

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

In re:

AMSTERDAM HOUSE CONTINUING CARE
RETIREMENT COMMUNITY, INC.,¹
aka The Amsterdam at Harborside
aka The Harborside
aka Harborside Legacy Fund
aka Harborside Legacy Foundation

Debtor.

Chapter 11

Case No. 21-71095 (AST)

NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM

PLEASE TAKE NOTICE OF THE FOLLOWING:

On June 14, 2021 (the “Petition Date”), Amsterdam House Continuing Care Retirement Community, Inc. (the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy Court”).

On June 17, 2021, the Bankruptcy Court entered an order (the “Bar Date Order”, Docket No. 39) establishing **August 3, 2021 at 5:00 p.m. (prevailing Eastern Time)** (the “General Bar Date”) as the last date for each entity (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts), other than governmental units (as defined in section 101(27) of the Bankruptcy Code), to file a proof of claim (“Proof of Claim”) against the Debtor in its chapter 11 case (the “Chapter 11 Case”).

The Bar Date Order also:

- a. establishes **December 13, 2021 at 5:00 p.m. (prevailing Eastern Time)** as the last date to file Proofs of Claim for each governmental unit (as defined in section 101(27) of the Bankruptcy Code) (“Governmental Bar Date”);
- b. requires for claims arising from the rejection of executory contracts or unexpired leases pursuant to Bankruptcy Code section 365, the last day to file a Proof of Claim is the later of: (i) the General Bar Date; or (ii) 30 days after the date of entry of the order authorizing the rejection if the Court does not affix a date in the

¹ The last four digits of the Debtor’s federal tax identification number are 1764. The Debtor’s mailing address is 300 East Overlook, Port Washington, New York 11050.

applicable order authorizing the rejection of such contract or lease (the “Rejection Damages Bar Date”); and

- c. establishes that in the event the Debtor files an amendment (a “Schedules Amendment”) to any of its schedules of assets and liabilities (the “Schedules”) and such Schedules Amendment (i) reduces the undisputed, noncontingent, and liquidated amount of a claim, (ii) changes the characterization of a claim, or (iii) adds a new claim to the Schedules described as “disputed,” “contingent,” or “unliquidated,” the deadline for each applicable claimant to file a Proof of Claim with respect to such amended or new claim is thirty (30) days after service of a notice on such claimant of the Schedules Amendment (“Amended Schedules Bar Date Order” and with the General Bar Date, Governmental Bar Date and Rejection Damages Bar Date, the “Bar Dates”).

The deadlines and the procedures set forth below for filing Proofs of Claim apply to all claims against the Debtor that arose prior to the Petition Date other than those specifically excluded below.

I. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a Proof of Claim to vote on a chapter 11 plan filed by the Debtor or to share in distributions from the Debtor’s bankruptcy estate if you have a claim that arose prior to the Petition Date, unless you are excused from filing a Proof of Claim pursuant to an exception specifically identified in Section II below. Claims based on acts or omissions of the Debtor that occurred before the Petition Date must be filed on or before the applicable Bar Date, even if such claims are not now fixed, liquidated, or certain or did not mature or become fixed, liquidated, or certain before the Petition Date.

Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (a) a right to 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.

THIS NOTICE IS BEING SENT TO ANY PERSONS AND ENTITIES THAT HAVE HAD SOME RELATIONSHIP WITH OR HAVE DONE BUSINESS WITH THE DEBTOR BUT MAY NOT HAVE AN UNPAID CLAIM AGAINST THE DEBTOR. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM, OR THAT THE DEBTOR OR THE COURT BELIEVES THAT YOU HAVE A CLAIM AGAINST THE DEBTOR.

