

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re	:	Chapter 11
	:	
EVERGREEN GARDENS MEZZ LLC, <i>et al.</i>,	:	Case No. 21-10335 (MG)
	:	
Debtors.¹	:	(Jointly Administered)
	:	
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**ORDER ESTABLISHING DEADLINES FOR
FILING PROOFS OF CLAIM AND PROCEDURES RELATING
THERE TO AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the application, dated September 28, 2021 [ECF Doc. # 116] (the “**Application**”) of Evergreen Gardens Mezz LLC (“**EGM**” or the “**Initial Debtor**”), together with Evergreen Gardens I LLC (“**EG I**”) and Evergreen Gardens II LLC (“**EG II**” and, together with EG I, the “**Subsidiary Debtors**” and, together with the Initial Debtor, the “**Debtors**”), as debtors and debtors in possession in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), pursuant to section 502(b)(9) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rules 2002 and 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), Rule 3003-1 of the Local Bankruptcy Rules for the Southern District of New York (the “**Local Bankruptcy Rules**”), and the Procedural Guidelines for Filing Requests for Orders to Set the Last Date for Filing Proofs of Claim for the United States Bankruptcy Court for the Southern District of New York, dated December 1, 2015 (the “**Guidelines**”), for entry of an order fixing deadlines and establishing procedures for filing proofs of claim and approving the form and manner of service thereof; and it appearing that the relief requested is in the best interests of the Debtors, their estates,

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.

and their creditors and that adequate notice has been given and that no further notice is necessary;
and after due deliberation and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. Except as otherwise provided herein, pursuant to section 502(b)(9) of the Bankruptcy Code, Bankruptcy Rules 2002 and 3003(c)(3), Local Bankruptcy Rule 3003-1, and the Guidelines, all persons and entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that assert a claim, as defined in section 101(5) of the Bankruptcy Code, against (i) the Initial Debtor (EGM), which arose on or prior to 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 prior to the filing of the Subsidiary Debtors' chapter 11 petitions on September 14, 2021 (the "**Subsidiary Debtors Petition Date**"), including, in each case, for the avoidance of doubt, secured claims (including, without limitation, mechanic's, materialman's or other similar lien claims), priority claims, and claims asserted under section 503(b)(9) of the Bankruptcy Code, shall file a proof of such claim in writing or electronically in accordance with the procedures below so as to be received on or before **November 12, 2021 at 5:00 p.m. (Prevailing Eastern Time)** (the "**General Bar Date**").

2. Notwithstanding any other provision hereof, proofs of claim filed by governmental units (as defined in section 101(27) of the Bankruptcy Code) must be filed on or before **March 14, 2022 at 5:00 p.m. (Prevailing Eastern Time)** (the date that is one hundred eighty (180) days after the date of the order for relief as calculated in accordance with Bankruptcy Rule 9006 (a)(i)) (the "**Governmental Bar Date**" and, together with the General Bar Date, the "**Bar Dates**").

3. The (i) proposed notice of the Bar Dates, substantially in the form annexed hereto

as **Exhibit 1** (the “**Bar Date Notice**”) and (ii) model proof of claim form (the “**Claim Form**”), substantially in the form annexed hereto as **Exhibit 2**, are approved.

