

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

In re:

AMSTERDAM HOUSE CONTINUING CARE  
RETIREMENT COMMUNITY, INC.,<sup>1</sup>  
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 CONFIRMATION HEARING AND  
OBJECTION DEADLINE WITH RESPECT TO THE FIRST  
AMENDED PLAN OF REORGANIZATION UNDER CHAPTER  
11 OF THE BANKRUPTCY CODE PROPOSED BY THE DEBTOR**

**TO ALL CREDITORS AND PARTIES IN INTEREST, PLEASE TAKE NOTICE THAT:**

1. **Approval of Disclosure Statement.** On July 20, 2021, the United States Bankruptcy Court for the Eastern District of New York (the “**Bankruptcy Court**”) entered an order (the “**Disclosure Statement Order**”) approving the *Disclosure Statement for Debtor’s First Amended Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code* (as it may be amended and/or supplemented, the “**Disclosure Statement**”) filed by the debtor and debtor in possession in the above captioned case (the “**Debtor**”) and authorized the Debtor to solicit votes to accept or reject the *Debtor’s First Amended Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code*, annexed as Exhibit A to the Disclosure Statement (as it may be amended and/or supplemented, the “**Plan**”). All capitalized terms used but not defined herein shall have the same meanings ascribed to them in the Plan.

2. **Confirmation Hearing.** A hearing to consider confirmation of the Plan (the “**Confirmation Hearing**”) is scheduled for August 25, 2021 at 9:30 a.m. (prevailing Eastern time), before the Honorable Alan S. Trust, United States Bankruptcy Judge, or as soon thereafter as counsel may be heard (the “**Confirmation Hearing**”). The Confirmation Hearing shall be held telephonically at (888) 808-6929, conference code 2181522, unless the Court enters an order on the docket in the Debtor’s chapter 11 case prior to the Confirmation Hearing directing the Confirmation Hearing to be held by videoconference, in person, or by other means. The Confirmation Hearing may be adjourned from time to time without further notice except for the announcement of the adjournment date made at the Confirmation Hearing or at any subsequent adjourned Confirmation Hearing, and the Plan may be modified, if necessary, prior to, during, or

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<sup>1</sup> 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.

as a result of the Confirmation Hearing, without further notice to interested parties. Subsequent to the Confirmation Hearing, the Bankruptcy Court may issue an order confirming the Plan (the “Confirmation Order”).

3. **Record Date and Voting Deadline.** If you hold a claim against the Debtor as of July 13, 2021 at 4:00 p.m. (prevailing Eastern Time) (the “Voting Record Date”) and are entitled to vote to accept or reject the Plan, you have received a ballot form (the “Ballot”) and voting instructions appropriate for your claim(s). For your vote to accept or reject the Plan to be counted, you must complete all required information on the Ballot and execute and return the completed, original Ballot to the address indicated on the Ballot by August 13, 2021 at 4:00 p.m. (prevailing Eastern Time) (the “Voting Deadline”). Ballots received after the Voting Deadline may not be counted. Except as otherwise provided in the solicitation procedures in the Disclosure Statement Order, a Ballot will be deemed delivered only when the Balloting and Tabulation Agent actually receives the original executed Ballot. Ballots may be transmitted by (a) electronic, online transmissions through a customized online balloting portal on the Balloting and Tabulation Agent’s case website, (b) first-class mail, either in the return envelope provided or to the address indicated, (c) overnight courier, or (d) personal delivery. Delivery of a Ballot to the Balloting and Tabulation Agent by facsimile or e-mail will not be accepted. Only Class 3 Master Ballots may transmit their Ballots to KCC via e-mail. No Ballot should be sent to the Debtor, the Debtor’s agents (other than the Balloting and Tabulation Agent), or the Debtor’s financial or legal advisors. Any failure to follow the voting instructions included with the Ballot may disqualify your Ballot and your vote.

4. **Parties in Interest Not Entitled to Vote.** Holders of claims that are not impaired or not classified are not entitled to vote on the Plan and will receive a Notice of Non-Voting Status rather than a Ballot.

