

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : **Chapter 11**
:
EVERGREEN GARDENS MEZZ LLC, et al., : **Case No. 21-10335 (MG)**
:
Debtors.¹ : **(Jointly Administered)**
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NOTICE OF DEADLINE FOR FILING
PROOFS OF CLAIM FOR ADMINISTRATIVE EXPENSE CLAIMS

The United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) has entered an order (the “**Administrative Expense Bar Date Order**”) [ECF No. 279] establishing **January 24, 2022 at 5:00 p.m. (Prevailing Eastern Time)** (the “**Administrative Expense Bar Date**”) as the deadline for persons or entities (including individuals, partnerships, corporations, joint ventures, and trusts) to file administrative expense claims (each, an “**Administrative Expense Claim**” and, collectively, the “**Administrative Expense Claims**”) against Evergreen Gardens Mezz LLC (“**EGM**” or the “**Initial Debtor**”), Evergreen Gardens I LLC (“**EG I**”), or Evergreen Gardens II LLC (“**EG II**” and, together with EG I, the “**Subsidiary Debtors**” and, together with the Initial Debtor, the “**Debtors**”).²

The Administrative Expense Bar Date and the procedures set forth below for filing proofs of claim for Administrative Expense Claims (each, an “**Administrative Expense Proof of Claim**”) apply to all claims asserting administrative priority status under sections 503 and/or 507 of the Bankruptcy Code (but excluding holders of claims under section 503(b)(9) of the Bankruptcy Code) against (i) the Initial Debtor (EGM), which arose on or after the filing of the Initial Debtor’s chapter 11 petition on February 22, 2021 (the “**Initial Debtor Petition Date**”), or (ii) the Subsidiary Debtors (EG I and EG II), which arose on or after the filing of the Subsidiary Debtors’ chapter 11 petitions on September 14, 2021 (the “**Subsidiary Debtors Petition Date**”), excluding claims held by those parties listed in Section 4 below that are specifically excluded from the filing requirement.

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable, are Evergreen Gardens Mezz LLC (0416); Evergreen Gardens I LLC (2211); and Evergreen Gardens II LLC (6782). The Debtors’ principal offices are located at 199 Lee Avenue, Suite 693, Brooklyn, New York 11211.

² Capitalized terms used but not herein defined have the meanings ascribed to such terms in the Administrative Expense Bar Date Order or the *Amended Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC*, dated October 28, 2021 [ECF No. 187] (the “**Plan**”), as applicable.

The Administrative Expense Bar Date Order, the Administrative Expense Bar Date, and the procedures set forth below for filing Administrative Expense Proofs of Claim apply to Administrative Expense Claims against any of the Debtors, as listed in the following table:

NAME OF DEBTOR AND LAST FOUR DIGITS OF FEDERAL TAX IDENTIFICATION NUMBER	OTHER NAMES USED BY THE DEBTORS IN THE LAST 8 YEARS	CASE NUMBER	APPLICABLE PETITION DATE
Evergreen Gardens Mezz LLC (0416)	N/A	21-10335	February 22, 2021
Evergreen Gardens I LLC (2211)	Denizen X	21-11609	September 14, 2021
Evergreen Gardens II LLC (6782)	Denizen Y	21-11610	September 14, 2021

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file an Administrative Expense Proof of Claim if you hold a claim that arose on or after the applicable Petition Date, if such claim is not one of the types of claims described in Section 4 below, whether such claim is not now fixed, liquidated or certain.

Under section 101(5) of the Bankruptcy Code and as used in this notice, the word “claim” means a right to (a) payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

2. WHAT TO FILE

The Debtors are enclosing a case-specific form for filing Administrative Expense Claims for use in these cases (the “**Administrative Expense Claim Form**”) and instructions for completing and submitting the Administrative Expense Claim Form. Additional Administrative Expense Claim Forms and instructions may be obtained at (a) the website established by the Debtors’ Court-approved claims and noticing agent, Donlin Recano & Company, Inc. (“**Donlin**”), located at <https://www.donlinrecano.com/eg> (the “**Case Website**”) or (b) the Bankruptcy Court’s website located at www.uscourts.gov/forms/bankruptcy-forms.

All Administrative Expense Claim Forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. They must be written in English and be denominated in United States currency (using the exchange rate, if applicable, as of the applicable Petition Date). You must set forth with specificity the legal and factual bases for your Administrative Expense Claim. You also should attach to your completed Administrative Expense Proof of Claim any documents on which the claim is based (if voluminous, attach a summary) or explanation as to why the documents are not available.

Your Administrative Expense Claim Form must **not** contain complete social security numbers or taxpayer identification numbers (only the last four (4) digits), a complete birth date (only the year), the name of a minor (only the minor’s initials), or a financial account number (only the last four (4) digits of such account number).

