

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://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 LIEN CLAIMS BAR DATE OF MAY 14, 2010**

**TO: ALL PERSONS OR ENTITIES WHO MAY HAVE UNPERFECTED LIEN CLAIMS AGAINST TOUSA, INC. OR ITS AFFILIATED DEBTORS**

**PLEASE TAKE NOTICE** that, on January 29, 2008, TOUSA, Inc. (“TOUSA”) and its affiliated debtors and debtors in possession in the above-captioned, jointly administered chapter 11 cases (collectively, the “Debtors”) each 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”).

**PLEASE TAKE FURTHER NOTICE** that, on March 1, 2010, the Court entered an order establishing **May 14, 2010** as deadline (the “Lien Claims Bar Date”) for any person or entity (including individuals, corporations, partnerships, trusts, and governmental units) that holds a lien claim against a Debtor that arose prior to January 29, 2008 (each, a “Lien Claim”) to file a written proof of such Lien Claim (a “Lien Proof of Claim”). If the holder of any Lien Claim does not wish to file a Lien Proof of Claim by the Lien Claims Bar Date, Lien Claims may also be asserted in the manner provided by applicable non-bankruptcy law on or before the later of (i) the Lien Claims Bar Date and (ii) the deadline established for asserting such lien rights under applicable non-bankruptcy law.

**YOU ARE RECEIVING THIS NOTICE** because you may have a Lien Claim against one or more of the Debtors. However, the fact that you are receiving this notice does not mean that you do have a Lien Claim against a Debtor or that the Debtors believe that you do.

**PURSUANT TO THE LIEN CLAIMS BAR DATE ORDER ENTERED BY THE COURT:**

- **THE DEADLINE TO FILE A LIEN PROOF OF CLAIM IS MAY 14, 2010 AT 5:00 P.M. (PREVAILING PACIFIC TIME).**
- **IF YOU ARE REQUIRED TO FILE A LIEN PROOF OF CLAIM BUT FAIL TO DO SO, YOUR LIEN CLAIM WILL BE FOREVER BARRED. THIS MEANS THAT YOU MAY NOT BE ELIGIBLE TO VOTE ON ANY CHAPTER 11 PLAN, MAY NOT RECEIVE ANY DISTRIBUTION FROM THE DEBTORS ON ACCOUNT OF YOUR CLAIM AND/OR MAY LOSE**



**YOUR RIGHTS TO ASSERT A LIEN AGAINST THE DEBTORS' PROPERTY.**

**THIS NOTICE CONTAINS INFORMATION REGARDING HOW TO FILE A LIEN PROOF OF CLAIM.**

**(1) WHO MUST FILE A LIEN PROOF OF CLAIM**

You **MUST** file a Lien Proof of Claim by the deadline described above if you have a Lien Claim against any of the Debtors that arose before January 29, 2008 by **May 14, 2010 at 5:00 p.m. (prevailing Pacific Time)**. However, if you are holder of any Lien Claim and you don't wish to file a Lien Proof of Claim by the Liens Claim Bar Date, you may also assert Lien Claims in the manner provided by applicable non-bankruptcy law on or before the later of (i) the Lien Claims Bar Date and (ii) the deadline established for asserting such lien rights under applicable non-bankruptcy law.

Acts or omissions that occurred before January 29, 2008 may give rise to Lien Claims that are subject to the Lien Claims Bar Date, even if the Lien Claim may not have become known or fixed until after January 29, 2008.

You should **not file** a duplicate proof of claim at this time if you have already filed a proof of claim in the Debtors' chapter 11 case for the same claim.

**(2) WHAT TO FILE**

Enclosed with this notice is a form Lien Proof of Claim for you to use.

For your filed Lien Proof of Claim to be valid, it must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) state a claim against a Debtor; (iv) be signed by the Lien Claimant, or, if the Lien Claimant is not an individual, by an authorized agent of the Lien Claimant. In addition, you must attach to your Lien Proof of Claim any documents on which your Lien Claim is based (if voluminous, you may instead attach a summary) or an explanation as to why such documentation is not available. You also must specifically identify the Debtor against which you assert a Claim by name and case number (listed on page 3, 4 and 5 of this notice). You should include all Lien Claims against a particular Debtor in a single Lien Proof of Claim. If you have Lien Claims against multiple Debtors, you must file a separate Lien Proof of Claim against each Debtor.

