

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

In re	)	Chapter 11
	)	
WCI COMMUNITIES, INC., <u>et al.</u> , <sup>1</sup>	)	Case No. 08-11643 (KJC)
	)	
Debtors.	)	Jointly Administered
	)	

**THIRD AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON SEPTEMBER 23, 2008 AT 1:30 P.M.**

**MATTERS WITH CERTIFICATION OF NO OBJECTION:**

1. Debtors' Motion for Authority to Pay Prepetition Commissions Owing to Sales Directors, filed on September 3, 2008 [Docket No. 250]

Response Deadline:

September 16, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion for Authority to Pay Prepetition Commissions Owing to Sales Directors, filed on September 18, 2008 [Docket No. 359]
- b) **Order Granting Debtors' Motion for Authority to Pay Prepetition Commissions Owing to Sales Directors, entered on September 23, 2008 [Docket No. 404]**

Response(s) Received:

None.

Status:

**An order has been entered. No hearing is necessary.**

---

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

2. Debtors' Motion Pursuant to Bankruptcy Rule 1007(c) and Local Rule 1007-1(b) for an Additional Extension of Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statements of Financial Affairs, filed on September 5, 2008 [Docket No. 268]

Response Deadline:

September 16, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion Pursuant to Bankruptcy Rule 1007(c) and Local Rule 1007-1(b) for an Additional Extension of Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statements of Financial Affairs, filed on September 18, 2008 [Docket No. 360]
- b) **Order Granting an Additional Extension of Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statements of Financial Affairs, entered on September 23, 2008 [Docket No. 403]**

Response(s) Received:

None.

Status:

**An order has been entered. No hearing is necessary.**

3. Motion of the Official Committee of Unsecured Creditors, Pursuant to 11 U.S.C. §§ 105(a), 1102(b)(3)(A) and 1103(c) for Entry of an Order Clarifying Its Requirement to Provide Access to Information Under Bankruptcy Code Section 1102(b)(3)(A), filed on September 5, 2008 [Docket No. 272]

Response Deadline:

September 16, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Motion of the Official Committee of Unsecured Creditors, Pursuant to 11 U.S.C. §§ 105(a), 1102(b)(3)(A) and 1103(c) for Entry of an Order Clarifying Its Requirement to Provide Access to Information Under Bankruptcy Code Section 1102(b)(3)(A), filed on September 17, 2008 [Docket No. 365]

- b) **Order Granting the Motion of the Official Committee of Unsecured Creditors for Entry of an Order Clarifying its Requirement to Provide Access to Information Under Bankruptcy Code Section 1102(b)(3)(A), entered on September 23, 2008 [Docket No. 402]**

Response(s) Received:

None at this time.

Status:

**An order has been entered. No hearing is necessary.**

**MATTERS GOING FORWARD:**

4. Motion for Relief from Stay filed by Jan Aikin, filed on August 5, 2008 [Docket No. 63]

Response Deadline:

August 20, 2008 at 4:00 p.m. The Debtors were granted an extension to respond until September 16, 2008 at 4:00 p.m.

Related Documents:

- a) Order on Emergency Motion for Relief from Automatic Stay, entered on August 11, 2008 [Docket No. 119]

Response(s) Received:

- a) Debtors' Objection to the Emergency Motion for Relief from Automatic Stay Filed by Jan Aikin, filed on September 16, 2008 [Docket No. 334]
- b) Joinder of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al., to the Debtors' Objection to the Emergency Motion for Relief from Automatic Stay Filed by Jan Aikin, filed on September 16, 2008 [Docket No. 337]

Status:

This matter will go forward.

5. Debtors' Motion for Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507 and (B) To Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to Pre-Petition Secured Parties Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. § 363, filed on August 22, 2008 [Docket No. 185]

Response Deadline:

September 16, 2008 at 4:00 p.m. The Official Committee of Unsecured Creditors, Aurelius Capital Management, LP and Palm Beach County were granted extensions to respond until September 19, 2008 at 12:00 p.m. (noon). With permission of the Court, the Debtors are permitted to file replies to any responses by September 22, 2008 at 12:00 p.m. (noon).

