

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re

ADVANTA CORP., *et al.*,

Debtors.

Chapter 11

Case Nos. 09-13931 (KJC), *et seq.*  
(jointly administered)

**Objections due by: May 3, 2010, 4:00 p.m.**  
**Hearing Date: May 11, 2010, 10:00 a.m.**

**LIMITED OBJECTION TO, AND RESERVATION OF RIGHTS IN  
CONNECTION WITH, MOTION FOR RELIEF FROM AUTOMATIC STAY  
UNDER SECTION 362 OF THE BANKRUPTCY CODE WITH RESPECT TO REAL  
PROPERTY LOCATED AT 8410 NW 10TH STREET, PEMBROKE PINES, FL 33024**  
*(relates to Docket No. 439)*

The Federal Deposit Insurance Corporation, as receiver of Advanta Bank Corp. (“FDIC-R”), by and through its undersigned counsel, hereby files this limited objection to, and reservation of rights<sup>1</sup> in connection with, the Motion For Relief From Automatic Stay Under Section 362 Of The Bankruptcy Code With Respect To Real Property Located At 8410 NW 10th Street, Pembroke Pines, Fl 33024 (the “Motion”) filed by Bank of America, N.A. (“Movant”), and in support hereof states as follows:

1. On November 8, 2009 (the “Petition Date”), Advanta Corp and certain of its affiliates (the “Debtors”) filed voluntary petitions for relief under Chapter 11 of the United States

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<sup>1</sup> The filing of this objection and reservation of rights does not constitute a submission by FDIC-R to the jurisdiction or authority of this Court for the resolution of any regulatory matter involving the Debtors or FDIC-R. Nor does this paper constitute an admission that this Court is the appropriate forum for disputes between FDIC-R or any other party other than with respect hereto. This filing shall not constitute a waiver or consent by FDIC-R of any right to assert Sovereign Immunity whether FDIC-R is acting in its capacity as receiver or otherwise. The filing hereof shall not constitute a waiver or consent by FDIC-R of any (a) right to have any and all final orders in any and all non-core matters entered only after de novo review by the United States District Court; (b) right to trial by jury in any proceedings as to any and all matters so triable therein, whether or not the same be designated legal or private rights, or in any case, controversy or proceeding related thereto, whether or not such jury trial right is pursuant to statute or the United States Constitution; (c) right to have the reference of this matter withdrawn by the United States District Court in any matter or proceeding subject to mandatory or discretionary withdrawal; or (d) other rights, claims, actions, defenses, setoffs, recoupments, or other matters to which FDIC-R is entitled under any agreements or at law or in equity or under the United States Constitution. Except with respect to the specific statements herein, all of the foregoing rights are expressly reserved and preserved without exception and with no purpose of conceding jurisdiction in any way. FDIC-R expressly reserves all rights at law and equity to assert the preemption of this Court’s jurisdiction and the exclusive jurisdiction provided under Title 12 as applicable with respect to FDIC-R.

Bankruptcy Code. Since the Petition Date, the Debtors have managed their affairs as debtors in possession pursuant to 11 U.S.C. §§ 1107 and 1108.

2. It appears that Movant filed the Motion in order to obtain relief from the automatic stay to exercise its remedies under applicable non-bankruptcy law in connection with certain real property located at 8410 NW 10th Street, Pembroke Pines, Fl 33024 (the “Property”).

3. FDIC-R believes that the Debtors in these cases did not directly own mortgage interests in real property but rather that such interests may be owned by the Debtors’ non-debtor subsidiary, Advanta Bank Corp. (“ABC”), over which FDIC-R is now a receiver.

4. To the extent that ABC, and not the Debtors, have an interest in the Property, and/or any other properties for which relief from stay is sought in this context, Movant’s foreclosure upon that interest is not an “act to create, perfect, or enforce any lien against property of the estate” and the automatic stay does not apply. Thus, relief from stay would not be needed. On the other hand, to the extent that the Debtors, and not ABC, have an interest in the Property, and/or any other properties for which relief from stay is sought in this context, FDIC-R would not have an interest in Movant’s foreclosure upon that interest. In either case, FDIC-R reserves any and all rights that ABC may have under applicable non-bankruptcy law in any proceedings or processes associated with such foreclosures.

5. FDIC-R is investigating the extent to which ABC may have held such interests and reserves the right to supplement or withdraw this limited objection with respect to the Property and/or any other properties for which relief from stay is sought in this context.

WHEREFORE, FDIC-R reserves any and all rights with respect to the relief sought in the Motion, requests that this Honorable Court stay its consideration of the Motion pending the

outcome of FDIC-R's investigation of this Property, and requests that this Court grant FDIC-R such other and further relief as may be just and proper.

Dated: May 3, 2010  
Wilmington, Delaware

Respectfully submitted,

PINCKNEY, HARRIS & WEIDINGER, LLC

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*Attorneys for FDIC-R*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 3, 2010, I caused copies of the foregoing LIMITED OBJECTION TO, AND RESERVATION OF RIGHTS IN CONNECTION WITH, MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE WITH RESPECT TO REAL PROPERTY LOCATED AT 8410 NW 10TH STREET, PEMBROKE PINES, FL 33024 to be served via first-class mail, postage prepaid, upon the parties listed upon:

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Dated: May 3, 2010  
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