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9 **UNITED STATES BANKRUPTCY COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 In re
12 **BORREGO COMMUNITY**
13 **HEALTH FOUNDATION,**
14 Debtor and Debtor In
Possession.

Case No. 22-02384-11

Chapter 11 Case

Judge: Honorable Laura S. Taylor

**NOTICE OF OCCURRENCE OF
CLOSING OF SALE TO DAP HEALTH,
INC. [Docket Nos. 161, 559]**

17 **PLEASE TAKE NOTICE OF THE FOLLOWING:**

18 On March 13, 2023, Borrego Community Health Foundation, the chapter 11
19 debtor and debtor in possession (the “Debtor”) in the above captioned case, entered
20 into that certain Asset Purchase Agreement (the “APA”) with DAP Health Inc.,
21 formerly known as Desert Aids Project d/b/a DAP Health (“DAP Health”), for the
22 sale (the “Sale”) of substantially all of the Debtor’s assets (collectively, as defined in
23 Section 1.7 of the APA, the “Assets”). By Order, dated March 13, 2023 [Docket No.
24 559] (the “Sale Order”), the Bankruptcy Court approved the Sale free and clear of
25 liens, claims, encumbrances, and other interests pursuant to §§ 105(a), 363, and 365
26 under title 11 of the United States Code (the “Bankruptcy Code”),¹ Rules 2002, 6004,
27

28 ¹ All references to section or chapter herein are to the Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, as amended. All references to “Rules” are to the Federal Rules of Bankruptcy Procedure.

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1 6006, 9007, and 9014, and Rule 6004-1 of the Local Bankruptcy Rules for the
2 Bankruptcy Court.

3 On July 28, 2023, the Office of General Counsel of the Health Resources
4 Services Administration (“HRSA”) approved the Successor-in-Interest package and
5 informed DAP Health that they anticipated releasing the Notices of Award no later
6 than July 31, 2023. On July 31, 2023, HRSA’s Division of Grants Management
7 Operations confirmed that all Notices of Award had been processed, and, thus, DAP
8 Health is now the grantee for all of the Debtor’s health center program grant awards
9 transferred under the APA.

10 The “Closing Date” of the Sale under, and as defined in, the APA occurred on
11 **July 31, 2023**. Pursuant to Section 1.3 of the APA, the “Closing” was deemed to
12 occur and be effective as of 12:00 a.m. Pacific Time on August 1, 2023.

14 Dated: July 31, 2023

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By /s/ Tania M. Moyron
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