

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE:

WEEKS LANDING, LLC, et al,  
Debtors.

CASE NO. 9:06-bk-1721-ALP  
Chapter 11

(Jointly Administered)

ORDER CONFIRMING PLAN

THESE CASES came before the Court on August 21, 2008, pursuant to this Court's Order on Continued Confirmation Hearing dated March 25, 2008 (Doc. 470 - the "Second Confirmation Order") and Order Continuing Hearing on Amendment to Joint Plan of Reorganization of Natoli and RCMP and any Objection Thereto dated August 6, 2008 (Doc. 523), with notice to all parties in full compliance with Federal Rule of Bankruptcy Procedure 2002(b), to consider confirmation of the Plan of Reorganization dated November 16, 2007 (Doc. 407) proposed by Carmelo J. Natoli, on behalf of the Carmelo J. Natoli Revocable Trust and Peninsula Sailfish, LLC (collectively "Natoli") and RCMP Enterprises, LLC ("RCMP"), as amended by the First Modification dated December 27, 2007 (Doc. 428), the Clarification dated January 11, 2008 (Doc. 430), the Second Modification dated January 22, 2008 (Doc. 446) and the Third Modification dated July 23, 2008 (Doc. 520 - the "Third Modification"), hereinafter collectively referred to as the Joint Plan. This Court conducted an initial confirmation hearing on January 23, 2008, and subsequently entered an Order on Confirmation Hearing dated February 21, 2008 (Doc. 454 - the "First Confirmation Order") making certain findings and scheduling a continued hearing for March 5, 2008. The Court conducted an evidentiary hearing on March 5, 2008, resulting in the entry of the Second Confirmation Order. In the Second Confirmation Order, the Proponents, Natoli and RCMP, were directed to file a modification to the Joint Plan with the following provisions:

- A. The release provisions of the Joint Plan would not encompass any claim or cause of action that Michelle Pessin

("Pessin"), individually, may have against either Natoli or RCMP.

- B. Any claim or cause of action that Pessin may have against Natoli or RCMP shall be filed in this Court within 180 days of the confirmation order. This Court will retain exclusive jurisdiction to determine any such claim or cause of action.

The Proponents filed the Third Modification on July 23, 2008. Accordingly, the only remaining issue for the Court's determination is the Third Modification, including the provisions relating to Pessin and her objections thereto (Doc. 437, 472 - the "Pessin Objection"). Pessin appeared through counsel, William J. Thompson, Esq., at the August 21, 2008 hearing. Pessin also filed her Objection to Confirmation of Third Modification of the Joint Plan of Reorganization of Natoli and RCMP on August 20, 2008 (Doc. 526 - the "Additional Pessin Objection"). The Court reviewed the file, heard proffers of evidence and arguments of counsel, and considered the Third Modification and the objection thereto. For the reasons stated orally and recorded in open court, the Court makes the following findings of fact and conclusions of law:

1. The findings and conclusions set forth in the First Confirmation Order and the Second Confirmation Order are incorporated by reference and restated herein with respect to the Joint Plan (as modified by the Third Modification). ~~The Joint Plan is hereby confirmed in all respects as if fully set forth herein.~~

2. Both the Pessin Objection and the Additional Pessin Objection are hereby overruled. Nothing in the Joint Plan shall be deemed to release, discharge, or modify any claim that Pessin, individually, may have against either RCMP or Natoli. **Pessin shall have a period of 180 days following the entry of this Order** within which to file an adversary proceeding in this Court against either Natoli or RCMP (or any affiliate of either) premised upon or in

connection with or related to any alleged act, transaction, conduct, occurrence, action, error, omission, or other behavior of any kind in or in connection with the Debtors, the Debtors' property, or these bankruptcy cases. This Court shall retain exclusive jurisdiction over any such claim or cause of action. Any such claim or cause of action shall be channeled exclusively to this Court. **Absent filing an adversary proceeding within the 180 day time period, any such claim or cause of action shall be forever barred. This Court shall retain jurisdiction to enforce the provisions of this paragraph, without limitation.**

3. The various real properties described in the Joint Plan shall be immediately transferred to Natoli or RCMP (or their designee), as set forth in the Third Modification, with full marketable title to the transferee. All transfers of real property to Natoli or RCMP shall be free and clear of any and all interests of any kind, including all Claims, Secured Claims, Unsecured Claims, Superpriority Claims, Priority Claims, Priority Tax Claims, Environmental Claims, Liens, Liabilities, Title Issues and Causes of Action and specifically free and clear of any interest of Morrison Homes, Inc. in the Estero Real Property or any interest of Pessin in any property. The Court shall specifically retain jurisdiction to enforce the provisions of this paragraph, without limitation, so that free and clear title is transferred.

4. Pursuant to Section 8.7 of the Joint Plan and Section 1142(b) of the Bankruptcy Code, Gerard A. McHale, Jr. is hereby designated and appointed as the person who shall be specifically and exclusively authorized to execute and deliver any required documents on behalf of the Debtors, including any instruments or deeds of transfer.

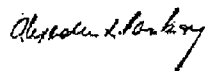
5. Pursuant to Section 8.6 of the Joint Plan and Section 1146(a) of the Bankruptcy Code, but without limitation, the issuance of any instrument or the transfer of any property, including the transfers to Natoli and RCMP referenced above, shall not be taxed under any law imposing a stamp tax or

similar tax. Deeds of transfer shall be accepted for recording and properly recorded without the collection or charge of any such tax.

6. Pursuant to Sections 11.1, 11.2 and 11.5 of the Joint Plan and Sections 6 and 18 of the Third Modification, but without limitation, Natoli, RCMP, Professionals retained in the cases, and the Chief Restructuring Officer, together with their officers, directors, members and professionals, are hereby generally released of and from any and all claims, demands or causes of action held by any of the Debtors or their respective bankruptcy estates subject ONLY to the provisions in paragraph 2 above relating to Pessin, individually.

7. The proponents shall execute the necessary documents and effectuate the required transfers within thirty (30) days of the date of this Order.

DONE AND ORDERED at Tampa, Florida on September 15, 2008.



Alexander L. Paskay  
Chief Bankruptcy Judge Emeritus

Copies to:

Court Matrix

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