

<b>UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF FLORIDA</b>		<b>ADMINISTRATIVE EXPENSE PROOF OF CLAIM FORM</b>
<b>In re TOUSA, Inc., et al., Case No. 08-10928 (JKO) (Jointly Administered)</b>		
<b>Name of Debtor:</b>		<b>Administrative Expense Claim Proof of Claim</b>
<b>Case Number:</b>		
<b>NOTE: This Administrative Expense Claim Proof of Claim form is to be used solely in connection with a request for payment of an administrative expense arising after commencement of these cases pursuant to 11 U.S.C. § 503.</b>		<b>THIS SPACE IS FOR COURT USE ONLY.</b>
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.
Name and address where notices should be sent:  <div style="text-align: right;">Telephone number: _____</div>		
Name and address where payment should be sent (if different from above):  <div style="text-align: right;">Telephone number: _____</div>		<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.
<b>IMPORTANT:</b> Please list the name and address of any property related to your claim (if applicable). Property Name: _____ Property Address: _____		
<b>1. Basis for Claim:</b> _____ (See instruction #2 on reverse side.)		
<b>2. Last four digits of any number by which creditor identifies debtor:</b> _____		
<b>3. TOTAL AMOUNT OF ADMINISTRATIVE EXPENSE CLAIM:</b> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		\$ _____ <b>(Total)</b>
<b>4. BRIEF DESCRIPTION OF CLAIM AND BASIS FOR ADMINISTRATIVE EXPENSE STATUS (attach any additional information):</b>		
<p><b>5. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.</p> <p><b>6. Supporting Documents:</b> 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. You may also attach a summary. (See definition of "redacted" on reverse side.)</p> <p>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</p> <p>If the documents are not available, please explain:</p> <p><b>DATE-STAMPED COPY:</b> To receive an acknowledgment of the filing of your administrative expense proof of claim, enclose a stamped, self-addressed envelope and copy of this administrative expense proof of claim, or you may view your claim information by visiting the website of the Claims Agent ( www.kccllc.net/tousa).</p>		<b>THIS SPACE IS FOR COURT USE ONLY.</b>
<p><b>IF PROOF OF CLAIM IS SENT BY MAIL, HAND DELIVERY, OR OVERNIGHT COURIER, SEND TO:</b></p> <p><b>TOUSA Claims Processing Center</b>  <b>c/o Kurtzman Carson Consultants LLC</b>  <b>2335 Alaska Avenue</b>  <b>El Segundo, CA 90245</b></p> <p><b>or</b></p> <p><b>Clerk of the Bankruptcy Court</b>  <b>U.S. Courthouse, 299 E. Broward Blvd.</b>  <b>Fort Lauderdale, FL 33301</b>                  Please see instructions on back of Proof of Claim</p>		
<b>Date:</b> _____	<b>Signature:</b> 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.	

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.



## INSTRUCTIONS FOR ADMINISTRATIVE EXPENSE 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

#### **Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Southern District of Florida), 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).

#### **1. Basis for Claim:**

State the type of debt for which the administrative expense proof of claim is being filed. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.

#### **2. 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.

#### **3. Total Amount of Administrative Expense Claim:**

Fill in the applicable amounts of the entire administrative expense proof of claim. If interest or other charges in addition to the principal amount of the administrative expense proof of claim are included, check the appropriate place on the form and attach an itemization of interest and charges.

#### **4. Brief Description of Claim**

Describe the Administrative Expense Claim including, but not limited to, the actual and necessary costs and expenses of operating one or more of the Debtors' estates or any actual and necessary costs and expenses of operating one or more of the Debtors' businesses.

#### **5. Credits:**

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

#### **6. Supporting Documents:**

Attach to this administrative expense proof of claim redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. 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 administrative expense 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 administrative expense proof of 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 an administrative expense proof of claim.

### DEFINITIONS

#### **Name of Debtor and Case Number:**

A complete list of Debtors with corresponding case numbers is listed above. You MUST fill in the specific Debtor against which your claim is being asserted and the case number of the Debtor's bankruptcy case. If you are asserting claims against more than one Debtor, you MUST file a separate administrative expense proof of claim for each Debtor.