II. WHO DOES NOT NEED TO FILE A PROOF OF CLAIM

You DO NOT need to file a Proof of Claim if you are:

- a. any holder of a claim who has already filed a Proof of Claim against the Debtor in the Chapter 11 Case with the Debtor's noticing and claims agent, Kurtzman Carson Consultants LLC (the "Noticing and Claims Agent"), in a form substantially similar to Official Bankruptcy Form No. 410;
- b. any holder of a claim that is listed on the Schedules if (i) the claim is not scheduled as "disputed," "contingent," or "unliquidated" and (ii) the claimant agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- c. any holder of a claim that has already been allowed in the Chapter 11 Case by order of the Court;
- d. any holder of a claim for which a different deadline for filing a Proof of Claim in the Chapter 11 Case has already been fixed by this Court (by which deadline such holder shall file a Proof of Claim);
- e. any holder of claims for repayment of principal, interest, or other applicable fees and/or charges on or under the following bonds: (i) the \$141,585,000 Nassau County Industrial Development Agency Continuing Care Retirement Community Fixed Rate Revenue Bonds (Amsterdam at Harborside Project) Series 2014A (the "Series A Bonds"), (ii) the \$23,842,500 Nassau County Industrial Development Agency Continuing Care Retirement Community Fixed Rate Revenue Bonds (Amsterdam at Harborside Project) Series 2014B (the "Series B Bonds"), and (iii) the \$59,537,600 Nassau County Industrial Development Agency Continuing Care Retirement Community Excess Cash Flow Revenue Bonds (Amsterdam at Harborside Project) Series 2014C (the "Series C Bonds" and any such claim under the Series A Bonds and the Series B Bonds, a "Bond Payment Claim"); provided, however, that in the event the holder of the above referenced bonds seeks to assert a claim other than a Bond Payment Claim, such holder shall be required to file a Proof of Claim on or before the General Bar Date, unless another exception applies;
- f. the trustee for the Series A Bonds, Series B Bonds, and Series C Bonds including any successors, the "2014 Bond Trustee") with respect to any Bond Payment Claim;
- g. any holder of a postpetition administrative priority claim allowable under section 503(b) of the Bankruptcy Code (other than those claims allowable under section 503(b)(9) of the Bankruptcy Code) and

section 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor's estates;

- h. any holder of a claim for statutory fees required to be paid to the Office of the United States Trustee for the Eastern District of New York (the "U.S. Trustee") by the Debtor;**
- i. those Residents who hold claims against the Debtor arising under Residency Agreements or Admission Agreements; and**
- j. Amsterdam Continuing Care Health System, Inc., in its capacity as the sole member of the Debtor.**

III. WHAT TO FILE

Your filed Proof of Claim must be in the form annexed to this Notice or otherwise conform substantially to Official Form 410, which can be viewed at <http://www.uscourts.gov/forms/bankruptcy-forms>. Additional copies of Official Bankruptcy Form 410 may be obtained at <http://www.kcellc.net/harborside>.

If you file a Proof of Claim, it must be (i) completed in the form of the Official Bankruptcy Form 410; (ii) signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (iii) include supporting documentation (if voluminous, attach a summary) or explanation as to why documentation is not available; (iv) be in the English language; and (v) be denominated in United States currency. Each Proof of Claim asserting a 503(b)(9) Claim must also: (i) include the value of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date, (ii) attach any documentation identifying the particular invoices corresponding to the asserted 503(b)(9) Claim and delivery address, and (iii) attach documentation evidencing delivery of the goods delivered to and received by the applicable Debtor within twenty (20) days prior to the Petition Date.

Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, upon prior written consent of the Debtor's counsel, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; provided, that any creditor that received such written consent shall be required to transmit such writings to Debtor's counsel upon request no later than ten days from the date of such request.

IV. WHEN AND WHERE TO FILE

Except as otherwise provided herein, all Proofs of Claim must be filed with the Debtor's Noticing and Claims Agent by (i) electronic submission using the interface available on the Noticing and Claims Agent's website <http://www.kcellc.net/harborside>; (ii) by the U.S. mail, overnight courier, or hand delivery so as to be actually received on or before **August 3, 2021 at 5:00 p.m. (prevailing Eastern Time)** at the following address: Harborside Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245; or (iii) by

hand delivery to the United States Bankruptcy Court, Eastern District of New York, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722.

