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*Attorneys for The Official Committee of Unsecured
 Creditors of LandAmerica 1031 Exchange Services,
 Inc.*

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 RICHMOND DIVISION**

In re:	x	
	:	Chapter 11
	:	
LandAmerica Financial Group, Inc., <u>et al.</u> ,	:	Case No. 08-35994
	:	
Debtors.	x	Jointly Administered
Howard Finkelstein,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 08-03171
LandAmerica 1031 Exchange Services, Inc.,	:	
	:	
Defendant.	x	
Frontier Pepper's Ferry,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 08-03148
LandAmerica 1031 Exchange Services, Inc.,	:	
	:	
Defendant.	x	
Matthew B. Luxenberg, Trustee of the Matthew B. Luxenberg Revocable Family Trust,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 09-03023
LandAmerica 1031 Exchange Services, Inc.,	:	
	:	
Defendant.	x	

**THE OMNIBUS MOTION FOR PARTIAL SUMMARY JUDGMENT OF THE
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
LANDAMERICA 1031 EXCHANGE SERVICES, INC.**

Pursuant to Federal Rule of Civil Procedure 56, made applicable to bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7056, the Official Committee of Unsecured Creditors (the “LES Committee”) of LandAmerica 1031 Exchange Services, Inc. (“LES”), by and through its counsel of record, respectfully submits this Omnibus Motion for Partial Summary Judgment, seeking dismissal of certain claims of the plaintiffs in the above-captioned adversary proceedings (the “Commingled Plaintiffs”), specifically:

- a. Frontier Pepper’s Ferry, LLC – Counts I, II, VI, and VII of the Amended Complaint;
- b. Howard Finkelstein – Counts I, II, VI, and VII of the Complaint; and
- c. Matthew B. Luxenberg, Trustee of the Matthew B. Luxenberg Family Revocable Trust - Counts I, II, and IV of the Complaint.

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. The subject matter of this motion is a core matter pursuant to 11 U.S.C. § 157(a) and (b).

2. As set forth in detail in the accompanying Memorandum of Law, the LES Committee is entitled to summary judgment on the above mentioned claims for relief. In those claims, the Commingled Plaintiffs contend that certain funds held in LES’s bank accounts were held in trust for the Commingled Plaintiffs and are not property of LES’s estate. As the summary judgment evidence demonstrates, the Commingled Plaintiffs cannot sustain their burden of proving that the parties’ Exchange Agreements created trust arrangements, or that it was the parties’ intent to do so. In the alternative, Commingled Plaintiffs cannot bear their burden of tracing the funds to identifiable property as a matter of law. Even if the Court does not dismiss the above identified claims for relief in their entirety, the Court should grant summary judgment and find that the funds are property of the estate, that LES does not hold funds pursuant to an express or resulting trust for the Commingled Plaintiffs’ benefit and/or that the funds are not traceable as a matter of law.

3. In support of this Motion, the LES Committee submits and fully incorporates into this Motion its Memorandum of Law, along with its summary judgment Appendix and all exhibits.

4. For each of the reasons set forth in the Memorandum of Law, the LES Committee requests that the Court grant summary judgment in its favor on the above identified claims, order that the funds are property of the estate, order that LES does not hold funds pursuant to an express or resulting trust for the Commingled Plaintiffs' benefit, and grant such other relief to which the LES Committee is entitled.

Dated: Richmond, Virginia
March 16, 2009

/s/ Mary A. House

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of March 2009, a true and correct copy of the foregoing Omnibus Motion for Partial Summary Judgment of the Official Committee of Unsecured Creditors of LandAmerica 1031 Exchange Services, Inc. has been served: (i) via United States mail, first class, postage prepaid; and (ii) via email on the parties listed below and on all parties receiving notification through the Court's ECF system.

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/s Sarah Link Schultz

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