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**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 (I) ENTRY OF ORDER CONFIRMING AMENDED JOINT
CHAPTER 11 PLAN OF EVERGREEN GARDENS I LLC, EVERGREEN
GARDENS II LLC, AND EVERGREEN GARDENS MEZZ LLC
AND (II) OCCURRENCE OF PLAN EFFECTIVE DATE**

PLEASE TAKE NOTICE that:

1. **The Plan and Confirmation Order.** On November 5, 2021, the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) entered an order [ECF No. 222] (the “**Confirmation Order**”) confirming 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] (together with all schedules and exhibits thereto, and as may

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.

be modified, amended, or supplemented from time to time, the “**Plan**”).²

2. **Plan Effective Date.** The Effective Date of the Plan occurred on December 2, 2021, and as a result, the Plan has been substantially consummated.

3. **Plan Binding.** The Plan and the Confirmation Order and the provisions thereof are binding on all holders of Claims against, and Interests in, the Debtors and their respective successors and assigns, notwithstanding whether any such holders are (a) Impaired or Unimpaired under the Plan; (b) presumed to accept or deemed to reject the Plan; (c) failed to vote to accept or reject the Plan; (d) voted to reject the Plan; or (e) will receive any distribution under the Plan; *provided, however*, that the third-party releases set forth in Section 12.6(b) of the Plan shall only be binding on the parties set forth therein and in paragraph QQ of the Confirmation Order.

4. **Time for Filing Rejection Damage Claims.** In the event that the rejection of an executory contract or unexpired lease under the Confirmation Order results in damages to the other party or parties to such contract or lease, any Claim for such damages shall be classified and treated as a General Unsecured Claim against the applicable Subsidiary Debtor. Such Claim shall be forever barred and shall not be enforceable against the Subsidiary Debtors, the Post-Effective Debtors, or their respective Estates, unless a proof of Claim is filed with the Bankruptcy Court and served upon counsel for the Post-Effective Debtors within thirty (30) days after the filing and service of this notice of the occurrence of the Effective Date.

5. **Final Fee Applications.** Pursuant to Section 2.2 of the Plan, all Entities seeking an award by the Bankruptcy Court of Fee Claims are required to file and serve on counsel to the Debtors, the U.S. Trustee, counsel to the Mezzanine Lender, and counsel to the Series E Notes Trustee, on or before the date that is forty-five (45) days after the Effective Date, their respective

² Capitalized terms used but not herein defined have the meanings ascribed to such terms in the Plan.

final applications for allowance of compensation for services rendered and reimbursement of expenses incurred from the applicable Petition Date through the Effective Date. Objections to any Fee Claims must be filed and served on counsel to the Debtors, the U.S. Trustee, counsel to the Mezzanine Lender, counsel to the Series E Notes Trustee, and the requesting party no later than twenty-one (21) calendar days after the filing of the final applications for compensation or reimbursement (unless otherwise agreed by the Debtors and the party requesting compensation of a Fee Claim, or as approved by the Court).

6. **Certain Documents.** Copies of the Confirmation Order and the Plan may be obtained free of charge by accessing the Debtors' case website at <https://www.donlinrecano.com/eg>. Additionally, copies of such documents may be obtained by accessing the Bankruptcy Court's website at www.nysb.uscourts.gov. A PACER password and login are needed to access documents on the Bankruptcy Court's website, and can be obtained at <http://www.pacer.psc.uscourts.gov>.

Dated: December 2, 2021
New York, New York

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