable for purposes of claims administration, such that KCC will *not* accept Proofs of Claim sent by facsimile or telecopy, and that Proofs of Claim will be deemed timely filed only if the original is *actually received* by KCC or is actually filed with the Clerk on or before the Bar Date. A Claimant who wishes to receive acknowledgment of KCC’s receipt of its Proof of Claim may submit a copy of the Proof of Claim and a self-addressed, stamped envelope to KCC along with the original Proof of Claim.

Substantive Requirements for Proofs of Claim

6. The following requirements shall apply with respect to filing and preparing each Proof of Claim:

- a. Each Proof of Claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) state a claim against Beacon Hill; and (iv) be signed by the Claimant or if the Claimant is not an individual, by an authorized agent of the Claimant; and
- b. Each Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), supporting documentation (or, if

such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; *provided, however*, that a Proof of Claim may be filed without supporting documentation upon the prior written consent of Debtors' counsel; and *provided, further*, that any creditor that received such written consent shall be required to transmit such writings to the Debtors or other party in interest upon request no later than 10 days from the date of such request.

Parties Exempted from the Bar Date

7. The following categories of Claimants, to the extent any such Claimants exist, shall not be required to file a Proof of Claim by the Bar Date:

- a. Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those claims as "contingent," "unliquidated" or "disputed" *and* (ii) the holder of the claim does not dispute the Schedules' description of the amount or classification of the claim;
- b. Claims for which the holder has already filed a Proof of Claim against the Beacon Hill with the Clerk of the Bankruptcy Court for the Southern District of Florida (the "Clerk") in a form substantially similar to Official Form 10;
- c. Claims against Beacon Hill that have been paid in full, either by Beacon Hill pursuant to order of this court, or by any other party;
- d. Claims of any of the other Debtors against Beacon Hill;
- e. Claims of any direct or indirect non-debtor subsidiary of TOUSA, Inc. against Beacon Hill;
- f. Claims of any customer who has signed a contract or has closed on a home with Beacon Hill, to the extent that Beacon Hill was authorized by the Court to honor those claims in the ordinary course of its business; *provided, however*, that a customer must submit a Proof of Claim by the Bar Date if its Claim relates to (i) a known warranty claim or other obligation that Beacon Hill has contested at the time of the Bar Date or (ii) damages arising from claims for breach of contract, breach of warranty or

misrepresentation or any other litigation or pre-litigation claim;

- g. Equity interests, which interests are based exclusively upon an interest in the equity ownership of Beacon Hill (any such interest being referred to as an “Interest”); *provided* that holders of Interests who wish to assert a claim against Beacon Hill that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a proof of claim on or before the Bar Date, unless another exception set forth herein applies; and
- h. Claims allowable under sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of Beacon Hill’s chapter 11 case, with the exception of Claims allowable under section 503(b)(9) of the Bankruptcy Code, which are subject to the Bar Date.

Identification of Known Creditors.

8. The Debtors shall mail notice of the Bar Date (or the Governmental Bar Date, as applicable) only to Beacon Hill’s known creditors and as otherwise identified in the Motion and set forth below, and such mailing shall be made to the last known mailing address for each such creditor.

Procedures for Providing Notice of the Bar Date

9. The following procedures shall be used for providing mailing and publication notice of the Bar Date and the Governmental Bar Date (together, the “Bar Dates”):

Mailing of Bar Date Notices

10. The Debtors shall mail, on or before September 22, 2008, written notice of the Bar Date, substantially in the form annexed hereto as Exhibit 2 (the “Bar Date Notice”) and a Proof of Claim Form (including instructions) substantially in the form annexed hereto as Exhibit 1 (collectively, the “Bar Date Package”) to the following entities, to the extent they exist:

- The Office of the United States Trustee for the Southern District of Florida (the “U.S. Trustee”);

