

1 TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST the Debtor
2 Vestavia Hills, Ltd., dba Mount Royal Towers:

3 PLEASE TAKE NOTICE THAT on January 3, 2020 (the “Petition Date”),
4 Vestavia Hills, Ltd., dba Mount Royal Towers (“the “Debtor”) filed a voluntary
5 petition for relief under Chapter 11 of the Bankruptcy Code in the United States
6 Bankruptcy Court for the Southern District of California (the “Court”).

7 Pursuant to an order of the Court entered on May 4, 2020 [Dkt. No. 235] (the “Bar
8 Date Order”), the deadline for general creditors to file proofs of claim against the
9 Debtor is July 6, 2020 (the “General Bar Date”), and the deadline for governmental
10 units to file proofs of claim against the Debtor is July 6, 2020 (the “Governmental
11 Bar Date”). The Bar Dates¹ apply to all claims against the Debtor that arose before
12 the Petition Date, including, but not limited to, claims against the Debtor arising
13 under section 503(b)(9) of the Bankruptcy Code²; provided however, that the Bar
14 Dates do not apply to the “Excluded Claims” listed below.

15 Unless your claim falls into one of the “Excluded Claims” categories listed below,
16 you MUST file a proof of claim if you have a claim³ against the Debtor that arose
17 before the Petition Date. Acts or omissions that occurred before the Petition Date
18 may give rise to claims subject to the Bar Dates even if the claims may not have
19 become known or fixed or liquidated until after the Petition Date.

20 **Excluded Claims.** The Bar Date Order provides that creditors do NOT have to file
21 proofs of claim by the Bar Dates for the following types of claims (collectively, the
22 “Excluded Claims”):

23 Claims of the U.S. Trustee for fees payable pursuant to 28 U.S.C. §
24 1930;

25 Claims for which a proof of claim against the correct Debtor(s) has been
26 properly filed;

27 _____
28 ¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the motion for entry of the Bar
Date Order filed on April 29, 2020 [Dkt. No. 235].

² A claim arising under section 503(b)(9) of the Bankruptcy Code is a claim arising from the value of any goods
received by the Debtor within twenty (20) days before the Petition Date, provided that the goods were sold to the
Debtor in the ordinary course of its business.

³ 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.

1 Any claim (i) that is listed in schedules of the Debtor or any amendments
2 thereto, and (ii) that is not described therein as “disputed,” “contingent,” or
3 “unliquidated,” and (iii) whose holder does not dispute the amount or
4 characterization of the claim as set forth in the schedules;

5 Claims allowable under sections 503(b) and 507(a)(2) of the Bankruptcy
6 Code as an administrative expense (other than any claim allowable under section
7 503(b)(9) of the Bankruptcy Code), including such claims held by any
8 professionals retained by the Debtor or any statutory committee pursuant to orders
9 of this Court who assert administrative claims for fees and expenses subject to the
10 Court’s approval pursuant to sections 330 and 331 of the Bankruptcy Code;

11 Claims of any party that is exempt from filing a filing a proof of claim
12 pursuant to an order of the Court in these chapter 11 cases, including without
13 limitation any order approving postpetition debtor in possession financing;

14 Any claim that has been paid in full by the Debtor pursuant to the
15 Bankruptcy Code or in accordance with an order of the Court; and

16 Any claim against the Debtor that has been allowed by an order of the
17 Court, entered on or before the applicable Bar Date.

18 You need not file a proof of claim at this time for any Excluded Claim. The Court
19 may enter one or more separate orders at a later time requiring creditors to file
20 proofs of claim for some kinds of Excluded Claims and setting related deadlines. If
21 the Court does enter such an order, you will receive notice of it.

22 **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT**
23 **MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTOR BELIEVES**
24 **YOU HAVE A CLAIM.**

25 If, on or after the date on which the Debtor serves the Notice of Bar Date, the
26 Debtor amends or supplement its schedules (a) to reduce the undisputed,
27 noncontingent, and liquidated amount of a claim; (b) to change the nature or
28 characterization of a claim; or (c) to add a new claim to the schedules, the affected
claimant shall file a proof of claim or amend any previously-filed proof of claim in
respect of the amended scheduled claim with this Court on or before the later of (i)
the General Bar Date or (ii) thirty (30) days after the claimant is served with notice
of the applicable amendment or supplement to the schedules (the “Amended
Schedule Bar Date”).