4. The following procedures for the filing of proofs of claim (the “**Procedures**”) shall apply:

- (a) Proofs of claim must conform substantially to the Claim Form or Official Bankruptcy Form No. 410 (the “**Official Form**”);²
- (b) Proofs of claim must be filed (i) electronically on the Case Website at <https://www.donlinrecano.com/Clients/eg/FileClaim> by following instructions for filing proofs of claim electronically; (ii) by mailing the original proof of claim either by U.S. Postal Service mail to Donlin at PO Box 199043, Blythebourne Station, Brooklyn, NY 11219 or overnight or hand delivery to Donlin at 6201 15th Avenue, Blythebourne Station, Brooklyn, NY 11219; or (iii) by delivering the original proof of claim by hand to the United States Bankruptcy Court for the Southern District of New York at One Bowling Green, Room 534, New York, NY 10004-1408;
- (c) Proofs of claim will be deemed filed only when received by Donlin or the Clerk of the Bankruptcy Court on or before the applicable Bar Date;
- (d) Proofs of claim must (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; and (iv) be denominated in United States currency;
- (e) Proofs of claim must specify by name and case number the Debtor against which the claim is filed. If the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate Claim Form must be filed with respect to each Debtor. If the holder lists multiple Debtors on the Proof of claim, then the Debtors will treat such claim as if it is filed against the first listed Debtor. If the holder files a proof of claim without identifying a Debtor, such proof of claim will be deemed as filed only against the Initial Debtor (EGM); and
- (f) Proofs of claim submitted by facsimile, telecopy, or electronic mail transmission **will not** be accepted.

² The Official Form can be found at www.uscourts.gov/forms/bankruptcy-forms, the official website for the United States Bankruptcy Courts. The Claim Form can be found at <https://www.donlinrecano.com/eg>, the website established by the Debtors’ Court-approved claims and noticing agent, Donlin Recano & Company, Inc. (“**Donlin**”), for the Debtors’ Chapter 11 Cases (the “**Case Website**”).

5. The following persons or entities need not file a proof of claim on or prior to the Bar Dates:

- (a) any person or entity that has already filed a proof of claim against the Debtors in the above-captioned Chapter 11 Cases in a form substantially similar to the Claim Form or the Official 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 proof of claim must be filed;
- (b) any person or entity whose claim is listed in the schedules of assets and liabilities filed by the Debtors (the “**Schedules**”), provided that (a) the claim is not scheduled as “disputed”, “contingent” or “unliquidated”; and (b) the claimant does not disagree with the amount, nature and priority of the claim as set forth in the Schedules; and (c) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;
- (c) any holder of a claim that heretofore has been allowed by order of the Court;
- (d) any person or entity whose claim has been paid in full by any of the Debtors;
- (e) any holder of a claim for which specific deadlines for filing a proof of claim have previously been fixed by the Court;
- (f) any Debtor having a claim against, or interest in, another Debtor;
- (g) any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than a claim arising under section 503(b)(9) of the Bankruptcy Code);
- (h) the Mezzanine Lender, on account of any Mezzanine Loan Claim (as defined under the Plan) against EGM;
- (i) the DIP Lender, on account of any DIP Claims (as defined under the Plan) against EG I;
- (j) JPMorgan Chase Bank, N.A., as the lender under the EG I Mortgage Loan Agreement, on account of any JPM Secured Claims (as defined under the Plan) against EG I; and
- (k) the Series E Notes Trustee, on behalf of the Series E Noteholders, on account of any Series E Secured Claims and Series E Notes Deficiency Claims (each as defined under the Plan) against EG II.

6. Holders of equity interests in the Debtors need not file proofs of interest with

respect to the ownership of such equity interest, *provided, however*, that if any such holder asserts a claim against the Debtors (including a claim relating to an equity interest or the purchase or sale of such equity interest), proof of such claim must be filed on or prior to the Bar Date pursuant to the Procedures set forth in this Order.

7. If the Debtors amend or supplement the Schedules subsequent to the date hereof, the Debtors shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded thirty (30) days from the date of such notice to file proofs of claim in respect of their claims and shall be given notice of such deadline.

8. After the initial mailing or transmission of the Bar Date Notices and Claim Forms, the Debtors may, in their discretion, make supplemental mailings or transmissions of the notices and forms, including to the extent that: (i) notices are returned by the post office with forwarding addresses; (ii) certain parties acting on behalf of parties in interest (e.g., banks, trustees and brokers) decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing; or (iii) additional potential claimants become known as a result of the Bar Date Notice mailing process. If notices are returned as “return to sender” without a forwarding address, the Debtors shall not be required to mail additional notices to such creditors. Proofs of claim submitted by such additional recipients of the notices and forms, if any, shall be subject to the General Bar Date or the Governmental Bar Date, as applicable, set forth in this Order.