- Counsel to the statutory Committee of Unsecured Creditors (the “Creditors’ Committee”);
- The entities listed on the List of Creditors Holding the 20 Largest Unsecured Claims filed on the Petition Date;
- Counsel to the agent for the Original Debtors’ prepetition first lien facilities;
- Counsel to the agent for the Original Debtors’ prepetition second lien facility;
- Counsel to the informal group of lenders, assignees or participants with respect to the Original Debtors’ prepetition second lien facility;
- The indenture trustees under to the Original Debtors’ Debt Instruments;
- All persons or entities that have requested notice of the proceedings in the chapter 11 cases;
- All persons or entities that have filed claims against Beacon Hill, if any;
- All creditors and other known holders of claims against Beacon Hill as of the date of the Order, if any, including all persons or entities listed in the Schedules as holding claims against Beacon Hill;
- All parties to executory contracts and unexpired leases of Beacon Hill listed on the Schedules;
- All parties to litigation with Beacon Hill;
- The Internal Revenue Service;
- The United States Attorney for the District of Nevada and other relevant state attorneys general;
- The Securities and Exchange Commission;
- Beacon Hill’s former employees, if any, to the extent that contact information for former employees is available in the Beacon Hill’s records; and
- All customers who have purchased homes or have signed an agreement to purchase a home from Beacon Hill within the last six years, using the last known contact for such customers, to the extent such information is available in Beacon Hill’s records, and homeowners associations in communities in which Beacon Hill has customers.

11. The Bar Date Notice shall include the name, address and last four digits of Beacon Hill's taxpayer identification number and shall be deemed to comply with the requirements set forth in section 342(c)(1) of the Bankruptcy Code.

12. For known creditors listed in Beacon Hill's Schedules, Beacon Hill shall include in the Bar Date Package a "personalized" Proof of Claim Form. Each such form shall include, for the convenience of creditors and also to facilitate matching filed claims with Beacon Hill's Schedules, the appropriate creditor's name, the amount of the creditor's claim against Beacon Hill, the type of claim held by such creditor (i.e., non-priority unsecured, priority unsecured or secured) and whether such claim is disputed, contingent or unliquidated, all as such information is set forth in Beacon Hill's Schedules. Each creditor shall have an opportunity to inspect the Proof of Claim Form provided by Beacon Hill and correct any information that is missing, incorrect or incomplete. Additionally, any creditor may choose to submit a Proof of Claim on a different form as long as it is substantially similar to Official Form No. 10.

13. After the initial mailing of the Bar Date Packages, the Debtors may in their discretion, make supplemental mailings of notices or packages, including in the event that (a) notices are returned by the post office with forwarding addresses,¹ (b) certain parties acting on behalf of parties in interest (e.g., banks and brokers with respect to bondholders and equity holders) decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing and (c) additional potential claimants become known as the result of the Bar Date noticing process.

¹ However, if notices are returned as "return to sender" without a forwarding address, the Debtors shall not be required to mail additional notices to such creditors.

Publication of Bar Date Notices

14. The Debtors shall give notice of the Bar Dates by publication to creditors to whom notice by mail is impracticable, including creditors who are unknown or not reasonably ascertainable by the Debtors and creditors whose identities are known but whose addresses are unknown by the Debtors. Specifically, the Debtors shall publish the Bar Date Notice, modified for publication in substantially the form annexed hereto as Exhibit 3 (the "Publication Notice"), in the *Wall Street Journal* and in the following local newspapers: the Las Vegas Review-Journal and the Las Vegas Sun. The Debtors shall make such publication on one occasion on or before September 26, 2008.

Supplemental Bar Dates

15. The Debtors may establish supplemental bar dates in Beacon Hill's chapter 11 case (the "Supplemental Bar Dates"), upon the written consent of counsel for the statutory Creditors' Committee with respect to (a) creditors as to which a re-mailing of the Bar Date Package is appropriate (as described above), but cannot be accomplished in time to provide at least 23 days' notice of the Bar Date and (b) other creditors that become known to the Debtors after the applicable Bar Date.

