

**Debtors' Motions Pursuant to Section 362(d) of the Bankruptcy Code for Relief from the Automatic Stay (together, the "Stay Relief Motions")**

By the Stay Relief Motions, Debtor WCI Communities, Inc. ("WCI") seeks entry of orders finding that the automatic stay does not apply or, in the alternative, granting relief from the automatic stay to proceed with the prosecution of WCI's claims asserted in two Florida state court actions (collectively, the "Actions") against Marion Rickard, Jr. ("Rickard") and Byron and Nancy Firsdon (the "Firsdots" and, together with Rickard, the "Plaintiffs") for the purposes of recovering attorneys' fees and costs WCI incurred in its defense of the Actions in the amount of 88,366.55 and \$39,683.85, respectively (together, the "WCI Claims").

The Actions were commenced in 2003 and 2006 against WCI by the Plaintiffs relating to breach of contracts to purchase homes from WCI. In each Action, (i) WCI prevailed on its motions for summary judgment (the "Decisions"), (ii) such Decisions were affirmed on appeal, and (iii) WCI sought to recover attorneys' fees and costs incurred in its defense thereof. Furthermore, the time to further appeal the Decisions has lapsed. According to the Lift Stay Motions, although the Actions were originally filed against WCI, all of the claims against WCI have been fully adjudicated to final judgment and the only claims remaining are the WCI Claims for fees and costs. In addition, the Debtors allege that under the terms of the contracts with the Plaintiffs and controlling Florida law, it is entitled to recover the fees and costs it incurred in defending the Actions. Accordingly, by the Stay Relief Motions, the Debtors seek entry of orders (a) declaring that the automatic stay does not apply, or alternatively, (b) lifting the automatic stay to permit WCI to prosecute the WCI Claims. WCI estimates that the costs to the estate to prosecute the WCI Claims will not exceed \$15,000 compared to a potential recovery of over \$125,000.

The Debtors assert that because the prosecution of the WCI Claims involves claims held by, not against the Debtors, the automatic stay does not apply. Alternatively, the Debtors allege that cause exists to lift the automatic stay because, among other things, granting relief from the stay will actually benefit the estate in excess of any costs.