

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**BUCKINGHAM FINANCIAL, LLC,**

**DEBTOR.**

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**HELMUT LANDWEHR, GARY  
SOLOMON, JOHN SAUNDERS, BASIL  
HAYMANN, DOT HAYMANN, WARREN  
HARMEL, KURT MAERSCHEL, AND  
STEVE SANDERS,**

**PLAINTIFFS,**

**v**

**TODAY REALTY ADVISORS, INC.,  
TODAY FINANCIAL CORPORATION,  
TODAY FINANCIAL, LLC, TODAY  
REALTY INVESTMENTS, INC.,  
BUCKINGHAM FINANCIAL, LLC, CDB  
HOLDINGS, LP, WERNER ERIC  
BRAUSS, CHRISTINE BRAUSS,  
QUORUM EQUITIES GROUP, LLC,  
CDB HOLDINGS, GP, CDBGP-1, LLC,  
TODAY TEXAS FUND 2, LP, AND  
TODAY SIX FLAGS GP, INC.**

**DEFENDANTS,**

**v**

**STM STRATEGY PARTNERS, LP AND  
WATERCREST PARTNERS, LP, T. H.  
SONG-WINKLER, MICHELLE  
ROELCKE, AND SUSAN BRAUSS**

**INTERVENORS.**

**CHAPTER 11**

**CASE No. 09-43863-BTR-11**

**(UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION)**

**ADVERSARY No. 09- \_\_\_\_\_**

**NOTICE OF REMOVAL BY DEFENDANT BUCKINGHAM FINANCIAL, LLC**

Defendant, Buckingham Financial, LLC (“Debtor”), files this Notice of Removal of Cause No.09-15696, styled *Helmut Landwehr, et al. v Today Realty Advisors, Inc, et al.*, presently pending in the 116<sup>th</sup> Judicial District Court of Dallas County, Texas (the “Dallas County Case”), which removal is made pursuant to 28 U.S.C. §§ 1446(a); 1334; 1452 and Federal Rule of Bankruptcy Procedure 9027, and in support thereof would show as follow:

**PROCEDURAL AND FACTUAL BACKGROUND**

1. On December 6, 2009, Debtor filed a voluntary petition seeking relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division (“Eastern District Bankruptcy Court”) commencing Chapter 11 case No. 09-43863. A copy of the on-line docket entry evidencing such filing is attached hereto.

2. Debtor was one of the defendants in the Dallas County Case at the time that it commenced its Chapter 11 bankruptcy case. The original Plaintiffs in the Dallas County Case, Helmut Landwehr, Gary Solomon, John Saunders, Basil Haymann, Dot Haymann, Warren Harmel, Kurt Maerschel, and Steve Sanders, have collectively asserted claims and causes of action against Debtor and the other defendants for money had and received, constructive trust, unjust enrichment, fraud, and conversion. Such original Plaintiffs seek a temporary restraining order, temporary injunction, appointment of an auditor, declaratory judgment, and attorneys fees.

3. Subsequent to the commencement of the Dallas County Case, (a) STG Strategy Partners, LP and Watercrest Partners, LP intervened in such case as intervening plaintiffs asserting claims and causes of action for breach of contract on account of two promissory notes and guaranties executed for the benefit of such intervening plaintiffs, and (b) T. H. Song-Winkler, Michele Roelcke, and Susan Brauss also intereved in such case as intervening plaintiffs and joined certain additional defendants as intervention defendants asserting claims and causes of action against certain

of the defendants on account of debts allegedly due under eleven promissory notes executed by one or more of such defendants and intervention defendants.

4. The Dallas County Case and the claims and causes of action asserted therein are related to Debtor's Chapter 11 bankruptcy case. To the extent such claims and causes of action are asserted against Debtor, this matter is a core proceeding under 28 U.S.C. § 157.

5. This notice of removal is filed less than 90 days after Debtor filed its Chapter 11 bankruptcy case and therefore is timely filed in accordance with Federal Bankruptcy Rule of Procedure 9027.

6. Debtor intends to immediately seek a transfer of this adversary proceeding to the Eastern District Bankruptcy Court. Hence, the removal and subsequent transfer will promote judicial economy and prevent inconsistent judicial determinations by causing the rights of all interested parties to be determined in a single proceeding in the Court having jurisdiction over Debtor's bankruptcy case.

#### **BASIS FOR REMOVAL**

7. Removal is proper because 28 U.S.C. §1334 expressly provides for the removal of this suit.

8. All other defendants who have been properly served are not required to consent to a removal under the bankruptcy statute. 28 U.S.C. § 1334(c)(2).

9. A copy of the on-line docket sheet in the Dallas County Case is attached hereto, together with copies of Plaintiffs' Original Petition and citation and the petitions filed by the intervening plaintiffs. A copy of the temporary restraining order entered in the Dallas County Case is also attached. Copies of all other pleadings, process, orders, and other filings in the Dallas County Case, if any, will be separately filed as a separate supplemental appendix.

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the removed case has been pending is located in this district.

11. Debtor will promptly file a copy of this notice of removal with the clerk of the state court where the removed case has been pending.

Dated: December 6, 2009

Respectfully submitted,

/s/ John P. Lewis, Jr.

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Attorney for Buckingham Financial, LLC

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served upon each of the following parties or their attorneys in accordance with applicable rules on December 6, 2009.

*/s/ John P. Lewis, Jr.*

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