

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:  
TOUSA, INC., *et al.*,  
  
Debtors.<sup>1</sup>

Chapter 11 Cases  
Case No. 08-10928-JKO  
Jointly Administered

**NOTICE OF FINAL DISTRIBUTIONS TO HOLDERS OF CLAIMS**

PLEASE TAKE NOTICE that on August 6, 2013, the Court entered the *Findings of Fact, Conclusions of Law and Order (I) Confirming Amended Joint Plan of Liquidation of TOUSA, Inc. and its Affiliated Debtors and Debtors in Possession Under Chapter 11 of the Bankruptcy Code (the “Plan”),<sup>2</sup> (II) Dismissing the Chapter 11 Cases Against TOUSA Homes, L.P. and (III) Establishing a Bar Date for Lease Rejection Claims [ECF No. 9441]<sup>3</sup> (the “Confirmation Order”).* Following entry of the Confirmation Order, and after all conditions precedent to consummation of the Plan had been satisfied, on August 21, 2013, the Effective Date of the Plan occurred.

<sup>1</sup> The Debtors were: Engle Homes Commercial Construction, LLC; Engle Homes Delaware, Inc.; Engle Homes Residential Construction, L.L.C.; Engle Sierra Verde P4, LLC; Engle Sierra Verde P5, LLC; Engle/Gilligan LLC; Engle/James LLC; LB/TE #1, LLC; Lorton South Condominium, LLC; McKay Landing LLC; Newmark Homes Business Trust; Newmark Homes Purchasing, L.P.; Newmark Homes, L.L.C.; TOUSA, Inc.; TOUSA Texas, LP.; Preferred Builders Realty, Inc.; Reflection Key, LLC; Silverlake Interests, L.L.C.; TOI, LLC; TOUSA Associates Services Company; TOUSA Delaware, Inc.; TOUSA Funding, LLC; TOUSA Homes Arizona, LLC; TOUSA Homes Colorado, LLC; TOUSA Homes Florida, L.P.; TOUSA Homes Investment #1, Inc.; TOUSA Homes Investment #2, Inc.; TOUSA Homes Investment #2, LLC; TOUSA Homes Mid-Atlantic Holding, LLC; TOUSA Homes Mid-Atlantic, LLC; TOUSA Homes Nevada, LLC; TOUSA Homes, Inc.; TOUSA Investment #2, Inc.; TOUSA Mid-Atlantic Investment, LLC; TOUSA Realty, Inc.; TOUSA, LLC; and TOUSA/West Holdings, Inc.; and Beacon Hill at Mountain’s Edge, LLC.

<sup>2</sup> All capitalized terms used and not otherwise defined herein shall have the meaning(s) ascribed to such terms in the Plan.

<sup>3</sup> Unless otherwise indicated, all ECF references shall be to the main bankruptcy docket in the Debtors’ chapter 11 cases.



PLEASE TAKE FURTHER NOTICE THAT the Plan and the Confirmation Order provide for the establishment of the Liquidation Trust for the benefit of the Liquidation Trust Beneficiaries. Accordingly, on the Effective Date, and pursuant to the terms of the Plan, the Confirmation Order and the Liquidation Trust Agreement, the Liquidation Trust was established and J Beck and Associates, Inc., as trustee (the “Liquidation Trustee”), was appointed to oversee the activities of the Liquidation Trust. Specifically, the Liquidation Trustee is responsible for, among other things, liquidating and administering the Liquidation Trust Assets, prosecuting the Liquidation Trust Causes of Action and making distributions to creditors as provided for in the Plan. *See* Plan, Art. XI.

PLEASE TAKE FURTHER NOTICE THAT the Plan and the Liquidation Trust Agreement provide for the establishment of a reserve for all disputed claims (the “Disputed Claims Reserve”), which reserve was established in the approximate amount of \$35 million following approval by the Court on August 12, 2013 [ECF No. 9469].

PLEASE TAKE FURTHER NOTICE THAT on September 19, 2013, the Liquidation Trustee made initial distributions. As of the date of the filing of this Notice, and after more than six years of claims reconciliation and the settlement of substantial litigation, including, *inter alia*, the settlement in December 2017 of approximately 95% of the Transeastern Lender defendants’ remaining liability in the Transeastern Litigation for \$160 million, representing a recovery for the Liquidation Trust of approximately 60.88%, the Liquidation Trustee has distributed funds to creditors of the Debtors in the total amount of \$559,113,909 on account of 1,333 Claims.

PLEASE TAKE FURTHER NOTICE THAT that the Liquidation Trust has completed substantially all of its activities and currently is in the process of winding down.

PLEASE TAKE FURTHER NOTICE THAT in view of the foregoing, and contemporaneously with the filing of this Notice, the Liquidation Trustee made the Liquidation Trust's final distribution in the amount of \$11,847,557 as follows: (i) \$1,929,296 to holders of First Lien Term Loan Claims; (ii) \$9,350,820 to holders of Senior Notes; and (iii) \$567,441 to holders of General Unsecured Claims, which amount is included in the total distribution and claim numbers referenced above.

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Dated: December 6, 2019

Respectfully submitted,

**STEARNS WEAVER MILLER WEISSLER  
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