Related Documents:

- a) Notice of Filing of Debtor-in-Possession Credit Agreement, filed on September 16, 2008 [Docket No. 336]
- b) Notice of Filing of Changed Pages and Schedules to Debtor-In-Possession Creditor Agreement, filed on September 19, 2008 [Docket No. 370]
- c) Debtors' Motion to Compel Aurelius Capital Management, LP to Comply with Rule 2019 of the Federal Rules of Bankruptcy Procedure or, Absent Such Compliance, to Prevent Aurelius Capital Management, LP from Further Participation in These Chapter 11 Cases, filed on September 22, 2008 [Docket No. 379]

Response(s) Received:

- a) Miami-Dade County Tax Collector's Limited Objection to Debtors' Motion for Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507 and (B) To Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to Pre-Petition Secured Parties Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. § 363, filed on September 15, 2008 [Docket No. 323]
- b) Term Lenders' Statement in Connection with Debtors' Motion for Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507 and (B) To Utilize Cash Collateral Pursuant to 11 U.S.C. §

363; (II) Granting Adequate Protection to Pre-Petition Secured Parties Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. § 363, filed on September 16, 2008 [Docket No. 333]

- c) Notice of Withdrawal of Miami-Dade County Tax Collector's Limited Objection to Debtors' Motion for Order (I) Authorizing Debtors (A) To Obtain Post-Petition Financing Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507 and (B) To Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to Pre-Petition Secured Parties Pursuant to 11 U.S.C. §§ 105, 361, 362, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. § 363, filed on September 17, 2008 [Docket No. 343]
- d) Limited Objection of Aurelius Capital Management, LP to Debtors' Motion for Order (I) Authorizing Debtors (A) to Obtain Post-Petition Financing Pursuant to 11 U.S.C. Sections 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507, (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. Section 363, (II) Granting Adequate Protection to Prepetition Secured Parties Pursuant to 11 U.S.C. Sections 361, 362, 363, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. Section 363, filed on September 19, 2008 [Docket No. 369]
- e) Debtors' Reply to the Objection of Aurelius Capital Management, LP to Debtors' Motion for Order (I) Authorizing Debtors (A) to Obtain Post-Petition Financing Pursuant to 11 U.S.C. Sections 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507, (B) to Utilize Cash Collateral Pursuant to 11 U.S.C. Section 363, (II) Granting Adequate Protection to Prepetition Secured Parties Pursuant to 11 U.S.C. Sections 361, 362, 363, 364 and 507 and (III) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. Section 363, filed on September 22, 2008 [Docket No. 377]
- f) **Statement of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al., in Support of Debtors' Motion for Order (i) Authorizing Debtors to (a) Obtain Post-Petition Financing Pursuant to 11 U.S.C. Sections 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e) and 507 and (b) Utilize Cash Collateral Pursuant to 11 U.S.C. Section 363; (ii) Granting Adequate Protection to Pre-Petition Secured Parties Pursuant to 11 U.S.C. Sections 361, 362, 363,**

**364 and 507; and (iii) Authorizing Debtors to Use Proceeds of Post-Petition Financing and Cash Collateral to Repay Secured Indebtedness Pursuant to 11 U.S.C. Section 363, filed on September 22, 2008 [Docket No. 393]**

Status:

This matter will go forward. The limited objection filed by the Miami-Dade Tax Collector was withdrawn.

6. Debtors' Motion for Entry of Order Authorizing Debtors to (I) File Under Seal Exhibit to Post-Petition Debtor-in-Possession Financing Motion and (II) Limit Notice Thereof, filed on August 22, 2008 [Docket No. 186]

Response Deadline:

September 16, 2008 at 4:00 p.m. The United States Trustee was granted an extension to respond until September 19, 2008 at 12:00 p.m. (noon).

Related Documents:

None.

Response(s) Received:

- a) United States Trustee's Response to the Debtors' Motion for Entry of Order Authorizing Debtors to (I) File Under Seal Exhibit to Post-Petition Debtor-in-Possession Financing Motion and (II) Limit Notice Thereof, filed on September 19, 2008 [Docket No. 367]
- b) Debtors' Reply to United States Trustee's Response to the Debtors' Motion for Entry of Order Authorizing Debtors to (I) File Under Seal Exhibit to Post-Petition Debtor-in-Possession Financing Motion and (II) Limit Notice Thereof, filed on September 22, 2008 [Docket No. 376]
- c) Reply of Wachovia Capital Markets, LLC and Banc of America Securities LLC to the United States Trustee's Response to Debtor's Motion for Entry of Order Authorizing Debtors to (i) File Under Seal Exhibit to Post-Petition Debtor-in-Possession Financing Motion and (ii) Limit Notice Thereof, filed on September 22, 2008 [Docket No. 378]

Status:

This matter will go forward. The Debtors, the Lenders and the Office of the United States Trustee are in discussions with respect to this matter.

