

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

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In re:	:	Chapter 11
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EHT US1, Inc., <i>et al.</i> ,	:	Case No. 21-10036 (CSS)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
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OPT-OUT ELECTION FORM

On January 18, 2021, the above-captioned debtors (the “Debtors” and, with the exception of Urban Commons Queensway, LLC, the “Liquidating Debtors”), other than Eagle Hospitality Real Estate Investment Trust (“EH REIT”), filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”); EH REIT filed its voluntary petition for relief under chapter 11 of the Bankruptcy Code on January 27, 2021.

On November 4, 2021, the Bankruptcy Court entered an Order (the “Disclosure Statement Order”) approving the *Disclosure Statement for Joint Plan of Liquidation of Eagle Hospitality Real Estate Investment Trust and Certain of its Subsidiary Debtors Under Chapter 11 of the Bankruptcy Code* (as applicable, the “Disclosure Statement” and each plan of a Liquidating Debtor, a “Plan” and, collectively, the “Plans”). The proponents of the Plans (the “Plan Proponents”) are the Liquidating Debtors, the official committee of unsecured creditors appointed in the Chapter 11 Cases (the “Committee”), and Bank of America, N.A., in its capacities as administrative agent and U.S. funding agent under the Prepetition Credit Agreement (the “Prepetition Agent”). Capitalized terms used in this Notice have the meanings given to them in the Plans. The Disclosure Statement Order authorizes the Liquidating Debtors to solicit votes to accept or reject the Plans.

You are receiving this Third Party Release Opt-Out Election Form because the Liquidating Debtors believe you are a Holder of a Claim or Interest in Class 9 (Other General Unsecured Claims against Liquidating Debtor Non-Propcos) under the Plan of EH REIT, Class 10 (Intercompany Claims), Class 11 (Liquidating Debtor Intercompany Equity Interests), Class 12 (EH REIT Equity Interests), or Class 13 (EH REIT Section 510(b) Claims), and thus a member of an “Impaired Non-Voting Class.”

As a member of an Impaired Non-Voting Class, you will be bound by the third party release in Section 12.3 of the Plans unless you opt-out by checking the box below. You should read Section 12.3 of the Plans carefully as it affects your rights by releasing claims that you may hold against the Released Parties. You should check the box below if you do not consent to the release. If you do not check the box, and/or otherwise do not correctly complete and return this Opt-Out Election Form, you will have been deemed to consent to the third party release.

Among other things, section 12.3 of the Plans provides as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor’s tax identification number, as applicable, are as follows: EHT US1, Inc.(6703); 5151 Wiley Post Way, Salt Lake City, LLC (1455); ASAP Cayman Atlanta Hotel LLC (2088); ASAP Cayman Denver Tech LLC (7531); ASAP Cayman Salt Lake City Hotel LLC (7546); ASAP Salt Lake City Hotel, LLC (7146); Atlanta Hotel Holdings, LLC (6450); CI Hospitality Investment, LLC (7641); Eagle Hospitality Real Estate Investment Trust (7734); Eagle Hospitality Trust S1 Pte. Ltd. (7669); Eagle Hospitality Trust S2 Pte. Ltd. (7657); EHT Cayman Corp. Ltd. (7656); Sky Harbor Atlanta Northeast, LLC (6846); Sky Harbor Denver Holdco, LLC (6650); Sky Harbor Denver Tech Center, LLC (8303); UCCONT1, LLC (0463); UCF 1, LLC (6406); UCRDH, LLC (2279); UCHIDH, LLC (6497); Urban Commons 4th Street A, LLC (1768); Urban Commons Anaheim HI, LLC (9915); Urban Commons Bayshore A, LLC (2422); Urban Commons Cordova A, LLC (4152); Urban Commons Danbury A, LLC (4388); Urban Commons Highway 111 A, LLC (4497); Urban Commons Queensway, LLC (6882); Urban Commons Riverside Blvd., A, LLC (4661); and USHIL Holdco Member, LLC (4796). The Debtors’ mailing address is 1166 Avenue of the Americas, 15th Floor, New York, NY 10036 c/o Alan Tantleff (solely for purposes of notices and communications).

