

**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)
	:	
-----	X	

**ORDER ESTABLISHING DEADLINE FOR FILING REQUESTS FOR PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIMS AND PROCEDURES RELATING THERETO
AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the application, dated November 30, 2021 [ECF Doc. # 269] (the “**Application**”)² 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 sections 503(a) and 105(a) of title 11 of the United States Code (the “**Bankruptcy Code**”) and Rules 2002 and 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), for entry of an order fixing a deadline and establishing procedures for filing requests for payment of administrative expense claims and approving the form and manner of notice thereof, all as more fully set forth in the Application; and the Court having jurisdiction to consider the Application and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference M-431, dated January 31,

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 otherwise defined herein shall have the respective meanings ascribed to such terms in the Application.

2012 (Preska, C.J.); and consideration of the Application and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Application having been provided, and such notice having been adequate and appropriate under the circumstances, and it appearing that no other notice need be provided; and the Court having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and it appearing that the relief requested in the Application is in the best interests of the Debtors, their estates, their creditors, and all parties in interest; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Application is granted to the extent set forth herein.
2. Except as otherwise provided herein, all persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts) that assert an entitlement to administrative expense status under section 503 and/or 507 of the Bankruptcy Code (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**"), shall file an Administrative Expense Proof of Claim so that it is received on or before **January 24, 2022 at 5:00 p.m. (Prevailing Eastern Time)** (the "**Administrative Expense Bar Date**").
3. Nothing herein shall extend or otherwise impact the deadlines to file prepetition claims against the Debtors set forth in the *Order Establishing Deadlines for Filing*

Proofs of Claim and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof [ECF Doc. # 133].

4. The following procedures for filing Administrative Expense Proofs of Claim shall apply:

- a. Administrative Expense Proofs of Claim must conform substantially to the form annexed hereto as **Exhibit 2**;
- a. Administrative Expense Proofs of Claim must be filed (i) electronically through the portal on the Case Website at <https://www.donlinrecano.com/Clients/eg/FileAdmExpenseClaim> by following instructions for filing the Administrative Expense Proof of Claim electronically; (ii) by mailing the original Administrative Expense Proof of Claim either by U.S. Postal Service mail to the Debtors' claims and noticing agent, Donlin Recano & Company, Inc. ("**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 Administrative Expense 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;
- b. Administrative Expense Proofs of Claim will be deemed filed only when **received** by Donlin or the Clerk of the Bankruptcy Court on or before the Administrative Expense Bar Date;
- c. Administrative Expense Proofs of Claim must (i) be signed by the claimant, or, if the claimant is not an individual, by an authorized agent of the claimant under penalty of perjury; (ii) set forth with specificity the legal and factual bases for the alleged Administrative Expense Claim; (iii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iv) be in the English language; and (v) be denominated in United States currency; and
- d. Administrative Expense Proofs of Claim must specify by name and case number the Debtor against which the Administrative Expense Claim is filed. If the holder asserts an Administrative Expense Claim against more than one Debtor or has claims against different Debtors, a separate Administrative Expense Claim Form must be filed with respect to each Debtor. If the holder lists multiple Debtors on its Administrative Expense Proof of Claim, then the Debtors will treat such claim as if it is filed against the first listed Debtor. If the holder files an Administrative Expense Proof of Claim without identifying a Debtor, such proof of claim will be deemed as filed only against the Initial Debtor (EGM), as the lead debtor in these Chapter 11 Cases.

5. The following persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, or Governmental Units) are **not** required to file

an Administrative Expense Proof of Claim on or before the Administrative Expense Bar Date, solely with respect to the claims described below:

- 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 the 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;
 - a. any holder of an Administrative Expense Claim that heretofore has been allowed by order of this Court entered on or before the Administrative Expense Bar Date;
 - b. 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;
 - c. any holder of an Administrative Expense Claim for which specific deadlines previously have been fixed by this Court;
 - d. any current tenant that is a party to a residential lease with one of the Debtors (the “**Residential Leases**”);
 - e. 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 Doc. # 211] or through similar reporting mechanisms; and
 - f. 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).
6. Pursuant to Bankruptcy Rule 3003(c)(2), any holder of an Administrative

Expense Claim that fails to comply with this Order by timely filing an Administrative Expense Proof of Claim in appropriate form by the Administrative Expense Bar Date shall not be treated as an administrative creditor with respect to such claim for the purpose of distribution. Such holder (i) shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors, the Post-Effective Debtors, the Plan Administrators and their property, and (ii) shall not be

permitted to participate in any distribution in these Chapter 11 Cases on account of such claim, or receive further notices regarding such claim.

7. The (i) proposed notice of the Administrative Expense Bar Date, substantially in the form annexed hereto as **Exhibit 1** (the “**Administrative Expense Bar Date Notice**”), and (ii) model Administrative Expense Claim form (the “**Administrative Expense Claim Form**”), substantially in the form annexed hereto as **Exhibit 2**, are approved.