7. Application of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Co-Counsel, Nunc Pro Tunc to August 13, 2008, filed on September 2, 2008 [Docket No. 244]

Response Deadline:

September 18, 2008 at 4:00 p.m.

Related Documents:

- a) **Certificate of No Objection Regarding Application of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Co-Counsel Nunc Pro Tunc to August 13, 2008, filed on September 22, 2008 [Docket No. 386]**

Response(s) Received:

None at this time.

Status:

**A certification of no objection has been filed. No hearing is necessary unless otherwise directed by the Court.**

8. Application for Entry of an Order Authorizing and Approving the Employment of Pachulski Stang Ziehl & Jones LLP as Co-Counsel to the Official Committee of Unsecured Creditors Nunc Pro Tunc to August 18, 2008, filed on September 4, 2008 [Docket No. 256]

Response Deadline:

September 18, 2008 at 4:00 p.m.

Related Documents:

- a) Supplemental Affidavit of Laura Davis Jones in Support of Application for Entry of an Order Authorizing and Approving the Employment of Pachulski Stang Ziehl & Jones LLP as Co-Counsel to the Official Committee of Unsecured Creditors Nunc Pro Tunc to August 18, 2008, filed on September 9, 2008 [Docket No. 296]
- b) **Certificate of No Objection Regarding Application for Entry of an Order Authorizing and Approving the Employment of Pachulski Stang Ziehl & Jones LLP as Co-Counsel to the Official Committee of**

**Unsecured Creditors Nunc Pro Tunc to August 18, 2008, filed on  
September 22, 2008 [Docket No. 387]**

Response(s) Received:

None at this time.

Status:

**A certification of no objection has been filed. No hearing is necessary unless  
otherwise directed by the Court.**

9. Motion of Alan Stanley Freemond and ClaraJohn Freemond for Relief from Stay Under 11 U.S.C. § 362(d) or in the Alternative, for a Finding that the Stay Does Not Apply, filed on September 5, 2008 [Docket No. 266]

Response Deadline:

September 16, 2008 at 4:00 p.m.

Related Documents:

None.

Response(s) Received:

- a) Debtors' Objection to the Motion of Alan Stanley Freemond and Clarajohn Freemond for Relief from the Automatic Stay Under 11 U.S.C. § 362(d) or in the Alternative, for a Finding That the Stay Does Not Apply, filed on September 16, 2008 [Docket No. 335]
- b) Joinder of The Official Committee of Unsecured Creditors of WCI Communities, Inc., et al. to the Debtors' Objection to the Motion of Alan Stanley Freemond and Clarajohn Freemond for Relief From the Automatic Stay Under 11 U.S.C. Section 362(D) or in the Alternative, for a Finding That the Stay Does Not Apply, filed on September 16, 2008 [Docket No. 338]
- c) Reply in Support of Motion of Alan Stanley Freemond and ClaraJohn Freemond for Relief from Automatic Stay Under 11 U.S.C. Section 362(d) or, in the Alternative, for a Finding that the Stay Does Not Apply, filed on September 18, 2008 [Docket No. 362]

Status:

This matter will go forward.

10. Debtors' Motion to Reject Various Executory Contracts in Connection with the Waterlefe Community Golf Course, filed on September 5, 2008 [Docket No. 271]

Response Deadline:

September 16, 2008 at 4:00 p.m. Waterlefe Community Golf Course was granted an extension to respond until September 18, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion to Reject Various Executory Contracts in Connection with the Waterlefe Community Golf Course, filed on September 22, 2008 [Docket No. 380]

Response(s) Received:


None.

Status:

**The Debtors, Waterlefe Community Golf Course and the Official Committee of Unsecured Creditors are engaged in discussions regarding a potential entry into a transition management agreement in connection with the rejection. The Debtors intend to go forward with the rejection of the various executory contracts at the hearing.**

Dated: September 23, 2008  
Wilmington, Delaware

BAYARD, P.A.

  
Jeffrey M. Schlerf (No. 3047)  
Eric M. Suty (No. 4007)  
Mary E. Augustine (No. 4477)  
222 Delaware Avenue, Suite 900  
Wilmington, Delaware 19801  
Telephone: (302) 655-5000

-and-

WHITE & CASE LLP  
Thomas E Lauria, Esquire  
Frank L. Eaton, Esquire  
Linda M. Leali, Esquire  
Wachovia Financial Center  
200 South Biscayne Boulevard, 49<sup>th</sup> Floor  
Miami, Florida 33131  
Telephone: (305) 371-2700  
*Attorneys to the Debtors and  
Debtors in Possession*