

**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
	)	

**AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON OCTOBER 22, 2008 AT 10:00 A.M.**

**CONTINUED MATTER:**

1. Motion by Legend Yacht and Beach Club Homeowners Association Inc. for Relief from the Automatic Stay Under Bankruptcy Code § 362(d), filed on September 18, 2008 [Docket No. 364]

Response Deadline:

October 16, 2008 at 4:00 p.m. The Debtors and the Official Committee of Unsecured Creditors were granted extensions to respond until October 29, 2008.

Related Documents:

None at this time.

Response(s) Received:

None at this time.

Status:

The parties have agreed to continue this matter to the omnibus hearing scheduled for November 5, 2008 at 11:00 a.m.

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<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>.

**MATTERS WITH CERTIFICATION OF NO OBJECTION:**

2. Debtors' Motion to Amend Order Authorizing Debtors to Implement Procedures to Pay Certain Prepetition Claims of Contractors, Materialmen and Vendors, filed on October 2, 2008 [Docket No. 457]

Response Deadline:

October 15, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion to Amend Order Authorizing Debtors to Implement Procedures to Pay Certain Prepetition Claims of Contractors, Materialmen and Vendors, filed on October 17, 2008 [Docket No. 513]
- b) **Order Amending Order Authorizing Debtors To Implement Procedures To Pay Certain Prepetition Claims Of Contractors, Materialmen And Vendors, entered on October 21, 2008 [Docket No. 520]**

Response(s) Received:

None.

Status:

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

3. Debtors' Motion for Authority to Enter Into Supplemental Home Warranty Insurance Policy, filed on October 2, 2008 [Docket No. 458]

Response Deadline:

October 15, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion for Authority to Enter Into Supplemental Home Warranty Insurance Policy, filed on October 17, 2008 [Docket No. 514]
- b) **Order Granting Debtor's Motion For Authority To Enter Into Supplemental Home Warranty Insurance Policy, entered on October 21, 2008 [Docket No. 521]**

Response(s) Received:

None.

Status:

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

4. Debtors' Motion for an Order Pursuant to 11 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 Extending Time Period Within Which the Debtors May Remove Actions, filed on October 3, 2008 [Docket No. 463]

Response Deadline:

October 15, 2008 at 4:00 p.m.

Related Documents:

- a) Certification of No Objection Regarding Debtors' Motion for an Order Pursuant to 11 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 Extending Time Period Within Which the Debtors May Remove Actions, filed on October 17, 2008 [Docket No. 515]
- b) **Order Extending The Time Period Within Which The Debtors May Remove Cases, entered on October 21, 2008 [Docket No. 522]**

Response(s) Received:

None.

Status:

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

**MATTERS GOING FORWARD:**

5. Debtors' Motion for Entry of an Order (I) Authorizing Debtors to (a) Maintain Insurance and Surety Bond Programs, (b) Maintain Insurance Premium Financing Program, (c) Pay Insurance and Surety Bond Premiums in the Ordinary Course and (d) Pay all Obligations Associated Therewith; and (II) Preventing Insurance and Surety Companies from Giving Any Notice of Termination or Otherwise Modifying Any Insurance Policy or Surety Bonds Without Obtaining Relief from the Automatic Stay, filed on August 4, 2008 [Docket No. 11]

Response Deadline:

Safeco and Ace were granted an extension to respond until September 5, 2008 at 4:00 p.m. The Debtors have until September 8, 2008 at 4:00 p.m. to file a reply.

Related Documents:

- a) Order (I) Authorizing Debtors to (A) Maintain Insurance and Surety Bond Programs, (B) Maintain Insurance Premium Financing Program, (C) Pay Insurance and Surety Bond Premiums in the Ordinary Course and (D) Pay All Obligations Associated Therewith; and (II) Preventing Insurance and Surety Companies from Giving Any Notice of Termination or Otherwise Modifying or Cancelling Any Insurance Policy or Surety Bonds Without Obtaining Relief from the Automatic Stay, entered on August 6, 2008 [Docket No. 87]
- b) Supplemental Order Preventing Insurance and Surety Companies From Giving any Notice of Termination or Otherwise Modifying or Cancelling any Insurance Policy or Surety Bonds Without Obtaining Relief From the Automatic Stay, entered on August 27, 2008 [Docket No. 210]

Response(s) Received:

- a) Objection of Safeco Insurance Company of America to Debtors' Motion to Prevent Insurance and Surety Companies From Giving any Notice of Termination or Otherwise Modifying any Insurance Policy or Surety Bonds without Obtaining Relief From the Automatic Stay, Alternatively, for Adequate Assurance, filed on September 5, 2008 [Docket No. 260]
- b) Objection of Westchester Fire Insurance Company and ACE USA to Debtors' Motion for Entry of an Order (I) Authorizing Debtors to (A) Maintain Insurance and Surety Bond Programs, (B) Maintain Insurance Premium Financing Program, (C) Pay Insurance and Surety Bond Premiums in the Ordinary Course and (D) Pay all Obligations Associated Therewith; and (II) Preventing Insurance and Surety Companies from Giving any Notice of Termination or Otherwise Modifying any Insurance Policy or Surety Bonds Without Obtaining Relief from the Automatic Stay, filed on September 5, 2008 [Docket No. 264]
- c) Debtors' Reply Brief in Support of Motion for Entry of an Order Preventing Insurance and Surety Companies From Giving any Notice of Termination or Otherwise Modifying any Insurance Policy or Surety Bonds without Obtaining Relief From the Automatic Stay, filed on September 8, 2008 [Docket No. 278]

Status:

**This matter will go forward. The Debtors have reached an agreement with Westchester Fire Insurance Company and ACE USA and expect to submit a consensual form of order at the hearing. The Debtors are still in discussions with Safeco Insurance Company of America with respect to the stay provision.**

6. Application of Official Committee of Unsecured Creditors of WCI Communities, Inc., et al., Pursuant to 11 U.S.C. §§ 328(a) and 1103, Fed. R. Bankr. P. 2014 and 5002, and Local R. 2014-1, for Entry of an Order Authorizing the Retention and Employment of Houlihan Lokey Howard & Zukin Capital, Inc. as Financial Advisor and Investment Banker, *Nunc Pro Tunc to August 15, 2008*, filed on September 25, 2008 [Docket No. 426]

Response Deadline:

October 15, 2008 at 4:00 p.m. The Debtors were granted an extension to respond until October 17, 2008 at 4:00 p.m.

Related Documents:

None.

Response(s) Received:

- a) United States Trustee's Objection to Application of Official Committee of Unsecured Creditors for Authority to Retain Houlihan Lokey Howard & Zukin Capital, Inc. as Financial Advisor and Investment Banker, *Nunc Pro Tunc to August 15, 2008*, filed on October 17, 2008 [Docket No. 516]

Status:

**The parties have agreed to continue this matter to the omnibus hearing scheduled for November 5, 2008 at 11:00 a.m.**

7. Motion of Richard W. Beach, III and Patricia A. Beach for Relief from the Automatic Stay Under 11 U.S.C. § 362(d), filed on September 29, 2008 [Docket No. 444]

Response Deadline:

October 17, 2008 at 4:00 p.m.

Related Documents:

None.

Response(s) Received:

- a) Debtors' Objection to the Motion for Relief from Automatic Stay Filed by Richard W. Beach, III and Patricia A. Beach, filed on October 17, 2008 [Docket No. 511]

Status:

This matter will go forward.

8. Debtors' Motion for an Order Pursuant to Sections 105, 363 and 554 of the Bankruptcy Code for Authority to Establish and Implement Expedited Procedures for the Sale, Abandonment, or Donation of Certain Miscellaneous Assets, filed on October 2, 2008 [Docket No. 459]

Response Deadline:

October 15, 2008 at 4:00 p.m.

Related Documents:

None.

Response(s) Received:

None.

Status:

This matter will go forward. The Debtors will submit a revised form of order at the hearing which incorporates informal comments of the Office of the United States Trustee and the DIP Lenders.

9. Motion to Modify Stay Alternatively, for Adequate Protection Filed by Safeco Insurance Company of America, filed on October 6, 2008 [Docket No. 466]

Response Deadline:

October 15, 2008 at 4:00 p.m.

Related Documents:

None.

Response(s) Received:

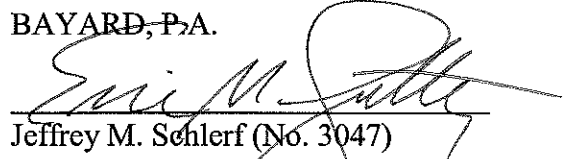
- a) Debtors' Opposition to Motion to Modify Stay Alternatively, for Adequate Protection Filed by Safeco Insurance Company, filed on October 15, 2008 [Docket No. 502]
- b) Affidavit of Sheila Leith in Support of Debtors' Objection to Safe Insurance Company of America's Motion to Modify Alternatively for Adequate Protection, filed on October 15, 2008 [Docket No. 503]
- c) Joinder of the Official Committee of Unsecured Creditors of WCI Communities, Inc., et al., to Debtors' Opposition to Motion to Modify Stay Alternatively, for Adequate Protection Filed by Safeco Insurance Company, filed on October 16, 2008 [Docket No. 505]

Status:

This matter will go forward.

Dated: October 21, 2008  
Wilmington, Delaware

BAYARD, P.A.



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