16. To establish a Supplemental Bar Date, the Debtors shall submit an *ex parte* motion and order to the Court that identifies the Supplemental Bar Date and the claimants that are subject thereto (the "Supplemental Bar Date Motion"). Upon entry of an order approving any Supplemental Bar Date Motion, the Debtors shall mail a Bar Date Package, modified to include the Supplemental Bar Date, to known creditors who are subject to the Supplemental Bar Date. The Supplemental Bar Date shall be established not later than 23 days after the mailing of the Bar Date Package to the relevant creditor or groups of creditors.

Extension of the Bar Dates

17. The Debtors may, in their discretion and upon the written consent of counsel for the statutory Creditors' Committee, extend the applicable Bar Date for certain Claimants by *ex parte* motion and order presented to the Court where the Debtors determine that such extension is in the best interests of Beacon Hill and its estate.

Consequences of Failing to File a Proof of Claim by the Applicable Bar Date

18. Pursuant to Bankruptcy Rule 3003(c)(2), any Claimant who is required, but fails, to file a Proof of Claim in accordance with the Bar Date Order on or before the Bar Date, Governmental Bar Date or Supplemental Bar Date, as applicable, or such other date fixed by this order or by other order of this Court, shall, except as otherwise authorized by order of the Court, be forever barred, estopped and enjoined from asserting such claim against Beacon Hill (or filing a Proof of Claim with respect thereto), except as otherwise authorized by Order of the Court, and Beacon Hill's property shall be forever discharged from any and all indebtedness or liability with respect to such claim, and such holder shall not be permitted to vote, to accept or reject any plan of reorganization filed in the Beacon Hill's chapter 11 case, or participate in any distribution in Beacon Hill's chapter 11 case on account of such claim or to receive further notices regarding such claim.

Amendment to Schedules

19. If the Debtors amend Beacon Hill's Schedules after having given notice of the Bar Date, the Debtors shall give notice by first-class mail of any amendment to the holders of claims affected thereby, and the deadline for those holders to file proofs of claim, if necessary, be set as the later of (a) the Bar Date or (b) 30 days from the date that notice of the Schedule amendment is given (or another time period as may be fixed by the Court).

Rejection of Executory Contracts and Unexpired Leases

20. Any holder of a claim arising from the rejection of an unexpired lease or executory contract of Beacon Hill (an “Agreement”) shall file a proof of claim by the later of (a) the Bar Date or (b) the date provided in any order authorizing Beacon Hill to reject the Agreement or, if no date is provided, then 30 days after the date of any order authorizing Beacon Hill to reject an Agreement.

21. Notice of the Bar Dates as set forth in this order and in the manner set forth herein (including, but not limited to, the Bar Date Notice, the Bar Date Package, the Publication Notice and any supplemental notices that the Debtors may send from time to time) constitutes adequate and sufficient notice of each of the Bar Dates and satisfies the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules for the United States Bankruptcy Court for the Southern District of Florida.

22. The Debtors are authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this order in accordance with the Motion.

23. The terms and conditions of this order shall be immediately effective and enforceable upon entry of the order.

24. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this order.

###

Submitted by:

BERGER SINGERMAN, P.A.

Paul Steven Singerman (Florida Bar No. 378860)
200 South Biscayne Boulevard, Suite 1000
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

-and-

KIRKLAND & ELLIS LLP

Richard M. Cieri (New York Bar No. 420712)
Paul M. Basta (New York Bar No. 2568046)
M. Natasha Labovitz (New York Bar No. 2813251)
Citigroup Center
153 East 53rd Street
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Co-Counsel to the Debtors

Copies to:

Paul Steven Singerman

(Attorney Singerman shall upon receipt serve a copy of this Order upon all interested parties and file a certificate of service.)

