

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
)	Case No. 08-11643 (KJC)
WCI COMMUNITIES, INC., <u>et al.</u> , ¹)	
)	Jointly Administered
)	
Debtors.)	
)	Related to Docket Nos. 1110, 1173
)	

JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF WCI COMMUNITIES, INC., ET AL., TO DEBTORS' OBJECTION TO THE MOTION OF TOPAZ CONDOMINIUM ASSOCIATION, INC. FOR RELIEF FROM STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE

The Official Committee of Unsecured Creditors (the "Committee") of WCI Communities, Inc., et al. (collectively, the "Debtors"), by and through its undersigned co-counsel, joins (the "Joinder") in the Debtors' Objection (the "Objection") [Docket No. 1173] to the Motion of Topaz Condominium Association, Inc. (the "Movant") for Relief from Stay Under Section 362(d) of the Bankruptcy Code [Docket No. 1110] (the "Motion"). In support of this Joinder, the Committee respectfully submits as follows:

1. On February 3, 2009, the Movant filed the Motion seeking relief from the automatic stay to proceed with its Florida state court construction defect action (the "Action") for the purposes of (i) effectuating and pursuing coverage on liability policies issued by the Evanston Insurance Company (the "Insurer") to cover the construction defect claims asserted against the Debtors in the Action, and (ii) determining liability of the Debtors and the amount of damages that might be claimed against the Insurer.

2. On February 17, 2009, the Debtors filed the Objection.

¹ A list of the Debtors and their tax identification numbers is located on the docket for Case No. 08-11643 (KJC) and <http://chapter11.epiqsystems.com/wcicomunities>.

3. Based on the facts available to the Committee, the Committee agrees with the arguments set forth in the Objection and files this Joinder in support thereof. Accordingly, for the reasons set forth in the Objection, the Committee respectfully requests that the Court (i) deny the relief requested in the Motion and (ii) grant the Committee such other and further relief as the Court deems just, proper, and equitable.

Dated: February 17, 2009

PACHULSKI-STANG ZIEHL & JONES LLP



Laura Davis Jones (Bar No. 2436)

Michael R. Seidl (Bar No. 3889)

Timothy P. Cairns (Bar No. 4228)

919 N. Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899-8705 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Email: ljones@pszjlaw.com

mseidl@pszjlaw.com

tcairns@szjlaw.com

and

AKIN GUMP STRAUSS HAUER & FELD LLP

Daniel H. Golden, Esquire

Lisa G. Beckerman, Esquire

One Bryant Park

New York, NY 10036

Telephone: (212) 872-1000

Facsimile: (212) 872-1002

Email: dgolden@akingump.com

lbeckerman@akingump.com

Co-Counsel to the Official Committee of Unsecured
Creditors

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

_____)	Chapter 11
)	
WCI Communities, Inc. <i>et al.</i> ,)	Case No. 08-11643 (KJC)
)	
Debtors.)	(Jointly Administered)
_____)	

CERTIFICATE OF SERVICE

I, Laura Davis Jones, hereby certify that on the 17th day of February 2009, I caused a copy of the following document to be served on the individuals on the attached service lists in the manner indicated:

Joinder of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al., to Debtors' Objection to the Motion of Topaz Condominium Association, Inc. for Relief from Stay Under Section 362 of the Bankruptcy Code.



Laura Davis Jones (Bar No. 2436)

WCI Communities, Inc. Service List

Case No. 08-11643

Doc No. 145057

01 – Hand Delivery

01 – First Class Mail

Hand Delivery

(Counsel to Topaz Cove Condominium Association, Inc.)

Raymond H. Lemisch, Esquire

Benesch, Friedlander, Coplan & Aronoff, LLP

222 Delaware Avenue, Suite 801

Wilmington, DE 19801

First Class Mail

(Counsel to Topaz Cove Condominium Association, Inc.)

Aleida Martinez Molina, Esquire

Becker & Poliakoff, P.A.

121 Alhambra Plaza, 10th Floor

Coral Gables, FL 33134

WCI Communities, Inc. Core Service List

Case No. 08-11643

Doc No. 141911

02 – Hand Delivery

07 - First Class Mail

(Committee Counsel)

Laura Davis Jones, Esquire

Michael Seidl, Esquire

Timothy Cairns, Esquire

Pachulski Stang Ziehl & Jones LLP

919 North Market Street, Suite 1700

PO Box 8705

Wilmington, DE 19899-8705

Hand Delivery

(Counsel to Debtors)

Jeffrey M. Schlerf, Esquire

Eric M. Suttly, Esquire

Fox Rothschild LLP

Citizens Bank Center

919 N. Market Street, Suite 1600

Wilmington, DE 19801

Hand Delivery

(U.S. Trustee)

Jane Leamy

Office of the U.S. Trustee

844 North King Street, Suite 2207

Wilmington, DE 19801

First Class Mail

(Counsel to Debtors)

Thomas E Lauria, Esquire

Frank L. Eaton, Esquire

Linda M. Leali, Esquire

White & Case LLP

Wachovia Financial Center, Suite 4900

200 South Biscayne Boulevard

Miami, FL 33131-2352

First Class Mail

(Counsel to Committee)

Daniel H. Golden, Esquire

Lisa Beckerman, Esquire

Philip C. Dublin, Esquire

Akin Gump Strauss Hauer & Feld LLP

One Bryant Park

New York, NY 10036

First Class Mail

(Counsel to Banc of America Securities
LLC)

Robert D. Albergotti, Esquire

Sue P. Murphy, Esquire

Haynes & Boone LLP

901 Main Street, Suite 3100

Dallas, TX 75202

First Class Mail

(Debtors)

Vivien Hastings, Esquire

General Counsel

WCI Communities, Inc.

24301 Walden Center Drive

Bonita Springs, FL 34134

First Class Mail

(Counsel to Law Debenture Trust Company)

Tina N. Moss, Esq.

Pryor Cashman LLP

410 Park Avenue

New York, NY 10022

First Class Mail

(Counsel to Wachovia Capital Markets,
LLC)

John Fouhey, Esquire

Jinsoo Ht. Kim, Esquire

Timothy E. Graulich, Esquire

Davis Polk & Wardwell

450 Lexington Avenue

New York, NY 10017

First Class Mail

(Counsel to The Bank of New York Mellon)

Edward Zujkowski, Esquire

Emmet Marvin & Martin LLP

120 Broadway

New York, NY 10271