

**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 September 22, 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 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 22, 2008

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