EXHIBIT 1

Proof of Claim Form

B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA		PROOF OF CLAIM
In re TOUSA, Inc., et al., Case No. 08-10928 (JKO) (Jointly Administered)		
Name of Debtor: Beacon Hill at Mountain's Edge, LLC		Case Number: 08-20746
<small>NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).</small>		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____
If address and name different from above, please provide the name and address where notices should be sent: Creditor Name: Address: City/State/ZIP Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
A. Amount of Claim as of Date Case Filed: \$ _____ (Unsecured) \$ _____ (Secured) \$ _____ (Priority) \$ _____ (Total)		E. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a) or 11 U.S.C. § 503(b)(9). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtors business, whichever is earlier — 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan — 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units — 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). Amount entitled to priority: \$ _____
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
Basis for Claim: _____ (See instruction #2 on reverse side.)		
C. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
D. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate ____% Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. If the supporting documents are in excess of 100 pages, you may attach a summary of them and a list of each document you have relied upon. You may also attach a summary. <i>(See definition of "redacted" on reverse side.)</i> DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.		*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment
Date:	Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

B 10 (Official Form 10) (12/07)- Cont.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form (if not already filled in)*

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

A. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

B. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If any information provided on this form is incomplete or incorrect, please cross-out the incorrect information and/or provide the correct information.

C. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor. The last four-digits of the Debtor's tax identification number is 2387.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

D. Secured Claim.

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien

documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

E. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507(a).
If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

F. Credits:
An authorized signature on this proof of claim serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

G. Documents:
Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

INFORMATION

<p>Debtor A debtor is the person, corporation, or other entity that has filed a bankruptcy case. The Debtor's name is set forth on the first page of this proof of claim.</p>	<p>Secured Claim (con't) A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).</p>	<p>Acknowledgement of Filing a Claim To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or to view your filed proof of claim you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.</p>
<p>Creditor A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.</p> <p>Claim A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.</p>	<p>Unsecured Claim An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.</p>	
<p>Secured Claim Under 11 U.S.C. § 506(a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.</p>	<p>Claim Entitled to Priority Under 11 U.S.C. § 507(a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.</p>	

* If you disagree with any information provided on this form, you may make corrections directly to this form. You may also download a blank form, free of charge, by visiting www.tousadocket.com or by contacting Kurtzman Carson Consultants, LLC, 2335 Alaska Avenue, El Segundo, California 90245.

DEFINITIONS (continued)	INFORMATION (continued)
<p>Proof of Claim A proof of claim form is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed. Proof of claims are to be mailed to the TOUSA Claim Processing Center, c/o Kurtzman Carson Consultants, LLC, 2335 Alaska Avenue, El Segundo, California 90245 or filed with the Clerk of the Bankruptcy Court for the Southern District of Florida.</p>	<p>Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.</p> <p>Evidence of Perfection Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.</p> <p>Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 <i>et seq.</i>), and any applicable orders of the bankruptcy court.</p>

EXHIBIT 2

General Bar Date Notice

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

www.flsb.uscourts.gov

In re:)	Chapter 11 Cases
)	Case No. 08-10928-JKO
TOUSA, INC., <i>et al.</i> ,)	Jointly Administered
)	
Debtors.)	
)	

NOTICE OF GENERAL BAR DATE FOR FILING PROOFS OF CLAIM ON OCTOBER 22, 2008

TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST BEACON HILL AT MOUNTAIN’S EDGE, LLC:

PLEASE TAKE NOTICE THAT:

- On July 30, 2008, Beacon Hill at Mountain’s Edge, LLC (“Beacon Hill”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Florida (the “Court”). Beacon Hill’s case is being jointly administered with the above-captioned chapter 11 cases of TOUSA, Inc. and its affiliated debtors and debtors in possession (collectively, the “Original Debtors,” and together with Beacon Hill, the “Debtors”). Set forth below is the name, address and case number for Beacon Hill:

DEBTOR	ADDRESS	CASE NO.	Last Four Digits of Taxpayer Identification Number
Beacon Hill at Mountain’s Edge, LLC	7872 W. Sahara Avenue Las Vegas, NV 89117	08-20746	2387

- Beacon Hill has not done business under any other names within the last six years.