**(3) WHEN AND WHERE TO FILE**

All Lien Proofs of Claim must be received by Kurtzman Carson Consultants LLC ("KCC"), or filed with the Clerk of the Bankruptcy Court of the Southern District of Florida, Fort Lauderdale Division, or the corresponding State Court on or before the Lien Claim Bar Date. If Lien Proofs of Claim are delivered to KCC, such Lien Proofs of Claim should be delivered to the following address:

**TOUSA Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245**

**PLEASE NOTE** that your Lien Proof of Claim must be delivered to the above address by first class U.S. Mail (postage prepaid), overnight delivery or in person. A Lien Proof of Claim that is sent by facsimile or telecopy will **NOT** be accepted.

**(4) A LIST OF THE DEBTORS AND CERTAIN RELATED INFORMATION**

Set forth below for each Debtor are its name, address and its respective case number:

<b>DEBTOR</b>	<b>ADDRESS</b>	<b>CASE NO.</b>
Tousa, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10928
TOUSA Homes Florida, LP	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10929
TOUSA Homes, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10930
Newmark Homes, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10931
LB/TE #1, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10932
Lorton South Condominium, LLC	11920 Freedom Drive Suite 1100 Reston, VA 20190	08-10933
Engle Homes Commercial Construction, LLC	2600 N. Central Ave. Suite 1400 Phoenix, AZ 85004	08-10934
McKay Landing, LLC	10700 E. Geddes Ave., #100 Englewood, CO 80112	08-10935
TOUSA, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10936
TOUSA Homes Investment #2, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10937
Newmark Homes Purchasing, LP	10455 Briar Forrest Drive Houston, TX 77042	08-10938
TOUSA Mid-Atlantic Investment, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10939
Engle/Gilligan, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10940
Preferred Builders Realty, Inc.	123 NW 13th Street, #300 Boca Raton, FL 33432	08-10941
Newmark Homes, LP	10455 Briar Forrest Drive Houston, TX 77042	08-10942
TOUSA Investment #2, Inc.	4000 Hollywood Blvd.	08-10943

DEBTOR	ADDRESS	CASE NO.
	Suite 500N Hollywood, FL 33021	
Reflection Key, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10944
TOUSA Homes, LP	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10945
TOUSA Realty, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10946
Engle/James LLC	10700 E. Geddes Ave., #100 Englewood, CO 80112	08-10947
TOUSA/West Holdings, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10948
TOUSA Homes Mid-Atlantic Holding, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10949
Silverlake, Interests LLC	6500 River Place Blvd. Bldg 1, Suite 300 Austin, TX 78730	08-10950
TOUSA Homes Investment #2, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10951
TOUSA Funding, LLC	3763 Howard Hughes Parkway Hughes Center, Suite 170A Las Vegas, NV 89109	08-10952
TOI, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10953
TOUSA Homes Nevada, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10954
TOUSA Homes Investment #1, Inc.	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10955
TOUSA Homes Arizona, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10956
TOUSA Delaware, Inc.	1007 Orange Street Nemours Bldg., Suite 1414 Wilmington, DE 19801	08-10957
TOUSA Homes Colorado, LLC	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10958
TOUSA Associates Services Company	4000 Hollywood Blvd. Suite 500N Hollywood, FL 33021	08-10959
Engle Homes Residential Construction, L.L.C.	2600 North Central Ave. Suite 1400 Phoenix, AZ 85004	08-10960
Engle Homes Delaware, Inc.	1007 Orange Street Nemours Bldg., Suite 1414 Wilmington, DE 19801	08-10961
Engle Sierra Verde P4, LLC	2600 North Central Avenue Suite 1400 Phoenix, AZ 85004	08-10962
TOUSA Homes Mid-Atlantic, LLC	4000 Hollywood Blvd.	08-10963

DEBTOR	ADDRESS	CASE NO.
	Suite 500N Hollywood, FL 33021	
Engle Sierra Verde P5, LLC	2600 N. Central Ave. Suite 1400 Phoenix, AZ 85004	08-10964
Beacon Hill at Mountain's Edge, LLC	7872 W. Sahara Avenue Las Vegas, NV 89117	08-20746
Newmark Homes Business Trust	10455 Briar Forrest Drive Houston, TX 77042	08-10965