Proofs of Claim will be deemed filed only when **actually received** at the addresses listed above on or before the General Bar Date, Governmental Bar Date, Rejection Damages Bar Date or Amended Schedules Bar Date (as applicable). **Proofs of Claim may not be delivered by facsimile, telecopy, or electronic mail transmission.**

V. CURRENT, FORMER, AND PROSPECTIVE RESIDENTS OF THE DEBTOR

Because the Debtor operates a nursing home that qualifies as a licensed healthcare provider, the Debtor is subject to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and other privacy requirements, which protects the privacy of individually identifiable health care information. Pursuant to HIPAA regulations promulgated by the Secretary of Health and Human Services, names, geographic subdivisions smaller than a state (including addresses and full zip codes), all dates directly related to an individual except years, telephone and facsimile numbers, e-mail addresses, social security numbers and any other unique identifying number, characteristic or code, must be removed from before disclosure to render health information not individually identifiable. Accordingly, to protect the confidentiality of Residents’ individually identifiable health care information, and to guard against the public dissemination or inadvertent disclosure of information protected by HIPAA and other privacy requirements, the Debtor’s Noticing and Claims Agent, will, upon request, make available only a summary of the total number and amount of claims filed by Residents against the Debtor, which summary will exclude any information subject to HIPAA, its associated regulations, and other privacy requirements.

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

The deadline to file a Proof of Claim for damages arising from the rejection of the contract or lease is the later of either (a) the General Bar Date or (b) a date provided in an order of the Bankruptcy Court authorizing the rejection of the respective executory contract or unexpired lease, or if no date is provided, thirty (30) calendar days after entry of the order authorizing such rejection.

VII. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM ON OR BEFORE THE APPLICABLE BAR DATE

ANY HOLDER OF A CLAIM AGAINST THE DEBTOR THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THE BAR DATE ORDER, AS SET FORTH HEREIN, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN ACCORDANCE WITH THE TERMS OF THE BAR DATE ORDER ON OR BEFORE THE APPLICABLE BAR DATE SHALL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTOR (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO), AND THE DEBTOR, ITS ESTATE, ITS SUCCESSORS AND ASSIGNS, AND ITS PROPERTY SHALL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM, AND SUCH HOLDER SHALL NOT BE

PERMITTED TO VOTE TO ACCEPT OR REJECT ANY CHAPTER 11 PLAN OR PARTICIPATE IN ANY DISTRIBUTION IN THE DEBTOR'S CHAPTER 11 CASE ON ACCOUNT OF SUCH CLAIM OR TO RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM.

VIII. THE DEBTOR'S SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtor in the Debtor's Schedules. If you agree with the nature, amount, and status of your claim as listed in the Debtor's Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you do not need to file a Proof of Claim. Otherwise, you must file a Proof of Claim before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtor's Schedules may be examined by interested parties free of charge on-line at the website of the Noticing and Claims Agent's website, at <http://www.kccllc.net/harborside>, and for a fee on the Bankruptcy Court's electronic docket for the Chapter 11 Case, which is available at <https://www.nyeb.uscourts.gov> (a login identification and password are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>). Copies of the Debtor's Schedules may also be obtained by written request to the Debtor's counsel at the address and telephone number set forth below:

Sidley Austin LLP
787 Seventh Avenue
New York, New York 10019
Attn: Thomas R. Califano and William E. Curtin
Telephone: (212) 839-5300

and

Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
Attn: Jackson T. Garvey
Telephone: (312) 853-7000

IX. ADDITIONAL INFORMATION

This Notice is only a summary of the Bar Date Order. All creditors and other parties in interest are referred to the text of the Bar Date Order itself and to the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules for the United States Bankruptcy Court for the Eastern District of New York for additional information regarding the filing and treatment of Proofs of Claim. **If you are unsure about any of these matters, including whether you should file a Proof of Claim, you may wish to consult an attorney.**

PROOF OF CLAIM FORMS AND A COPY OF THE BAR DATE ORDER MAY BE OBTAINED BY (A) CONTACTING THE DEBTOR'S CLAIMS AGENT, IN

WRITING, AT HARBORSIDE CLAIMS PROCESSING CENTER, C/O KURTZMAN CARSON CONSULTANTS LLC, 222 N. PACIFIC COAST HIGHWAY, SUITE 300, EL SEGUNDO, CA 90245, OR BY EMAIL AT HARBORSIDEINFO@KCCLLC.COM; (B) CONTACTING THE DEBTOR'S RESTRUCTURING HOTLINE AT (888) 733-1431; OR (C) ACCESSING THE WEBSITE OF THE DEBTOR'S CLAIMS AGENT AT WWW.KCCLLC.NET/HARBORSIDE.