9. Claims arising under section 503(b)(9) of the Bankruptcy Code must be filed by the deadlines set forth in this Order.

10. Prior to mailing or transmitting the Bar Date Notice and Claim Form, the Debtors may cause any missing dates and other information to be filled in, correct any typographical errors,

conform the provisions thereof to this Order, and make such other non-material changes to the Bar Date Notice and Claim Form as the Debtors deem necessary or appropriate.

11. Nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any claim reflected in the Schedules.

12. Pursuant to Bankruptcy Rule 3003(c)(2), all holders of claims that fail to comply with this Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to such claim for purposes of voting and distribution.

13. The Debtors shall cause to be mailed (i) the Claim Form and (ii) the Bar Date Notice which shall be deemed adequate and sufficient if served by first-class mail and electronic mail (to the extent the Debtors have email address information for such parties) at least thirty-five (35) days prior to the applicable Bar Date to:

- (a) the United States Trustee;
- (b) counsel to each official committee, if any;
- (c) all known creditors and other known holders of potential claims against any of the Debtors' estates;
- (d) all counterparties to the Debtors' executory contracts and unexpired leases at the addresses stated therein or as updated pursuant to a request by the counterparty or by returned mail from the post office with a forwarding address;
- (e) all parties to pending litigation against the Debtors (as of the date of the entry of this Order);
- (f) all parties who have requested notice pursuant to Bankruptcy Rule 2002 (as of the date of the entry of this Order);
- (g) the Internal Revenue Services for the district in which the case is pending and, any other required governmental units (a list of such agencies is available from the Office of the Clerk of the Court); and
- (h) such additional persons and entities as deemed appropriate by the Debtors.

14. Pursuant to Bankruptcy Rule 2002(l) and the Guidelines, the Debtors shall publish the Bar Date Notice, with reasonable adjustments and modifications to account for publication limitation, at least twenty-eight (28) days prior to the General Bar Date in *The New York Times* (National Edition) in English and in *Haaretz*, an Israeli newspaper, in Hebrew, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Dates and the Procedures for filing proofs of claim in these Chapter 11 Cases.

15. Any person or entity who desires to rely on the Schedules will have the responsibility for determining that the claim is accurately listed in the Schedules.

16. The Debtors and Donlin are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order.

17. Entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Dates established herein must file such proofs of claim or interest or be barred from doing so.

IT IS SO ORDERED.

Dated: October 6, 2021
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Exhibit 1

Bar Date Notice

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
	:	
In re	:	Chapter 11
	:	
EVERGREEN GARDENS MEZZ LLC, et al.,	:	Case No. 21-10335 (MG)
	:	
Debtors.¹	:	(Jointly Administered)
	:	
-----X		

NOTICE OF DEADLINES FOR FILING PROOFS OF CLAIM

The United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) has entered an order (the “**Bar Date Order**”) establishing **November 12, 2021 at 5:00 p.m. (Prevailing Eastern Time)** as the last date and time for each person (excluding “governmental units,” as defined in section 101(27) of the Bankruptcy Code) to file a proof of claim (such deadline, the “**General Bar Date**”) 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**”).

The General Bar Date and the procedures set forth below for filing proofs of claim apply to all claims against (i) the Initial Debtor (EGM) that arose before **February 22, 2021** (the “**Initial Debtor Petition Date**”) and (ii) the Subsidiary Debtors (EG I and EG II) that arose before **September 14, 2021** (the “**Subsidiary Debtors Petition Date**”, including, for the avoidance of doubt, secured claims (including, without limitation, mechanic’s, materialman’s or other similar lien claims), priority claims, and claims arising under section 503(b)(9) of chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”), and excluding claims held by those listed in Section 3 below that are specifically excluded from the filing requirement. “Governmental Units” (as defined in section 101(27) of the Bankruptcy Code) have until **March 14, 2022 at 5:00 p.m. (Prevailing Eastern Time)** (such deadline, the “**Governmental Bar Date**” and, together with the General Bar Date, the “**Bar Dates**”), to file proofs of claim against the Debtors.

