

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re)	Chapter 11
)	
WCI COMMUNITIES, INC., <u>et al.</u> , ¹)	Case No. 08-11643 (KJC)
)	
Debtors.)	Jointly Administered
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WCI COMMUNITIES, INC. and WCI)	
HUNTER MILL, LLC,)	
)	
Plaintiffs,)	
)	
v.)	Adversary Case No. 09-51063 (KJC)
)	
643-641 ASHBRIAR PARTNERSHIP,)	
ASHBRIAR HOLDINGS, LLC,)	
ASHBRIAR, INC., and ALBERT H.)	
SMALL, JR.,)	
)	
Defendants.)	
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**SECOND AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JUNE 26, 2009 AT 10:00 A.M.**

MATTER GOING FORWARD:

1. Debtors' Motion Pursuant to 11 U.S.C. § 502(c) to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385) and Establish Estimation Procedures, filed on June 17, 2009 [Docket No. 1861]

Response Deadline:

June 23, 2009 at 4:00 p.m.

Related Documents:

- a) Proof of Claim No. 3384 of 643-641 Ashbriar Partnership, filed on February 2, 2009 [Not Docketed]

¹ The List of the Debtors and Tax Identification Numbers is located on the docket for Case No. 08-11643 (KJC) [Docket No. 64] and <http://chapter11.epiqsystems.com/wcicomunities>.

- b) Proof of Claim No. 3385 of 643-641 Ashbriar Partnership, filed on February 2, 2009 [Not Docketed]
- c) Debtors' Objection to Proofs of Claim Nos. 3384 and 3385 Filed by 643-641 Ashbriar Partnership; Counterclaims for Avoidance and Recovery of Preferential Transfers and Fraudulent Transfers, filed on June 17, 2009 [Docket Nos. 1858 and 1]
- d) Debtors' Request for Judicial Notice in Support of Debtors' Objection to Proofs of Claim Nos. 3384 and 3385 Filed by 643-641 Ashbriar Partnership; Counterclaims for Avoidance and Recovery of Preferential Transfers and Fraudulent Transfers, filed on June 17, 2009 [Docket Nos. 1859 and 2]
- e) Debtors' Motion to Shorten Notice with Respect to Hearing on Debtors' Motion Pursuant to 11 U.S.C. § 502(c) to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385), filed on June 17, 2009 [Docket No. 1863]
- f) Order Granting Debtors' Motion to Shorten Notice with Respect to Hearing on Debtors' Motion Pursuant to 11 U.S.C. § 502(c) to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385), filed on June 19, 2009 [Docket No. 1897]
- g) Debtors' Reply to Response of 643-641 Ashbriar Partnership, Ashbriar Holdings, LLC and Ashbriar, Inc. to Debtors' Motion Pursuant to 11 U.S.C. Section 502(c) to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385) and Establish Estimation Procedures, filed on June 25, 2009 [Docket No. 1927]
- h) Notice of Lodging of the Debtors' Exhibits 1-23 for the Hearing to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385), filed on June 25, 2009 [Docket No. 1928]
- i) Notice of Filing of Debtors' [Proposed] Statement of Stipulated Facts and Documents in Connection with the Motion to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership, filed on June 25, 2009 [Docket No. 1929]

- j) **Declaration of Dr. Jody Bennett in Connection with the June 26, 2009 Hearing Regarding the Debtors' Motion Pursuant to 11 U.S.C. Section 502 to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385), filed on June 25, 2009 [Docket No. 1932]**
- k) **Declaration of Bruce Bennett in Connection with the June 26, 2009 Hearing Regarding the Debtors' Motion Pursuant to 11 U.S.C. Section 502 to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385), filed on June 25, 2009 [Docket No. 1933]**

Response(s) Received:

- a) Response of 643-641 Ashbriar Partnership, Ashbriar Holdings, LLC and Ashbriar, Inc. to Debtors' Motion Pursuant to 11 U.S.C. § 502(c) to Estimate the Contingent and Unliquidated Claims of 643-641 Ashbriar Partnership (Proof of Claim Nos. 3384 and 3385) and Establish Estimation Procedures, filed on June 23, 2009 [Docket No. 1919]

Status:

This matter has been settled. The parties intend to announce settlement on the record.

Dated: June 25, 2009
Wilmington, Delaware

FOX ROTHSCHILD LLP




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-and-

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*Attorneys to the Debtors and
Debtors in Possession*

CERTIFICATE OF SERVICE

I, Jeffrey M. Schlerf, hereby certify that on the 25th day of June, 2009, I caused a copy of the *Second Amended Notice of Agenda of Matters Scheduled for Hearing on June 26, 2009* at 10:00 a.m. to be served upon the parties listed on the attached service list *via* facsimile.



Jeffrey M. Schlerf (No. 3047)

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