IF YOU ARE ASSERTING AN ADMINISTRATIVE EXPENSE CLAIM AGAINST MORE THAN ONE DEBTOR OR HAVE ADMINISTRATIVE EXPENSE CLAIMS AGAINST DIFFERENT DEBTORS, SEPARATE ADMINISTRATIVE EXPENSE PROOFS OF CLAIM MUST BE FILED AGAINST EACH SUCH DEBTOR AND YOU MUST IDENTIFY ON YOUR ADMINISTRATIVE EXPENSE PROOF OF CLAIM THE SPECIFIC DEBTOR AGAINST WHICH YOUR CLAIM IS ASSERTED AND THE CASE NUMBER OF THAT DEBTOR'S CHAPTER 11 CASE. IF YOU LIST MULTIPLE DEBTORS ON YOUR ADMINISTRATIVE EXPENSE PROOF OF CLAIM, THEN THE DEBTORS WILL TREAT SUCH CLAIM AS IF IT IS FILED AGAINST THE FIRST LISTED DEBTOR. IF YOU FILE A PROOF OF CLAIM WITHOUT IDENTIFYING A DEBTOR, SUCH PROOF OF CLAIM WILL BE DEEMED AS FILED ONLY AGAINST THE INITIAL DEBTOR (EGM). A LIST OF THE NAMES OF THE DEBTORS AND THEIR CASE NUMBERS IS SET FORTH ABOVE.

3. WHEN AND WHERE TO FILE

All Administrative Expense Proofs of Claim must be filed **so as to be received** on or before **January 24, 2022 at 5:00 p.m. (Prevailing Eastern Time)** as follows:

IF BY U.S. POSTAL SERVICE MAIL:

Donlin Recano & Company, Inc.
Re: Evergreen Gardens Mezz LLC, et al.
PO Box 199043
Blythebourne Station
Brooklyn, NY 11219

IF DELIVERED BY OVERNIGHT DELIVERY OR BY HAND:

Donlin Recano & Company, Inc.
Re: Evergreen Gardens Mezz LLC, et al.
6201 15th Avenue
Blythebourne Station
Brooklyn, NY 11219

or

United States Bankruptcy Court
for the Southern District of New York
One Bowling Green, Room 534
New York, NY 10004-1408

IF ELECTRONICALLY:

The Case Website, using the portal available on such website located at <https://www.donlinrecano.com/Clients/eg/FileAdmExpenseClaim> (the “**Electronic Filing System**”) and following the instructions provided.

Administrative Expense Proofs of Claim will be deemed filed only when **actually received** at the addresses listed above or via the Electronic Filing System on or before the Administrative Expense Bar Date. Administrative Expense Proofs of Claim may **not** be delivered by facsimile, telecopy, or electronic mail transmission.

If you wish to receive acknowledgement of receipt of your Administrative Expense Proof of Claim, you must submit concurrently with submitting your original Administrative Expense Proof of Claim (i) a copy of the original Administrative Expense Proof of Claim, and (ii) a self-addressed, postage prepaid return envelope.

4. WHO NEED NOT FILE A PROOF OF CLAIM

The following persons or entities need **not** file a proof of claim on or prior to the Administrative Expense Bar Date:

- a. any person or entity that has already filed an Administrative Expense Proof of Claim against the Debtors in a form substantially similar to the Administrative Expense Claim Form and otherwise in compliance with these Procedures so long as the claimant does not wish to assert such claim against a Debtor who was not named in the original claim, in which case another Administrative Expense Proof of Claim must be filed;
- b. any holder of an Administrative Expense Claim that heretofore has been allowed by order of the Bankruptcy Court entered on or before the Administrative Expense Bar Date;
- c. any person or entity whose Administrative Expense Claim has been paid in full by any of the Debtors or the Post-Effective Debtors, as applicable;
- d. any holder of an Administrative Expense Claim for which specific deadlines previously have been fixed by the Bankruptcy Court;
- e. any current tenant that is a party to a residential lease with one of the Debtors;
- f. any person or entity that has an Administrative Expense Claim arising from professional services (i) for which such person or entity has been retained by an express order of the Court pursuant to section 327, 328, 363 or 1103 of the Bankruptcy Code, (ii) the Administrative Expense Claim is for services performed or reimbursement of expenses incurred, and (iii) such person or entity is seeking compensation for such services through timely filed monthly fee statements submitted in accordance with the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* [ECF No. 211] or through similar reporting mechanisms; and
- g. the Office of the U.S. Trustee, including any requests for payment of quarterly fees due pursuant to 28 U.S.C. § 1930(a)(6).

This notice may be sent to many persons that have had some relationship with or have done business with the Debtors but may not have an unpaid claim against the Debtors. The fact

that you have received this notice does not mean that you have a claim or that the Debtors or the Bankruptcy Court believe that you have a claim against the Debtors.

5. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE ADMINISTRATIVE EXPENSE BAR DATE

ANY HOLDER OF AN ADMINISTRATIVE EXPENSE CLAIM THAT IS NOT EXEMPTED FROM THE REQUIREMENTS OF THE ADMINISTRATIVE EXPENSE BAR DATE ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE AN ADMINISTRATIVE EXPENSE PROOF OF CLAIM IN THE APPROPRIATE FORM SHALL **NOT** BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSE OF PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM AND SHALL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTORS, THE POST-EFFECTIVE DEBTORS, THE PLAN ADMINISTRATORS AND THEIR PROPERTY.

A holder of a potential Administrative Expense Claim against the Debtors should consult an attorney regarding any matters not covered by this Notice, such as whether the holder should file an Administrative Expense Proof of Claim.

Dated: December 7, 2021
New York, New York

BY ORDER OF THE COURT