5. **Motions to Temporarily Allow Claims for Voting Purposes.** If you disagree with the Debtor’s classification of your claim, the treatment of your claim for voting purposes as set forth in the Disclosure Statement Order, or otherwise believe that you should be entitled to vote on the Plan, then you must serve on the Debtor and the Creditors’ Committee and file with the Bankruptcy Court a motion (a “Rule 3018 Motion”) for an order pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) temporarily allowing your claim in a different amount or in a different class for purposes of voting to accept or reject the Plan. All Rule 3018 Motions must be filed on or before August 6, 2021 at 4:00 p.m. (prevailing Eastern time) (the “Rule 3018 Motion Deadline”). Rule 3018 Motions must (i) be made in writing, (ii) comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, (iii) set forth the name of the party asserting the Rule 3018 Motion, (iv) state with particularity the legal and factual bases for the Rule 3018 Motion, and (v) be filed with the Bankruptcy Court and served on the Debtor and the Creditors’ Committee no later than the Rule 3018 Motion Deadline. Any issues raised by a Rule 3018 Motion that are not resolved between you and the Debtor will be considered at the Confirmation Hearing. In accordance with Bankruptcy Rule 3018, if you file a Rule 3018 Motion, your Ballot will not be counted unless temporarily allowed by the Bankruptcy Court, or as otherwise agreed to by you and the Debtor, for voting purposes. Rule 3018 Motions that are not timely filed and served in the manner as set forth above will not be considered.

6. **Objections to the Plan.** Objections, if any, to confirmation of the Plan, including the form of documents included in the Plan Supplement, must be filed and served so that they are received on or before August 13, 2021 at 4:00 p.m. (prevailing Eastern time). Any objection to confirmation must be made in writing and specify in detail the name and address of the objector, all grounds for the objection and the amount of the claim held by the objector. Objections to confirmation of the Plan are governed by Bankruptcy Rule 9014. Objections must be timely served so as to be actually received by the following parties by the Plan Objection Deadline: (a) the Debtor, Amsterdam House Continuing Care Retirement Community, Inc., 300 East Overlook, Port Washington, New York 11050 (Attn: Pamela Landman); (b) counsel to the Debtor, Sidley Austin LLP, 787 Seventh Avenue, New York, New York 10019 (Attn: Thomas R. Califano, Esq., and William E. Curtin, Esq.) and Sidley Austin LLP, One South Dearborn, Chicago, IL 60603 (Attn: Jackson T. Garvey, Esq.); (c) counsel to the Creditors' Committee, Perkins Coie LLP, 131 S. Dearborn Street, Suite 1700, Chicago, Illinois 60603 (Attn: Eric Walker) and Perkins Coie LLP, 500 N. Akard Street, Suite 300, Dallas, Texas 75201 (Attn: John D. Penn); (d) counsel to the 2014 Bond Trustee, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., One Financial Center, Boston, Massachusetts 02111 (Attn: Daniel S. Bleck, Esq.); (e) the Office of the United States Trustee for the Eastern District of New York, Alfonse D'Amato Federal Courthouse, 560 Federal Plaza, Central Islip, New York 11722 (Attn: Christine Black); and (f) any persons who have filed a request for notice in the above-captioned case pursuant to Bankruptcy Rule 2002.

7. **Inquiries.** Any party in interest wishing to obtain (i) information about the solicitation procedures or (ii) copies of the Disclosure Statement or Plan, should telephone the Debtor's Balloting and Tabulation Agent, Kurtzman Carson Consultants LLC, at (888) 733-1431. Parties may also view such documents by accessing the website of the Debtor's Balloting and Tabulation Agent at <http://www.kccllc.net/harborside> or accessing the Bankruptcy Court's Electronic Case Filing System, which can be found at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov), the official website for the Bankruptcy Court.

Dated: July 23, 2021  
New York, New York

**SIDLEY AUSTIN LLP**

*/s/ Thomas R. Califano*

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COUNSEL TO THE DEBTOR AND DEBTOR  
IN POSSESSION

**If you have any questions related to this notice, please call (888) 733-1431 (U.S./  
Canada) or (310) 751-2632 (International) for international callers. You may access  
documents and case information at <http://www.kccllc.net/Harborside>.**