



ENTERED  
01/15/2013

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re: § Chapter 11  
ATP Oil & Gas Corporation, §  
§ Case No.: 12-36187  
Debtor. § Hon. Marvin Isgur

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**ORDER APPROVING  
THE LIEN IDENTIFICATION PROCESS AND OTHER RELATED RELIEF  
(Relates to Docket No. 1081)**

Upon the motion of ATP Oil & Gas Corporation (“**ATP**” or the “**Debtor**”) of an Order Approving the Lien Identification Process and Other Related Relief (the “**Motion**”)<sup>1</sup>; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157(b); and proper and adequate notice of the Motion and the hearing thereon having been given; and it appearing that no other or further notice being necessary; and the relief requested being in the best interest of the Debtor and its estate and creditors; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause therefor; it is hereby

ORDERED that:

1. The Motion is GRANTED to the extent set forth herein.
2. The Lien Identification Process is approved as provided herein.
3. Except as otherwise provided herein, Lien Claimants are required to comply with

the Lien Identification Process such that each Lien Claimant must file with KCC a Statement of

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<sup>1</sup> Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Motion.



Lien by providing the information set forth in the form Lien Identification Statement that is attached hereto as Exhibit A and incorporated herein by reference. Lien Claimants may, but shall not be required to, submit the information pursuant to this Order to KCC via electronic media, such as CDs or DVDs. In the event that the required information is believed to be too voluminous to submit to KCC, the Lien Claimant shall contact Debtor's counsel. In the event that the Lien Claimant and Debtor's counsel reach a mutually agreeable resolution to the delivery of voluminous documents, compliance with such agreement shall be deemed to constitute compliance with this Order. In the event that agreement cannot be reached, the Lien Claimant shall only be required to file a motion with this Court, setting forth the conditions the Lien Claimant is willing to follow to make its documents available and why it believes such variance from this Order is justifiable, prior to the expiration of the Bar Date (as defined below); any such motion shall be set for hearing on February 28, 2013 or such other date selected by the Court. A Lien Claimant who has filed such a motion with the Court must still submit a Lien Statement by the Bar Date that provides the other information required by this Order and describe the nature and amount of documentation it is not producing pending disposition by the Court of such Lien Claimant's motion for approval of its proposed alternative means for making the required documents available to the Debtor.

4. Each Lien Claimant must complete the form attached hereto as Exhibit A and submit the information set out in Exhibit A by February 15, 2013; provided, that Lien Claimants who have already submitted information regarding their Liens to KCC or through a filing with the Court on or before the date this Order is entered shall be permitted to rely on such submissions (and supplement them, as necessary, on or before February 15, 2013, to satisfy the informational requirements set out in the Statement of Lien).

5. For the avoidance of doubt, every Lien Claimant shall be required to submit all the information required by the Lien Identification Process, whether by relying upon previous submissions (as such submissions may be supplemented) or filing a Statement of Lien, and nothing contained in this Order shall alleviate or excuse any Lien Claimant from satisfying its obligation to provide the information contemplated in the Statement of Lien in connection with determining whether each Lien Claimant has a valid Lien under applicable state law and complied with the Lien Identification Process set forth herein. A timely filed Statement of Lien shall be deemed to and shall constitute a timely filed proof of claim for that Lien Claimant, notwithstanding any prior orders of this Court establishing any earlier bar date.

6. A Statement of Lien shall be deemed timely filed only if it is actually received by KCC, on or before 5:00 p.m. (CST) on February 15, 2013 (“**Bar Date**”), by hand delivery, overnight mail, air courier service, or first-class mail to:

**ATP Oil & Gas Corp.  
Claims Processing Department  
Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245**

7. Statements of Lien sent by facsimile, telecopy, or electronic transmission will not be accepted. If a Lien Claimant wishes to receive acknowledgment of KCC’s receipt of such Lien Claimant’s Statement of Lien, such Lien Claimant must submit a copy of the applicable Statement of Lien and a self-addressed, stamped envelope.

8. The DIP Lenders, the First Lien Lenders, the Prepetition Second Lien Lenders, the Prepetition Second Lien Trustee, and the holders of the Second Lien Professional Loans (including, without limitation, Excess Loans) are not required to file a Statement of Lien or otherwise comply with the Lien Identification Process.

9. The Debtor may extend the Bar Date for a specific Lien Claimant by filing a stipulation for approval by the Court.

10. Nothing contained in this Order shall impair any party's right to move to require compliance with this Order if it determines that the submissions made by the asserted holder of such Lien fail to provide the information required under the Lien Identification Process.