Effective as of the Confirmation Date, but subject to the occurrence of the Effective Date, and in consideration of the services of the Released Parties, the settlements and compromises contained herein, and the Distributions to be made pursuant to the Plans, all Holders of Claims, whether or not Allowed, who (1) vote in favor of the Plans and do not opt out of this release on a timely submitted Ballot, (2) (A) abstain from voting, are deemed to have rejected the Plans, or vote to reject the Plans and (B) do not opt out of this release on a timely submitted Ballot or the Opt-Out Election Form, (3) are paid in full under the Plans, or (4) are deemed to have accepted the Plans, shall be deemed to have released and discharged each Released Party from any and all claims and causes of action, whether known or unknown, including any derivative claims asserted on behalf of the Liquidating Debtors, that such Entity would have been legally entitled to assert (whether individually or collectively), based on or relating to, or in any manner arising from, in whole or in part, the Liquidating Debtors, the Liquidating Debtors' prepetition operations and activities, the PSA, the Plans, or the Plan Settlement existing or hereinafter arising in law, equity, or otherwise, based in whole or in part on any act, omission, transaction, event or other occurrence taking place before the Effective Date.

For the avoidance of doubt, no current or former Insider that is not a Released Party, including the Urban Commons Parties and Former Professionals, will receive a release or exculpation of any kind hereunder, whether from the Liquidating Debtors or otherwise.

"Released Parties," as defined in the Plan, means (a) the Liquidating Debtors and their Professionals (including, in the case of the Professionals, with respect to their prepetition engagement by the Debtors), (b) Mr. Alan Tantleff, the Debtors' chief restructuring officer, (c) any staff supplied by FTI Consulting, Inc. to the Debtors, (d) the REIT Trustee, (e) with respect to each of the foregoing Persons in clauses (a) through (d), each such Person's Related Persons who, in each case, served or were employed in such capacities after the Petition Date, (f) the PSA Parties (other than the Liquidating Debtors) and their respective professionals, (g) the Committee and its members in their capacity as such, (h) the Prepetition Agent and the Prepetition Lenders, and (i) with respect to each of the Persons in clauses (f) through (h), each of such Person's current and former Related Persons; provided, that, notwithstanding the foregoing or anything in the Plans to the contrary, each Entity that executes an Opt-Out Election Form, and each agent and representative of such Entity (unless such Entity is a Released Party in its own right) shall not be a Released Party; provided further, that, for the avoidance of doubt, the following are not Released Parties: (i) the Urban Commons Parties, (ii) the Former Professionals, and (iii) officers and directors of the Debtors other than Persons serving in such capacities on or after the Petition Date. For the avoidance of doubt, Paul Hastings LLP, Cole Schotz, LLP, Rajah & Tann Singapore LLP, FTI Consulting, Inc., and Moelis & Company, LLC shall be Released Parties.

☐ By checking this box, the undersigned elects to opt out of the release.

Complete this Opt-Out Election Form by providing all the information requested and sign, date, and return the Opt-Out Election Form either by email to DRCVote@donlinRecano.com or by mail, overnight courier or personal delivery to Donlin Recano & Company, Inc. (the "Voting Agent") at the applicable following address:

BY UNITED STATES MAIL: Donlin, Recano & Company, Inc. Re: EHT US1, Inc. Attn: Voting Department P.O. Box 199043, Blythebourne Station Brooklyn, NY 11219	BY OVERNIGHT COURIER OR PERSONAL DELIVERY: Donlin, Recano & Company, Inc. Re: EHT US1, INC. Attn: Voting Department 6201 15th Avenue Brooklyn, NY 11219
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The completed Opt-Out Election Form must be *received* by the Voting Agent by 4:00 p.m. (prevailing Eastern Time) on December 9, 2021.

Acknowledgment. By signing this Opt-Out Election Form, the undersigned acknowledges and certifies that the undersigned is the claimant or has the power and authority to vote to opt out of the release on behalf of the claimant.

Name

Social Security or Federal Tax I.D. No.
(optional)

Signature

If by Authorized Agent, Name and Title

Name of Institution

Street Address

City, State, Zip Code

Telephone Number

Date Completed