DEADLINE FOR FILING CLAIMS AGAINST BEACON HILL AT MOUNTAIN’S EDGE, LLC:

- On [REDACTED], 2008, the Court entered an order (the “Bar Date Order”) establishing **October 22, 2008 at 5:00 p.m. (Prevailing Pacific Time)** (the “Bar Date”), as the deadline for filing proofs of claim against Beacon Hill at Mountain’s Edge, LLC. The Bar Date applies to all claims against Beacon Hill that arose before July 30, 2008 except the Excluded Claims listed in paragraph 5 below. The Bar Date Order also sets procedures to be used for filing proofs of claim, which are summarized in this notice for your convenience.
- You **MUST** file a proof of claim by the Bar Date if you have any claim against Beacon Hill that arose before July 30, 2008. The only exception to this requirement is for claims described in paragraph 5, below. Acts or omissions that occurred before July 30, 2008 may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after July 30, 2008. **ANY CLAIMS YOU HAVE AGAINST BEACON HILL MUST BE TIMELY FILED AND, IF NOT, WILL BE FOREVER BARRED, EXCEPT AS OTHERWISE AUTHORIZED BY ORDER OF THE COURT.** Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is

reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

5. The Bar Date Order provides that creditors do **NOT** have to file proofs of claim by the Bar Date for the types of claims and interests listed below, to the extent they exist, in this paragraph 5 (collectively, the “Excluded Claims”). You should not file a proof of claim at this time for any Excluded Claim. The Court may enter one or more separate orders at a later time requiring creditors to file proofs of claim for some kinds of Excluded Claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. Excluded Claims include:
- a. Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those claims as “contingent,” “unliquidated” or “disputed” *and* (ii) the holder of the claim does not dispute the Schedules’ description of the amount or classification of the claim;
 - b. Claims for which the holder has already filed a Proof of Claim against the Beacon Hill with the Clerk of the Bankruptcy Court for the Southern District of Florida (the “Clerk”) in a form substantially similar to Official Form 10;
 - c. Claims against Beacon Hill that have been paid in full, either by Beacon Hill pursuant to order of this court, or by any other party;
 - d. Claims of any of the other Debtors against Beacon Hill;
 - e. Claims of any direct or indirect non-debtor subsidiary of TOUSA, Inc. against Beacon Hill;
 - f. Claims of any customer who has signed a contract or has closed on a home with Beacon Hill, to the extent that Beacon Hill was authorized by the Court to honor those claims in the ordinary course of its business; *provided, however*, that a customer must submit a Proof of Claim by the Bar Date if its Claim relates to (i) a known warranty claim or other obligation that Beacon Hill has contested at the time of the Bar Date or (ii) damages arising from claims for breach of contract, breach of warranty or misrepresentation or any other litigation or pre-litigation claim;
 - g. Equity interests, which interests are based exclusively upon an interest in the equity ownership of Beacon Hill (any such interest being referred to as an “Interest”); *provided* that holders of Interests who wish to assert a claim against Beacon Hill that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a proof of claim on or before the Bar Date, unless another exception set forth herein applies; and
 - h. Claims allowable under sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of Beacon Hill’s chapter 11 case, with the exception of Claims allowable under section 503(b)(9) of the Bankruptcy Code, which are subject to the Bar Date.

6. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS BELIEVE YOU HAVE A CLAIM.**
7. If Beacon Hill amends its Schedules of Assets and Liabilities (the "Schedules") again after you receive this notice, Beacon Hill will give notice of that amendment to the holders of the Claims that are affected by it, and those holders will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.
8. The Bankruptcy Code provides that a Debtor may, at any time before a plan of reorganization is confirmed by the Court, choose to reject certain executory contracts or unexpired leases. If Beacon Hill rejects your contract or lease, you may have a claim resulting from that rejection. The deadline to file a proof of claim for damages relating to the rejection of the contract or lease is the later of (a) the Bar Date or (b) the date provided in the order authorizing the Debtor to reject the contract or lease or, if no such date is provided, then 30 days after the date the order is entered.