11. The Debtor will provide notice of the Lien Identification Process, substantially in the form attached as **Exhibit B** to this Order, as follows:

- a. no later than three (3) days following entry of this Order, the Debtor will cause notice of the Lien Identification Process to be mailed by first class mail to (i) the United States Trustee, (ii) counsel to the Creditors' Committee, (iii) the creditor matrix (including, all known holders of claims or counterparties to the Debtor listed on the Schedules and all known potential Lien Claimants, including any party who, to date, has filed a notice of a Lien on the Debtor's docket), (iv) all parties who have requested notice of the Debtor's case (as of the date of entry of the Order granting this Motion), (v) attorneys of record to all parties to pending litigation against the Debtor (as of the date of entry of the Order granting this Motion), and (vi) the Internal Revenue Service and the Securities and Exchange Commission.
- b. no later than five (5) business days following entry of this Order, the Debtor will publish a notice of the Lien Identification Process in (i) the Houston Chronicle, (ii) The Times-Picayune (New Orleans, Louisiana), (iii) the national edition of The Wall Street Journal, and (iv) such other regional newspapers as the Debtor, in its sole discretion, deems appropriate; and

- c. no later than one (1) day following entry of this Order the Debtor shall post the Lien Identification Notice on the website established by KCC for the Debtor's case: <http://www.kccllc.net/atpog>.

The Court finds that such notice is adequate under the circumstances.

12. Nothing in this Order shall, or shall be deemed to, prejudice any party's right to object to any claim or Lien on any ground, or to dispute, or to assert offsets against or defenses to, any claim or Lien as to amount, liability, classification, priority or otherwise, and to subsequently designate any claim or Lien as disputed, contingent, or unliquidated.

13. The Debtor is authorized to take such steps and do such things as it deems to be reasonably necessary to fulfill the notice requirements established by this Order, including the expenditure of all sums reasonably necessary to implement the provisions of this Order.

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

Signed: January 15, 2013

  
Marvin Isgur  
United States Bankruptcy Judge

**EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re: § Chapter 11  
ATP Oil & Gas Corporation, §  
§ Case No.: 12-36187  
§  
Debtor. § Hon. Marvin Isgur

**LIEN IDENTIFICATION STATEMENT**

On January \_\_\_\_\_, 2013, the Order Approving the Lien Identification Process and Other Relief was entered in the above-referenced bankruptcy case. Pursuant to this Order, if you claim a statutory lien against any property owned or operated by ATP Oil & Gas Corporation (“Debtor”), you must fill out this form for each lease, block, well or platform upon which you claim a lien.

1. Full Legal Name of Lien Claimant: \_\_\_\_\_  
\_\_\_\_\_

2. Address of Lien Claimant: \_\_\_\_\_  
\_\_\_\_\_

3. Basis for Lien Claim (check box):
- Louisiana Oil Well Lien – Louisiana Revised Statutes §§ 9:4861, *et seq.* or
  - Texas Mineral Contractor Lien – Texas Property Code §§ 56.001, *et seq.* or
  - Maritime Lien/Jones Act – 46 U.S.C. §§ 31342
  - Other: \_\_\_\_\_

4. Lease, block, well or platform where work was performed or materials provided: \_\_\_\_\_  
\_\_\_\_\_

5. Initial date work commenced or material supplied upon which you assert your lien relates back to: \_\_\_\_\_

6. If you have not otherwise provided this information in a § 546 notice, attach documents (or other evidence) demonstrating initial date of commencement of work or materials supplied as stated in No. 5 above and continuity of work from that date forward.

7. Amount of pre-petition claim (including any claim for attorney's fees or interest) you assert is secured by your lien: \$ \_\_\_\_\_

8. If you have not otherwise provided this information in a proof of claim and/or § 546 notice, attach documents (or other evidence) demonstrating amount of claim in No. 7 above.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title, if any: \_\_\_\_\_

You must file this Statement such that it is **actually received** on or before 5:00 p.m. (CST) February 15, 2013, by hand delivery, overnight mail, air courier service, or first-class mail to:

**ATP Oil & Gas Corp.  
Claims Processing Department  
Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245**

**EXHIBIT B**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re: § Chapter 11  
ATP Oil & Gas Corporation, §  
Debtor. § Case No.: 12-36187  
§ Hon. Marvin Isgur

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**NOTICE OF THE LIEN IDENTIFICATION PROCESS**

**TO ALL LIEN CLAIMANTS OF THE DEBTOR AND OTHER PARTIES IN INTEREST**

**PLEASE TAKE NOTICE OF THE FOLLOWING**

On January \_\_\_, 2013, the United States Bankruptcy Court for the Southern District of Texas (the "**Bankruptcy Court**") entered an Order (the "**Lien Identification Process Order**") in the above-captioned Chapter 11 case establishing **February 15, 2013** as the deadline to submit a Statement of Lien (as described below).