The Bar Date Order, the Bar Dates, and the procedures set forth below for filing proofs of claim apply to claims against any of the Debtors, as listed in the following table:

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.

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 a proof of claim to vote on a chapter 11 plan filed by the Debtors and to share in distributions from the Debtors' chapter 11 estates if you have a claim that arose before (i) February 22, 2021 for claims against the Initial Debtor (EGM), or (ii) September 14, 2021 for claims against the Subsidiary Debtors (EG I and EG II), as applicable, and it is not one of the types of claims described in Section 3 below. Claims based on acts or omissions of the Debtors that occurred before the applicable Petition Date must be filed on or before the Bar Dates, even if such claims are not now fixed, liquidated or certain, or did not mature or become fixed, liquidated, or certain before the applicable date.

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

Your filed proof of claim must conform substantially to Official Form 410 (the "**Official Form**"). The Debtors are enclosing a case-specific proof of claim form for use in these cases (the "**Claim Form**") and instructions for completing and submitting the Claim Form. If your claim is listed on the schedules of assets and liabilities filed by the Debtors (collectively, the "**Schedules**"), the Claim Form also sets forth the amount of your claim as listed on the Schedules, the specific Debtor against which the claim is scheduled, and whether the claim is scheduled as "disputed," "contingent," or "unliquidated." You will receive a different Claim Form for each claim listed in your name on the Schedules. You may utilize the Claim Form(s) provided by the Debtors to file your claim(s). Additional 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 Claim Forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. It 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 also should attach to your completed 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 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 A CLAIM AGAINST MORE THAN ONE DEBTOR OR HAVE CLAIMS AGAINST DIFFERENT DEBTORS, SEPARATE PROOFS OF CLAIM MUST BE FILED AGAINST EACH SUCH DEBTOR AND YOU MUST IDENTIFY ON YOUR PROOF OF CLAIM THE SPECIFIC DEBTOR AGAINST WHICH YOUR CLAIM IS ASSERTED AND THE CASE NUMBER OF THAT DEBTOR'S BANKRUPTCY CASE. IF YOU LIST MULTIPLE DEBTORS ON YOUR 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 proofs of claim must be filed **so as to be received** on or before **November 12, 2021 at 5:00 p.m. (Prevailing Eastern Time)** (for all persons except Governmental Units) or **March 14, 2022 at 5:00 p.m. (Prevailing Eastern Time)** (for all Governmental Units) 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 interface available on such website located at <https://www.donlinrecano.com/Clients/eg/FileClaim> (the “**Electronic Filing System**”) and following the instructions provided.

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 applicable Bar Date. Proofs of claim may **not** be delivered by facsimile, telecopy, or electronic mail transmission.

If you wish to receive acknowledgement of receipt of your proof of claim, you must submit by the applicable bar date and concurrently with submitting your original proof of claim (i) a copy of the original 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 applicable Bar Date:

- (a) any person or entity that has already filed a proof of claim against the Debtors in the above-captioned Chapter 11 Cases in a form substantially similar to the Claim Form or the Official 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 proof of claim must be filed;
- (b) any person or entity whose claim is listed in the Schedules filed by the Debtors, provided that (a) the claim is **not** scheduled as “disputed”, “contingent” or “unliquidated”; **and** (b) the claimant does **not** disagree with the amount, nature and priority of the claim as set forth in the Schedules; **and** (c) the claimant does **not** dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;
- (c) any holder of a claim that heretofore has been allowed by order of the Court;
- (d) any person or entity whose claim has been paid in full by any of the Debtors;
- (e) any holder of a claim for which specific deadlines for filing a proof of claim have previously been fixed by the Court;
- (f) any Debtor having a claim against, or interest in, another Debtor;
- (g) any holder of a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (**other than** a claim arising under section 503(b)(9) of the Bankruptcy Code);
- (h) MREF REIT Lender 9 LLC, as Mezzanine Lender, on account of any Mezzanine Loan Claim (as defined under the Plan) against EGM;