The operating Debtors may have done business under other names within the last six years, as follows:

**Tousa, Inc.:** Technical Olympic USA, Inc.; Technical USA, Inc.; Engle Homes; Newmark Homes, L.P.; TOUSA Homes, Inc.; Newmark Homes Corporation

**TOUSA Homes Florida, LP:** Engle Homes; TOUSA Homes Investment #1, L.P.; Transeastern Communities; Transeastern Development; Transeastern Neighborhood; Transeastern Lifestyles; Transeastern Lifestyle Homes; Transeastern Lifestyle Neighborhood; Transeastern Lifestyle Developments; TE/TOUSA, LLC; TE/TOUSA Mezzanine Two, LLC; TE/TOUSA Mezzanine, LLC; TE/TOUSA Senior, LLC; EH/Transeastern, LLC Transeastern Homes

**TOUSA Homes, Inc.:** Engle Homes Colorado; Engle Homes South Florida; Engle Homes Orlando; Engle Homes Southwest Florida; Engle Homes Jacksonville; Engle Homes Virginia; Trophy Homes; James Construction Company; JamesCompany; D.S. Ware Homes of Florida; D.S. Ware Homes; Engle Homes; Engle Homes Arizona; Engle Homes/Broward; Engle Homes Colorado, a division of TOUSA Homes, Inc.; Engle Homes/Georgia; Engle Homes/Nevada; Engle Homes Palm Beach; Engle Homes Pembroke; Gilligan Homes; James Construction Company, a division of TOUSA Homes

**Lorton South Condominium, LLC:** Lorton South, LLC

**Engle Homes Commercial Construction, LLC:** TOUSA LV-NV, LLC

**TOUSA, LLC:** TOUSA I, LLC

**TOUSA Mid-Atlantic Investment, LLC:** Engle Homes; TOUSA Homes Investment #1, LLC

**Engle/Gilligan, LLC:** Engle Homes

**Newmark Homes, LP:** Frederick Harris Estate Homes; Trophy Homes; Homes by Newmark, L.P.; Marksman Homes; Engle Homes/Texas; Engle Homes; Newmark Homes (TOSA)

**TOUSA Homes, LP:** Engle Homes; TOUSA Homes I, L.P.; TOUSA Homes, L.P. I; Engle Homes, Colorado; Engle Real Estate Company

**TOUSA Realty, Inc.:** TOUSA Investment #1, Inc.

**TOUSA Homes Mid-Atlantic Holding, LLC:** TOUSA Investment #4, LLC

**TOUSA Homes Nevada, LLC:** TOUSA Investment #3, LLC

**TOUSA Homes Arizona, LLC:** TOUSA Investment #1, LLC

**TOUSA Homes Colorado, LLC:** TOUSA Investment #2, LLC

**TOUSA Associates Services Company:** Newmark Homes Realty

**Engle Homes Residential Construction, L.L.C.:** Engle Homes/Arizona Construction 1, LLC

**Engle Sierra Verde P4, LLC:** Engle Homes

**TOUSA Homes Mid-Atlantic, LLC:** TOUSA Investment #5, LLC

**Beacon Hill at Mountain's Edge, LLC:** Engle Homes

**Engle Sierra Verde P5, LLC:** Engle Homes

## (5) ACCESS TO LIEN PROOF OF CLAIM FORMS AND OTHER QUESTIONS

Additional information regarding the Lien Claims Bar Date, including Lien Proof of Claim Forms and a copy of the Lien Claims Bar Date Order, may be obtained by contacting the Debtors' noticing and claims agent, Kurtzman Carson Consultants LLC, at 2335 Alaska Ave., El Segundo, California 90245, Telephone: (866) 381-9100. Additional Lien Proof of Claim forms also may be obtained at Kurtzman Carson Consultants' website at [www.tousadocket.com](http://www.tousadocket.com)

Kurtzman Carson Consultants LLC cannot advise you how to, or whether you should, file a Lien Proof of Claim. If you have additional questions that are not covered by this notice, you

should consult an attorney to determine your rights and obligations.

**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)  
M. Natasha Labovitz (New York Bar No. 2813251)  
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*Co-Counsel to the Debtors*