#### **Creditor**

A creditor is the person, corporation, or other entity owed a debt by the Debtor on the date of the bankruptcy filing.

#### **Administrative Expense Claim**

Any right to payment constituting a cost or expense of administration of any of the Reorganized Cases allowed under sections 503(b) and 507(a)(1) of the Bankruptcy Code, including, without limitation, any actual and necessary costs and expenses of operating one or more of the Debtors' Estates, any actual and necessary costs and expenses of operating one or more of the Debtors' businesses, and any fees or charges assessed against one or more of the Debtors' Estates, any actual and necessary costs and expenses of operating one or more of the Debtors' businesses, and any fees or charges assessed against one or more of the Estates of the Debtors under section 1930 of chapter 123 of title 28 of the United States Code.

#### **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.

#### **Administrative Expense Proof of Claim**

A form telling the Bankruptcy Court how much a Creditor asserts it is owed by the Debtor for administrative expenses.

#### **Submitting Administrative Expense Proof of Claim**

Submit a signed original claim request with any attachments via United States mail, overnight courier service or hand delivery to:

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

or

**Clerk of the Bankruptcy Court  
U.S. Courthouse, 299 E. Broward Blvd.  
Fort Lauderdale, FL 33301**

Submission by facsimile or other electronic means will not be accepted.

### INFORMATION

#### **Acknowledgement of Filing a Claim**

To receive acknowledgment of your filing, enclose a stamped self-addressed envelope and a copy of this administrative expense proof of claim or you may view your claim information by visiting the website of the Claims Agent ([www.kccllc.net/tousa](http://www.kccllc.net/tousa)).

#### **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 Debtors. These entities do not represent the bankruptcy court or the Debtors. 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 *et seq.*), and any applicable orders of the bankruptcy court.

The Debtors in these chapter 11 cases are:

<b>DEBTOR</b>	<b>CASE NO.</b>
Tousa, Inc.	08-10928
TOUSA Homes Florida, LP	08-10929
TOUSA Homes, Inc.	08-10930
Newmark Homes, LLC	08-10931
LB/TE #1, LLC	08-10932
Lorton South Condominium, LLC	08-10933
Engle Homes Commercial Construction, LLC	08-10934
McKay Landing, LLC	08-10935
TOUSA, LLC	08-10936
TOUSA Homes Investment #2, LLC	08-10937
Newmark Homes Purchasing, LP	08-10938
TOUSA Mid-Atlantic Investment, LLC	08-10939
Engle/Gilligan, LLC	08-10940
Preferred Builders Realty, Inc.	08-10941
Newmark Homes, LP	08-10942
TOUSA Investment #2, Inc.	08-10943
Reflection Key, LLC	08-10944
TOUSA Homes, LP	08-10945
TOUSA Realty, Inc.	08-10946
Engle/James LLC	08-10947
TOUSA/West Holdings, Inc.	08-10948
TOUSA Homes Mid-Atlantic Holding, LLC	08-10949
Silverlake, Interests LLC	08-10950
TOUSA Homes Investment #2, Inc.	08-10951
TOUSA Funding, LLC	08-10952
TOI, LLC	08-10953
TOUSA Homes Nevada, LLC	08-10954
TOUSA Homes Investment #1, Inc.	08-10955
TOUSA Homes Arizona, LLC	08-10956
TOUSA Delaware, Inc.	08-10957
TOUSA Homes Colorado, LLC	08-10958
TOUSA Associates Services Company	08-10959
Engle Homes Residential Construction, L.L.C.	08-10960
Engle Homes Delaware, Inc.	08-10961
Engle Sierra Verde P4, LLC	08-10962
TOUSA Homes Mid-Atlantic, LLC	08-10963
Engle Sierra Verde P5, LLC	08-10964
Newmark Homes Business Trust	08-10965
Beacon Hill at Mountain's Edge, LLC	08-20746

Please note that the Debtors may have used the following other names over the last six years:

**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; James Company; 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 (TOUSA)

**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 I, LLC

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

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

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

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