INSTRUCTIONS FOR FILING PROOFS OF CLAIM:

9. If you file a proof of claim, your filed proof of claim must (a) be written in English, (b) include a claim amount denominated in United States dollars, (c) state a claim against Beacon Hill; and (d) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. Each Proof of Claim should include, consistent with Bankruptcy Rule 3001(c), supporting documentation (or, if such documentation is voluminous, include a summary of such documentation) or an explanation as to why such documentation is not available. If a proof of claim form is not enclosed with this notice, you may obtain a proof of claim form from any bankruptcy court clerk's office, from your lawyer, from certain business supply stores, from www.uscourts.gov/bankform, by calling 1-866-378-1484, from www.tousadocket.com; or by contacting the Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245, Telephone: (888) 647-1730.
10. YOU MUST SPECIFICALLY IDENTIFY THE DEBTOR AGAINST WHICH YOU ASSERT A CLAIM, BY NAME AND PROPER CHAPTER 11 CASE NUMBER. YOU SHOULD INCLUDE ALL CLAIMS AGAINST A THE DEBTOR IN A SINGLE PROOF OF CLAIM FORM.
11. Your proof of claim form must be filed so as to be **received** on or before 5:00 p.m. (Prevailing Pacific Time) on **OCTOBER 22, 2008**. You can file your proof of claim (i) by mailing the original proof of claim to the TOUSA Claim Processing Center, c/o Kurtzman Carson Consultants, LLC, 2335 Alaska Avenue, El Segundo, California 90245 or (ii) by timely filing the proof of claim with the Clerk of the Bankruptcy Court for the Southern District of Florida.

CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:

12. **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN PARAGRAPH 5), IF YOU FAIL TO FILE A PROOF OF CLAIM ON OR BEFORE 5:00 P.M. (PREVAILING EASTERN TIME), ON OCTOBER 22, 2008 ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST BEACON HILL, THEN:**
 - **YOU WILL BE FOREVER BARRED FROM ASSERTING THAT CLAIM (OR FILING A PROOF OF CLAIM WITH RESPECT TO IT), EXCEPT AS OTHERWISE AUTHORIZED BY ORDER OF THE COURT;**

- **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN BEACON HILL'S CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM;**
- **BEACON HILL AND ITS PROPERTY WILL BE DISCHARGED FROM ANY AND ALL LIABILITY WITH RESPECT TO THAT CLAIM; AND**
- **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION FOR THE DEBTORS ON ACCOUNT OF THESE BARRED CLAIMS.**

EXAMINATION OF SCHEDULES

13. Beacon Hill's Schedules and the Bar Date Order may be examined and inspected by interested parties during regular business hours at either of (a) the offices of Kirkland & Ellis LLP, 153 East 53rd Street, New York, New York 10022 or (b) the Clerk of the Bankruptcy Court, United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division, US Courthouse, 299 Broward Blvd., Fort Lauderdale, FL 33301, during posted hours. Beacon Hill's Schedules and the Bar Date Order are also available online at www.kccllc.net/TOUSA. The Court's docket sheet and documents are also accessible at the Court's internet site: <http://ecf.flsb.uscourts.gov>, through an account obtained from the PACER service center at 1-800-676-6856 (from the US), or (210) 301-6440 (from outside the US), or <http://pacer.psc.uscourts.gov>. Creditors that wish to rely on the Schedules will have the responsibility for determining that their Claims are listed accurately on them.

QUESTIONS

14. Proof of Claim Forms and a copy of the Bar Date Order may be obtained free of charge from www.tousadocket.com or by contacting the Notice, Claims and Balloting Agent at Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245, Telephone: (888) 647-1730. KCC cannot advise you whether you should file a Proof of Claim Form.

Dated: September 26, 2008

BERGER SINGERMAN, P.A.
200 Biscayne Boulevard, Suite 1000
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

-and-

KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Co-Counsel to the Debtors

EXHIBIT 3

Publication Notice

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**
www.flsb.uscourts.gov

In re:)	Chapter 11 Cases
)	Case No. 08-10928-JKO
TOUSA, INC., <i>et al.</i> ,)	Jointly Administered
)	
Debtors.)	
)	

NOTICE OF GENERAL BAR DATE FOR FILING PROOFS OF CLAIM ON OCTOBER 22, 2008

TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST BEACON HILL AT MOUNTAIN’S EDGE, LLC:

PLEASE TAKE NOTICE THAT:

1. On July 30, 2008, Beacon Hill at Mountain’s Edge, LLC (“Beacon Hill”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Florida (the “Court”). Beacon Hill’s case is being jointly administered with the above-captioned chapter 11 cases of TOUSA, Inc. and its affiliated debtors and debtors in possession (collectively, the “Original Debtors,” and together with Beacon Hill, the “Debtors”). Set forth below is the name, address and case number for Beacon Hill:

DEBTOR	ADDRESS	CASE NO.	Last Four Digits of Taxpayer Identification Number
Beacon Hill at Mountain’s Edge, LLC	7872 W. Sahara Avenue Las Vegas, NV 89117	08-20746	2387

2. Beacon Hill has not done business under any other names within the last six years.

DEADLINE FOR FILING CLAIMS AGAINST BEACON HILL AT MOUNTAIN’S EDGE, LLC:

3. On [REDACTED], 2008, the Court entered an order (the “Bar Date Order”) establishing **October 22, 2008 at 5:00 p.m. (Prevailing Pacific Time)** (the “Bar Date”), as the deadline for filing proofs of claim against Beacon Hill at Mountain’s Edge, LLC. The Bar Date applies to all claims against Beacon Hill that arose before July 30, 2008 except the Excluded Claims listed in paragraph 5 below. The Bar Date Order also sets procedures to be used for filing proofs of claim, which are summarized in this notice for your convenience.
4. You **MUST** file a proof of claim by the Bar Date if you have any claim against Beacon Hill that arose before July 30, 2008. The only exception to this requirement is for claims described in paragraph 5, below. Acts or omissions that occurred before July 30, 2008 may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after July 30, 2008. **ANY CLAIMS YOU HAVE AGAINST BEACON HILL MUST BE TIMELY FILED AND, IF NOT, WILL BE FOREVER BARRED, EXCEPT AS OTHERWISE AUTHORIZED BY ORDER OF THE COURT.** Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment,

whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

5. The Bar Date Order provides that creditors do **NOT** have to file proofs of claim by the Bar Date for the types of claims and interests listed below, to the extent they exist, in this paragraph 5 (collectively, the “Excluded Claims”). You should not file a proof of claim at this time for any Excluded Claim. The Court may enter one or more separate orders at a later time requiring creditors to file proofs of claim for some kinds of Excluded Claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. Excluded Claims include:
- a. Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those claims as “contingent,” “unliquidated” or “disputed” *and* (ii) the holder of the claim does not dispute the Schedules’ description of the amount or classification of the claim;
 - b. Claims for which the holder has already filed a Proof of Claim against Beacon Hill with the Clerk of the Bankruptcy Court for the Southern District of Florida (the “Clerk”) in a form substantially similar to Official Form 10;
 - c. Claims against Beacon Hill that have been paid in full, either by Beacon Hill pursuant to order of this court, or by any other party;
 - d. Claims of any of the other Debtors against Beacon Hill;
 - e. Claims of any direct or indirect non-debtor subsidiary of TOUSA, Inc. against Beacon Hill;
 - f. Claims of any customer who has signed a contract or has closed on a home with Beacon Hill, to the extent that Beacon Hill was authorized by the Court to honor those claims in the ordinary course of its business; *provided, however*, that a customer must submit a Proof of Claim by the Bar Date if its Claim relates to (i) a known warranty claim or other obligation that Beacon Hill has contested at the time of the Bar Date or (ii) damages arising from claims for breach of contract, breach of warranty or misrepresentation or any other litigation or pre-litigation claim;
 - g. Equity interests, which interests are based exclusively upon an interest in the equity ownership of Beacon Hill (any such interest being referred to as an “Interest”); *provided* that holders of Interests who wish to assert a claim against Beacon Hill that arises out of or relates to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a proof of claim on or before the Bar Date, unless another exception set forth herein applies; and
 - h. Claims allowable under sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of Beacon Hill’s chapter 11 case, with the exception of Claims allowable under section 503(b)(9) of the Bankruptcy Code, which are subject to the Bar Date.