- (i) MREF REIT Lender 15 LLC, as DIP Lender, on account of any DIP Claims (as defined under the Plan) against EG I;
- (j) JPMorgan Chase Bank, N.A., as the lender under the EG I Mortgage Loan Agreement, on account of any JPM Secured Claims (as defined under the Plan) against EG I; and
- (k) the Series E Notes Trustee, on behalf of the Series E Noteholders, on account of any Series E Secured Claims and Series E Notes Deficiency Claims (each as defined under the Plan) against EG II.

Holders of equity interests in the Debtors need not file proofs of interest with respect to the ownership of such equity interest, *provided, however*, that if any such holder asserts a claim against the Debtors (including a claim relating to an equity interest or the purchase or sale of such equity interest), proof of such claim must be filed on or prior to the Bar Date pursuant to the Procedures set forth in the Bar Date Order.

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 BAR DATE

ANY HOLDER OF A CLAIM THAT IS NOT EXEMPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS SET FORTH IN SECTION 3 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM SHALL **NOT** BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING ON ANY PLAN OF REORGANIZATION FILED IN THESE CASES AND PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM.

6. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as a holder of a claim against one or more of the Debtors in the Debtors' Schedules. To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed proof of claim form(s) regarding the nature, amount, and status of your claim(s). If the Debtors believe that you hold claims against more than one Debtor, you will receive multiple proof of claim forms, each of which will reflect the nature and amount of your claim against one Debtor, as listed in the Schedules.

IF YOU RELY ON THE DEBTORS' SCHEDULES OR THE ENCLOSED PROOF OF CLAIM FORM(S), IT IS YOUR RESPONSIBILITY TO DETERMINE THAT THE CLAIM ACCURATELY IS LISTED ON THE SCHEDULES.

As set forth above, if you agree with the nature, amount, and status of your claim as listed in the Debtors' Schedules, and if you do not dispute that your claim only is against the Debtor specified by the Debtors, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the applicable Bar Date, in accordance with the procedures set forth in this notice.

If the Debtors amend or supplement the Schedules subsequent to the date hereof, the Debtors shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded thirty (30) days from the date of such notice to file proofs of claim in respect of their claims and shall be given notice of such deadline.

Copies of the Debtors' Schedules are available for inspection on the Bankruptcy Court's electronic docket for the Debtors' Chapter 11 Cases, which is posted on (a) the Case Website at <https://www.donlinrecano.com/eg> and (b) on the Court's website at <http://www.nysb.uscourts.gov>. A login and password to the Bankruptcy Court's Public Access to Electronic Records ("PACER") is required to access this information on the Court's website and can be obtained through the PACER Service Center at <http://www.pacer.gov>. Copies of the Schedules also may be examined between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at the Office of the Clerk of the Bankruptcy Court, located at One Bowling Green, New York, NY 10004-1408. Copies of the Debtors' Schedules also may be obtained by request to Donlin by phone, electronic mail or regular mail at the following addresses or numbers:

Donlin Recano & Company, Inc.
Re: Evergreen Gardens Mezz LLC, et al
6201 15th Avenue, Blythebourne Station,
Brooklyn, NY 11219
Toll Free: (800) 283-2519
International: (212) 771-1128
E-mail: eginfo@donlinrecano.com

A holder of a possible claim against the Debtors should consult an attorney regarding any matters not covered by this notice, such as whether the holder should file a proof of claim.

Dated: October [], 2021
New York, New York

BY ORDER OF THE COURT

Exhibit 2

Claim Form

Fill in this information to identify the case:

United States Bankruptcy Court for the Southern District of New York

Indicate Debtor against which you assert a claim by checking the appropriate box below.