**DO NOT FILE YOUR STATEMENT OF LIEN WITH THE BANKRUPTCY COURT**

Each Lien Claimant must submit a statement (or have already submitted a statement) by providing the information set forth in the form Lien Identification Statement approved by the Lien Identification Process Order and which is attached hereto as **Exhibit 1** (the "**Statement of Lien**").

Each Lien Claimant must submit the information set out above on or before February 15, 2013; provided, that Lien Claimants who have already submitted information regarding their Liens through a filing with the Court on or before the date the Lien Identification Process Order is entered shall be permitted to rely on such submissions (and supplement them, as necessary, on or before February 15, 2013, to satisfy the informational requirements set out in the Statement of Lien). For the avoidance of doubt, every Lien Claimant shall be required to submit all the information required by the Lien Identification Process, whether by relying upon previous submissions (as such submissions may be supplemented) or filing a Statement of Lien, and nothing contained in the Lien Identification Process Order shall alleviate or excuse any Lien Claimant from satisfying its obligation to provide the information contemplated in the Statement of Lien in connection with determining whether each Lien Claimant has a valid Lien under applicable state law and complied with the Lien Identification Process set forth herein. **Failure to timely file a Statement of Lien or otherwise submit the information required by the Lien Identification Process Order may result in disallowance of the Lien and the claim upon which it is based and/or the Lien be deemed not to attach to certain assets or proceeds.**

**Time and Place for Filing**

A Statement of Lien shall be deemed timely filed only if it is **actually received**, on or before 5:00 p.m. (CST) February 15, 2013, by hand delivery, overnight mail, air courier service, or first-class mail to:

**ATP Oil & Gas Corp.  
Claims Processing Department  
Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245**

Statements of Lien sent by facsimile, telecopy, or electronic transmission will not be accepted. If a Lien Claimant wishes to receive acknowledgment of KCC's receipt of such Lien Claimant's Statement of Lien, such Lien Claimant must submit a copy of the applicable Statement of Lien and a self-addressed, stamped envelope.

**Additional Information**

If you require additional information regarding the filing of a Statement of Lien, you may contact the Debtor in writing, through its counsel, at the address listed below. You may also contact Kurtzman Carson Consultants LLC, at (866) 967-1787 between 9:00 a.m. and 5:00 p.m. All filings in the Debtor's bankruptcy case can also be found on the following websites: <https://ecf.txsb.uscourts.gov/> or <http://www.kccllc.net/atpog>.

*[Remainder of Page Intentionally Blank.]*

Dated: January [●], 2013

Respectfully submitted,

**MAYER BROWN LLP**

By: /s/ Charles S. Kelley  
Charles S. Kelley  
Attorney-in-Charge  
State Bar No. 11199580  
Southern District of Texas Bar No. 15344  
700 Louisiana Street, Suite 3400  
Houston, TX 77002-2730  
Telephone: 713 238-3000  
Facsimile: 713 238-4888

and

Craig E. Reimer (admitted *pro hac vice*)  
71 South Wacker Drive  
Chicago, IL 60606  
Telephone: 312 782-0600  
Facsimile: 312 701-7711

**ATTORNEYS TO THE DEBTOR AND  
DEBTOR-IN-POSSESSION**

**EXHIBIT 1**

[Form Lien Identification Statement as Approved by Court]  
**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re: § Chapter 11  
ATP Oil & Gas Corporation, §  
Debtor. § Case No.: 12-36187  
§ Hon. Marvin Isgur

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1. Full Legal Name of Lien Claimant: \_\_\_\_\_  
\_\_\_\_\_

2. Address of Lien Claimant: \_\_\_\_\_  
\_\_\_\_\_

3. Basis for Lien Claim (check box):
- Louisiana Oil Well Lien – Louisiana Revised Statutes §§ 9:4861, *et seq.* or
  - Texas Mineral Contractor Lien – Texas Property Code §§ 56.001, *et seq.* or
  - Maritime Lien/Jones Act – 46 U.S.C. §§ 31342
  - Other: \_\_\_\_\_

4. Lease, block, well or platform where work was performed or materials provided: \_\_\_\_\_  
\_\_\_\_\_

5. Initial date work commenced or material supplied upon which you assert your lien relates back to: \_\_\_\_\_

6. If you have not otherwise provided this information in a § 546 notice, attach documents (or other evidence) demonstrating initial date of commencement of work or materials supplied as stated in No. 5 above and continuity of work from that date forward.

7. Amount of pre-petition claim (including any claim for attorney's fees or interest) you assert is secured by your lien: \$ \_\_\_\_\_

8. If you have not otherwise provided this information in a proof of claim and/or § 546 notice, attach documents (or other evidence) demonstrating amount of claim in No. 7 above.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title, if any: \_\_\_\_\_

You must file this Statement such that it is **actually received** on or before 5:00 p.m. (CST) February 15, 2013, by hand delivery, overnight mail, air courier service, or first-class mail to:

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