

**Motion of Wesley Hutchings and the Hutchings Real Estate Trust for Entry of Order Permitting Late Filing of Proof of Claim (the “Hutchings Motion”)**

By the Hutchings Motion, Wesley Hutchings and Barbara Hutchings, as trustees of the Hutchings Real Estate Trust Dated April 9, 2007 (collectively, the “Claimants”), seek permission to file their proofs of claim approximately five months after the deadline established for filing proofs of claim (the “Bar Date”).

The Claimants allege that (i) on April 24, 2007, the Trust purchased a house from the Debtors, (ii) Wesley Hutchings has been living there since April 2007, (iii) the house contains tainted drywall imported from China (“Chinese Drywall” and the claims related thereto, the “Drywall Claims”), (iv) the Claimants were not fully apprised of the Drywall Claims prior to the Bar Date, (v) the Debtors did not generally acknowledge the problems of Chinese Drywall prior to the Bar Date, (v) although the list of creditors in these cases identifies the Claimants, it includes incorrect addresses for them, and (vi) the Debtors have inspected the subject home and witnessed the Chinese Drywall and related problems. The Claimants seek \$1,569,554.28 in damages, which includes (a) the cost of repairs the Claimants have already performed, (b) the cost of razing and rebuilding their home, (c) the cost of leasing a temporary residence for one year, and (d) attorneys and expert fees. Additionally, Wesley Hutchings alleges that he has suffered medical problems stemming from exposure to the Chinese Drywall.

As a result of the foregoing allegations, the Claimants assert that (i) they were not aware of the existence of the Drywall Claims prior to the Bar Date and acted expeditiously to have their Drywall Claims deemed timely filed, (ii) the Debtors were generally aware of the assertion of the Drywall Claims prior to the Bar Date, (iii) the Claimants did not receive notice of the bankruptcy until after the Bar Date, and (iv) allowing the Claimants to file their claims would not prejudice other creditors.