(Check only one Debtor per claim form.)☐ Evergreen Gardens Mezz LLC
(Case No. 21-10335)☐ Evergreen Gardens I LLC
(Case No. 21-11609)☐ Evergreen Gardens II LLC
(Case No. 21-11610)**Proof of Claim**

Your claim is scheduled by the Debtor as:

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense other than a claim arising under section 503(b)(9). Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor? Name and address of creditor (the person or entity to be paid for this claim):

Name and address of the creditor.

Other names the creditor used with the debtor: _____

2. Has this claim been acquired from someone else?

☐ No☐ Yes.

From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?**Where should payments to the creditor be sent? (if different)**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

Name: _____

Name: _____

Address: _____

Address: _____

City: _____ State: ____ Zip: _____

City: _____ State: ____ Zip: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

4. Does this claim amend one already filed?

☐ No☐ Yes. Claim number on court claims registry (if known): _____

Filed on (MM/DD/YYYY): _____

5. Do you know if anyone else has filed a proof of claim for this claim?

☐ No☐ Yes.

Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case was Filed

6. Do you have any number you use to identify the debtor?

☐ No☐ Yes. Last 4 digits of the debtor's account or any identification number used: _____

7. How much is the claim?

\$ _____

Does this amount include interest or other charges?☐ No☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim?

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured?	☐ No ☐ Yes. The claim is secured by a lien on property.	Nature of property: ☐ Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured (the sum of the secured and unsecured amounts should match the amount in line 7): \$ _____ Amount necessary to cure any default as of the date of the petition: \$ _____ Annual interest rate (when case was filed): _____ % ☐ Fixed ☐ Variable	☐ Motor vehicle ☐ Other (describe): _____
10. Is this claim based on a lease?	☐ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____		
11. Is this claim subject to a right of setoff?	☐ No ☐ Yes. Identify the property: _____		
12. Is all or part of the claim entitled to: (i) priority under 11 U.S.C. § 507(a), or (ii) administrative expense under 11 U.S.C. § 503(b)(9)? A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority. * Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.	☐ No ☐ Yes. <i>Check all that apply:</i> ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). ☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). ☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). ☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). ☐ Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies. ☐ Value of goods received by the debtor within 20 days before the date of commencement of the case. 11 U.S.C. § 503(b)(9).	Amount entitled to priority \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____	

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date (MM/DD/YYYY): _____

Signature: _____

Print the name of the person who is completing and signing this claim:

First name: _____ Middle: _____ Last: _____

Title: _____

Company (identify the corporate servicer as the company if the authorized agent is a servicer): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
- **Fill in the caption at the top of the form.** You must fill in the specific Debtor name and case number against which your claim is being asserted. If you are asserting claims against more than one Debtor, you **MUST** file a separate proof of claim for each debtor.
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **Attach any supporting documents to this form.**
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the reverse page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may access the claims agent’s website (www.donlinrecano.com/eg) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.
11 U.S.C. § 503.

Administrative expense claim under 11 U.S.C. §503(b)(9): Administrative expense claims under 11 U.S.C. §503(b)(9) include those claims for the value of any goods received by the debtor, within 20 days before the date of commencement of a case under the Bankruptcy Code in which the goods have been sold to the debtor in the ordinary course of such debtor’s business. Attach documentation identifying which of the Debtors such goods were shipped to and the date such goods were received by such Debtors, state whether the value of the goods asserted in the proof of claim represents a combination of goods and services and, if applicable, the percentage of alleged value related to services and related to goods, and attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted.

Claim: A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include materialman's liens, mechanic's liens, a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a Debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Do not file these instructions with your form.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

If Proof of Claim is sent by mail, send to:

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

If Proof of Claim is sent by Overnight Courier or Hand Delivery, send to:

Donlin, Recano & Company, Inc.
Re: Evergreen Gardens Mezz LLC, et al.
6201 15th Avenue
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

Alternatively, your claim may be filed electronically on DRC's website at:

<https://www.donlinrecano.com/Clients/eg/FileClaim>