INSTRUCTIONS FOR FILING PROOFS OF CLAIM:

6. If you file a proof of claim, your filed proof of claim must (a) be written in English, (b) include a claim amount denominated in United States dollars, (c) state a claim against Beacon Hill; and (d) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. Each Proof of Claim should include, consistent with Bankruptcy Rule 3001(c), supporting documentation (or, if such documentation is voluminous, include a summary of such documentation) or an explanation as to why such documentation is not available. If a proof of claim form is not enclosed with this notice, you may

obtain a proof of claim form from any bankruptcy court clerk's office, from your lawyer, from certain business supply stores, from www.uscourts.gov/bankform, by calling 1-866-378-1484, from www.tousadocket.com; or by contacting the Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245, Telephone: (888) 647-1730.

7. YOU MUST SPECIFICALLY IDENTIFY THE DEBTOR AGAINST WHICH YOU ASSERT A CLAIM, BY NAME AND PROPER CHAPTER 11 CASE NUMBER. YOU SHOULD INCLUDE ALL CLAIMS AGAINST A THE DEBTOR IN A SINGLE PROOF OF CLAIM FORM.
8. Your proof of claim form must be filed so as to be **received** on or before 5:00 p.m. (Prevailing Pacific Time) on **OCTOBER 22, 2008**. You can file your proof of claim (i) by mailing the original proof of claim to the TOUSA Claim Processing Center, c/o Kurtzman Carson Consultants, LLC, 2335 Alaska Avenue, El Segundo, California 90245 or (ii) by timely filing the proof of claim with the Clerk of the Bankruptcy Court for the Southern District of Florida.

CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:

9. **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN PARAGRAPH 5), IF YOU FAIL TO FILE A PROOF OF CLAIM ON OR BEFORE 5:00 P.M. (PREVAILING EASTERN TIME), ON OCTOBER 22, 2008 ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST BEACON HILL, THEN:**
 - **YOU WILL BE FOREVER BARRED FROM ASSERTING THAT CLAIM (OR FILING A PROOF OF CLAIM WITH RESPECT TO IT), EXCEPT AS OTHERWISE AUTHORIZED BY ORDER OF THE COURT;**
 - **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN BEACON HILL'S CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM;**
 - **BEACON HILL AND ITS PROPERTY WILL BE DISCHARGED FROM ANY AND ALL LIABILITY WITH RESPECT TO THAT CLAIM; AND**
 - **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION FOR THE DEBTORS ON ACCOUNT OF THESE BARRED CLAIMS.**

EXAMINATION OF SCHEDULES

10. Beacon Hill's Schedules and the Bar Date Order may be examined and inspected by interested parties during regular business hours at either of (a) the offices of Kirkland & Ellis LLP, 153 East 53rd Street, New York, New York 10022 or (b) the Clerk of the Bankruptcy Court, United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division, US Courthouse, 299 Broward Blvd., Fort Lauderdale, FL 33301, during posted hours. Beacon Hill's Schedules and the Bar Date Order are also available online at www.kccllc.net/TOUSA. The Court's docket sheet and documents are also accessible at the Court's internet site: <http://ecf.flsb.uscourts.gov>, through an account obtained from the PACER service center at 1-800-676-6856 (from the US), or (210) 301-6440 (from outside the US), or <http://pacer.psc.uscourts.gov>. Creditors that wish to rely on the Schedules will have the responsibility for determining that their Claims are listed accurately on them.

ACCESS TO PROOF OF CLAIM FORMS AND OTHER QUESTIONS

11. Proof of Claim Forms and a copy of the Bar Date Order may be obtained free of charge from www.tousadocket.com or by contacting the Notice, Claims and Balloting Agent at Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245, Telephone: (888) 647-1730. KCC cannot advise you whether you should file a Proof of Claim Form.

Dated: September 26, 2008

BERGER SINGERMAN, P.A.
200 Biscayne Boulevard, Suite 1000
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

-and-

KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Co-Counsel to the Debtors