The Bankruptcy Code provides that debtors may, at any time before a plan of
reorganization or liquidation is confirmed by the Court, choose to reject certain
executory contracts or unexpired leases. If your contract or lease is rejected, you
may have a claim resulting from that rejection. The deadline to file a proof of
claim for damages relating to the rejection of the contract or lease is the later of (a)

1 the General Bar Date or (b) thirty (30) days from the date the Debtor provides you
2 with written notice of the rejection (unless the order authorizing such rejection
3 provides otherwise).

4 **CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:**
5 **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED**
6 **ABOVE), IF YOU FAIL TO TIMELY FILE A PROOF OF ON THE**
7 **APPLICABLE BAR DATE ON ACCOUNT OF ANY CLAIM YOU WISH**
8 **TO ASSERT AGAINST THE DEBTOR, THEN YOU WILL NOT, WITH**
9 **RESPECT TO SUCH CLAIM, BE TREATED AS A CREDITOR FOR**
10 **VOTING OR DISTRIBUTION PURPOSES WITH RESPECT TO THE**
11 **CHAPTER 11 CASES.**

12 **A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR SHOULD**
13 **CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT**
14 **COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER**
15 **SHOULD FILE A PROOF OF CLAIM.**

16 Dated: May 5, 2020

SULLIVAN HILL REZ & ENGEL
A Professional Law Corporation

17 By: /s/James P. Hill
18 James P. Hill
19 Attorneys for Debtor and Debtor in
20 Possession, Vestavia Hills, Ltd.
21 dba Mount Royal Towers
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28

CSD 3010 [07/01/18]

Name, Address, Telephone No. & I.D. No.

SULLIVAN HILL REZ & ENGEL

A Professional Law Corporation

James P. Hill (SBN 90478)/Christopher V. Hawkins (SBN 222961)

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Tel.: (619) 233-4100; Fax No.: (619) 231-4372

Attorneys for Debtor and Debtor in Possession,

Vestavia Hills, Ltd. dba Mount Royal Towers

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re
VESTAVIA HILLS, LTD. dba MOUNT ROYAL
TOWERS,
Debtor.

BANKRUPTCY NO. 20-00018-LA11

Plaintiff(s)

ADVERSARY NO.

v.
,
Defendant(s)

PROOF OF SERVICE

I, Laurel Dinkins am a resident of the State of California, over the age of 18 years, and not a party to this action.

On May 5, 2020, I served the following documents:

NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST OF DATE FIXED AS LAST DATE FOR FILING PROOFS OF CLAIMS OR INTERESTS [ECF 235]

1. To Be Served by the Court via Notice of Electronic Filing ("NEF"):

Under controlling Local Bankruptcy Rules(s) ("LBR"), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

Chapter 7 Trustee:

For Chpt. 7, 11, & 12 cases:
UNITED STATES TRUSTEE
ustp.region15@usdoj.gov

For ODD numbered Chapter 13 cases:
THOMAS H. BILLINGSLEA, JR., TRUSTEE
Billingslea@thb.coxatwork.com

For EVEN numbered Chapter 13 cases:
DAVID L. SKELTON, TRUSTEE
admin@ch13.sdcoxmail.com
dskelton13@ecf.epiqsystems.com

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2. **Served by United States Mail:**

On May 5, 2020, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:

SEE ATTACHED CREDITOR MATRIX.

3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under Fed.R.Civ.P.5 and controlling LBR, on May 5, 2020, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:

- andy@campbellpartnerslaw.com
- harris@campbellpartnerslaw.com
- amalo@sheppardmullin.com
- Virginia.Bell@adss.alabama.gov
- TaRhonda.Wiggins@adss.alabama.gov
- Tammy.Holman@adss.alabama.gov
- kkeith@hkh.law

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on May 5, 2020
(Date)

Laurel Dinkins /s/ Laurel Dinkins
(Typed Name and Signature)

600 B Street, Suite 1700
(Address)

San Diego, CA 92101
(City, State, ZIP Code)