

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

In re:	§	Chapter 11
	§	
THE AZTEC FUND HOLDING, INC., <i>et al.</i> , <sup>1</sup>	§	Case No. 24-90436 (CML)
	§	
Debtors.	§	(Jointly Administered)
	§	

**DEBTORS’ MOTION FOR ENTRY OF AN ORDER (I) SETTING BAR DATES FOR FILING PROOFS OF CLAIM; (II) APPROVING MANNER FOR FILING PROOFS OF CLAIM; (III) APPROVING FORM OF NOTICE OF BAR DATES; AND (IV) GRANTING RELATED RELIEF**

**If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.**

The Aztec Holding Fund, Inc. and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (the “Debtors”) hereby file this *Motion for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim; (II) Approving Manner for Filing Proofs of Claim; (III) Approving Form of Notice of Bar Dates; and (IV) Granting Related Relief* (the “Motion”). In support of the Motion, the Debtors respectfully state as follows:

**RELIEF REQUESTED**

1. By this Motion, the Debtors seek to establish a claims process by setting deadlines by which certain holders of claims will be required to file a written proof of their claim(s)

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: The Aztec Fund Holding, Inc. (7839); Aztec OME Holdings, Inc. (1731); OME 2001 Mark Center, LLC (9459); OME Bowie Corporate Center, LLC (2184); OME Lake Vista III & IV, LLC (4040); OME Windward Oaks, LLC (5261); TAF 5775 DTC, LLC (2526); TAF Intellicenter, LLC (0832); TAF Lakeside II, LLC (0253); TAF Pinnacle Park, LLC (3055); TAF Pinnacle Park Land, LLC; and TAF Royal Tech, LLC (6049). The Debtors’ service address is: Paseo de los Tamarindos 90, Torre 2 - Piso 27, Bosque de las Lomas, CDMX 05120.

(collectively, the “Bar Dates” and each individually, a “Bar Date”). The Debtors respectfully request entry of an order, substantially in the form attached hereto, (the “Bar Date Order”) establishing the following Bar Dates:

- A. General Bar Date: November 7, 2024, at 4:00 p.m. (prevailing Central Time) (the “General Bar Date”);
- B. Governmental Bar Date: February 1, 2025, at 4:00 p.m. (prevailing Central Time) (the “Governmental Bar Date”); and
- C. Amended Schedules Bar Date: To the extent applicable, the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty-one (21) days from the date on which the Debtors mail notice of an amendment to the Schedules (such date, the “Amended Schedules Bar Date”).

2. The Debtors also seek: (a) approval of the form and manner for filing proofs of claim; (b) approval of the notice of the Bar Dates; and (c) authorization for the Debtors, in their sole discretion, to extend the Bar Date for certain holder of claims by stipulation or otherwise where the Debtors determine that such extension is in the best interest of their estates.

### **JURISDICTION AND VENUE**

3. The United States Bankruptcy Court for the Southern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. The Motion constitutes a core proceeding under 28 U.S.C. § 157. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

4. The statutory and other bases for the relief requested in this Motion are sections 105(a), 501, 502, and 1111(a) of title 11 of the United States Code 11 U.S.C. §§ 101 – 1532 (as amended, the “Bankruptcy Code”), Rules 2002(a)(7), 2002(f), 2002(l), 3003(c), and 5005(a) of

the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 1075-1, 3003-1, and 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”), and section M of the Procedures for Complex Chapter 11 Cases in the Southern District of Texas (the “Complex Case Rules”).

### **BACKGROUND AND PROPOSED RETENTION OF PROFESSIONALS**

5. On August 5, 2024 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, thereby initiating these Bankruptcy Cases (collectively, the “Chapter 11 Cases”) and creating the respective bankruptcy estates (collectively, the “Estates”).

6. The Debtors are authorized to continue to operate their business and manage their properties as debtors and debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

7. No trustee, examiner, or statutory committee of creditors has been appointed in these Chapter 11 Cases.

8. A detailed description of the Debtors and their business, including the facts and circumstances giving rise to the Debtor’s Chapter 11 Case, is set forth in the *Declaration of Charles Haddad in Support of Chapter 11 Petitions and First Day Motions* [Dkt. No. 17] (the “First Day Declaration”).

### **THE BAR DATES**

#### **I. The Bar Dates.**

9. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix the time within which proofs of claim must be filed in a chapter 11 case pursuant to section 501 of the Bankruptcy Code. Pursuant to Bankruptcy Rule 3003(c)(2), any creditor who has a claim against the Debtors that

arose prior to the Petition Date, and whose claim is not scheduled in the Debtors' schedules of assets and liabilities, schedules of executory contracts and unexpired leases, and statements of financial affairs (collectively, the "Schedules"), or whose claim is listed on the Schedules as disputed, contingent, or unliquidated, must file a proof of claim. Section 502(b)(9) of the Bankruptcy Code further provides that governmental units shall have a minimum of 180 days after the entry of the order for relief to file proofs of claim.

