

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 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 4 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 4 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 this notice.

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 4 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 6, 2021
New York, New York

BY ORDER OF THE COURT