

**Motion of Richard and Cynthia Montalvo for Leave to File a Proof of Claim after the Bar Date (the “Montalvo Extension Motion”)**

By the Montalvo Extension Motion, Richard and Cynthia Montalvo (the “Movants”) seek permission to file their proofs of claim approximately five months after the deadline established for filing proofs of claim (the “Bar Date”).

The Movants allege that (i) as of August 4, 2008 (the petition date), the Debtors had completed construction of a home owned by the Movants in Parkland, Florida (the “Home”), (ii) the Home shows symptoms of containing tainted drywall imported from China (“Chinese Drywall” and the claims related thereto, the “Drywall Claims”), (iii) the Movants were not fully apprised of the Drywall Claims prior to the Bar Date, and (iv) the Debtors did not generally acknowledge the problems of Chinese Drywall prior to the Bar Date.

As a result of the foregoing allegations, the Movants 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, and (iii) allowing the Movants to file their claims would not prejudice other creditors.