

1 WRITTEN DECISION - NOT FOR PUBLICATION

2

3 ENTERED 9/28/10

4 FILED

5 SEP 28 2010

6 CLERK, U.S. BANKRUPTCY COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 BY 128 DEPUTY

9 UNITED STATES BANKRUPTCY COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 In re ) Case No. 10-02677-PB11

12 BRIARWOOD CAPITAL, ) R.S. No. OMM-1

13 Debtor. ) ORDER

14 \_\_\_\_\_ )

15 On or about March 10, 2010, Lennar Homes filed a motion

16 for relief from stay and requested this Court abstain from the

17 so-called Florida proceeding. The matter was heard and the

18 hearing was continued, with certain modifications to the

19 automatic stay. At the continued hearing on May 3, 2010, the

20 Court indicated that it intended the stay remain in place, and

21 that when it was time to lift the stay the Court would abstain

22 from the Florida proceeding if there was anything before this

23 Court from which to abstain.

24 Since that time, much has occurred, most significant of

25 which is that trustees have been appointed in this case, the case

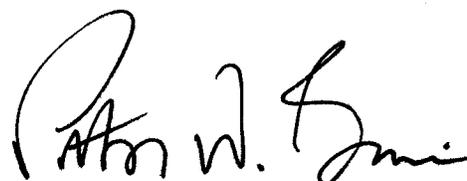
26 of Nicolas Marsch, and one of the Colony Properties entities.

1 At this juncture, the Court would not be inclined to lift the  
2 automatic stay as to the debtor entities without the concurrence  
3 of the respective trustees, or at least until the trustees have  
4 been afforded an opportunity to appear and oppose any future  
5 request for relief.

6 Accordingly, the Court concludes that the prior modification  
7 to the stay to allow certain sanction proceedings to continue  
8 remains appropriate and in force and effect. Otherwise, the stay  
9 remains in effect until further order, and Lennar's request for  
10 broader relief is denied, without prejudice at this time.

11 IT IS SO ORDERED.

12 DATED: SEP 28 2010

13  
14 

15 PETER W. BOWIE, Chief Judge  
16 United States Bankruptcy Court  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26