8. The Debtors or the Post-Effective Debtors, as applicable, shall post the Administrative Expense Claim Form, along with instructions for filing Administrative Expense Claims, and the Administrative Expense Bar Date Notice on the website established by Donlin for these Chapter 11 Cases: <https://www.donlinrecano.com/eg>.

9. Pursuant to Bankruptcy Rule 2002(l) and the Guidelines, the Debtors or the Post-Effective Debtors, as applicable, shall publish the Bar Date Notice, with reasonable adjustments and modifications to account for publication limitation, at least forty-five (45) days prior to the Administrative Expense Bar Date in *The New York Times* (National Edition), which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Administrative Expense Bar Date and the Procedures for filing Administrative Expense Proofs of Claim in these Chapter 11 Cases.

10. After the initial mailing or transmission of the Administrative Expense Bar Date Notices and Claim Forms, the Debtors or Post-Effective Debtors, as applicable, 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 or Post-

Effective Debtors for direct mailing; or (iii) additional potential claimants become known as a result of the Administrative Expense Bar Date Notice mailing process. If notices are returned as “return to sender” without a forwarding address, neither the Debtors nor the Post-Effective Debtors shall be required to mail additional notices to such creditors. Administrative Expense Proofs of Claim submitted by such additional recipients of the notices and forms, if any, shall be subject to the Administrative Expense Bar Date set forth in this Order.

11. The Debtors or Post-Effective Debtors, as applicable, shall cause to be mailed (i) the Administrative Expense Bar Date Notice and (ii) the Administrative Expense Claim Form, 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 forty-five (45) days prior to the Administrative Expense Bar Date to:

- a. the Office of the U.S. Trustee;
- b. all parties known to the Debtors as having an actual or potential Administrative Expense Claim against any of the Debtors’ estates;
- c. all parties who have requested notice of the proceedings in these Chapter 11 Cases as of the date of entry of an order in respect of this Application;
- d. all parties to executory contracts and unexpired leases of the Debtors, other than current tenants that are parties to any Residential Leases; and
- e. such additional persons and entities deemed appropriate by the Debtors.

12. The Debtors shall not be required to provide notice of the Administrative Expense Bar Date to current tenants that are parties to any Residential Leases.

13. The Debtors, the Post-Effective Debtors, the Plan Administrators, 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.

14. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.

IT IS SO ORDERED.

Dated: December 7, 2021
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Exhibit 1

Administrative Expense Bar Date Notice

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

-----X	
	:
In re	:
	:
EVERGREEN GARDENS MEZZ LLC, et al.,	:
	:
Debtors.¹	:
	:
-----X	

Chapter 11
Case No. 21-10335 (MG)
(Jointly Administered)

**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. ____] 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.

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:

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.

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 __, 2021
New York, New York

BY ORDER OF THE COURT

Exhibit 2

Administrative Expense Claim Form

Fill in the below 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)

ADMINISTRATIVE EXPENSE PROOF OF CLAIM

Proof of Administrative Expense Claim

Read the instructions before filling out this form.

Do not use this form to make a request for payment of an administrative expense under 11 U.S.C. § 503(b)(9).

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.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

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 Code

City State Zip Code

Contact Phone

Contact Phone

Contact Email

Contact 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 an Administrative Expense proof of claim for this claim?

☐ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim

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 to identify the debtor: _____	
7. How much is the Administrative Expense 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. Basis for claim: _____ _____ 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.		

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).	<i>Check the appropriate box:</i> ☐ 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.
If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.	I understand that an authorized signature on this Administrative Expense 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.
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.	I have examined the information in this Administrative Expense 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:
	Name _____ First name Middle name Last name
	Title _____
	Company _____ Identify the corporate servicer as the company if the authorized agent is a servicer.
	Address _____ Number Street
	_____ City State Zip Code
	Contact Phone _____ Email _____

Facsimile, telecopy, or electronic mail submissions will not be accepted. Claims shall be deemed filed when actually received by Donlin, Recano, & Company, Inc., as provided in the Instructions. To receive an acknowledgment of the timely submission of your claim, enclose a self-addressed, postage prepaid return envelope, and copy of this Administrative Expense Proof of Claim form.

Instructions for Administrative Expense Proof of Claim

United States Bankruptcy Court

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 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 administrative expense 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. (See the definition of *redaction* on the reverse page).
- **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.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt.

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).

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.

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.

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 ADMINISTRATIVE PROOF(S) OF CLAIM TO:

If Administrative Expense Proof of Claim is sent by U.S. mail, send to:

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

If Administrative Expense 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 administrative expense proof of claim may be filed electronically on DRC's website at:

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

Do not file these instructions with your form.