10. Although the Complex Case Rules establish a default bar date in complex cases, Bankruptcy Rule 3003(c)(3), Bankruptcy Local Rule 3003-1, and the Complex Case Rules make clear that the Court has the authority to establish a different General Bar Date for all non-governmental entities. The Debtors seek to establish a General Bar Date of November 7, 2024, at 4:00 p.m. (prevailing Central Time), which is more than thirty (30) days since the date which the Debtors filed their Schedules. The Debtors believe the proposed timeline will give all parties in interest adequate notice of the Bar Dates and an opportunity to respond.

**A. General Bar Date.**

11. Except as otherwise set forth below, the Debtors request that the Court establish November 7, 2024, at 4:00 p.m. (prevailing Central Time) as the General Bar Date for all entities, other than governmental units, holding prepetition claims against the Debtors to file proofs of claim. The General Bar Date shall apply to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, unsecured priority claims (including, without limitation, claims entitled to priority under sections 507(a)(4) and (5), or 503(b)(9) of the Bankruptcy Code), and unsecured nonpriority claims. The General Bar Date would be the last date and time by which all entities, other than governmental units holding prepetition claims, must file proofs of claim so that such proofs of claim are *actually received* by the Debtors' claims, noticing,

and solicitation agent, Stretto, Inc. (“Stretto”), on or before the General Bar Date, unless such entity’s claim falls within one of the exceptions set forth in the Bar Date Order.

**B. Governmental Bar Date.**

12. Section 502(b)(9) of the Bankruptcy Code provides, in relevant part, that “[a] claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the [Bankruptcy Rules] may provide . . . .” 11 U.S.C. § 502(b)(9). The Debtors therefore request that the Court establish February 1, 2025, at 4:00 p.m. (prevailing Central Time) as the Governmental Bar Date in these chapter 11 cases. The Governmental Bar Date will apply to all governmental units holding claims against the Debtors (whether secured, unsecured priority, or unsecured non-priority) that arose prior to the Petition Date, including governmental units with claims against the Debtors for unpaid taxes, if any, whether such claims arose from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party. All governmental units holding such claims against the Debtors will be required to file proofs of claim so that such proofs of claim are actually received by Stretto, on or before the Governmental Bar Date.

**C. Amended Schedules Bar Date.**

13. In accordance with Bankruptcy Local Rule 1009-1, in the event that the Debtors amend or supplement their Schedules after having given notice of the Bar Dates, the Debtors propose that with respect to holders of claims affected thereby, the Court establish the later of: **(a) the General Bar Date or the Governmental Bar Date, as applicable to such claims; and (b) 4:00 p.m. (prevailing Central Time) on the date that is twenty-one (21) days from the date on which the Debtors mail notice of the amendment or supplement to the Schedules,** as the Amended Schedules Bar Date. Notice of the Amended Schedules Bar Date shall be sent to each

claimant holding a claim affected by any such amendment or supplement and shall describe the listing and treatment of such claim on the Schedules, including how such treatment has changed, if applicable, and indicate the Amended Schedules Bar Date for such claim.

**II. Procedures for Filing Proof of Claim Forms.**

**A. Parties Required to File Proofs of Claim.**

14. Except as otherwise set forth herein, the Debtors request that the Court require each of the following entities holding claims against the Debtors arising prior to the Petition Date to file a proof of claim on or before the applicable Bar Date:

- a. any entity whose claim against a Debtor is not listed in the applicable Debtor's Schedules or is listed as contingent, unliquidated, or disputed if such entity desires to participate in any of these chapter 11 cases or share in any distribution in any of these chapter 11 cases;
- b. any entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- c. any entity that believes that its prepetition claim as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than that identified in the Schedules; and
- d. any entity who believes that its claim against a Debtor is or may be an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.

**B. Parties Not Required to File Proofs of Claim by the Applicable Bar Date.**

15. The Debtors request that the Court exempt the following entities, to the extent required by the Bankruptcy Code, and in the capacities described below, from any requirement to file a proof of claim prior to the applicable Bar Date:

- a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- b. Bank of America, National Association ("BANA");

- c. any entity that already has filed a signed proof of claim against the applicable Debtor with Stretto in a form substantially similar to Official Form 410 with respect to the claim asserted therein;
- d. any person or entity whose claim is listed on the Schedules if: (i) the claim is not scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- e. any person or entity whose claim has previously been allowed by order of the Court;
- f. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- g. any person or entity holding an equity interest in any Debtor;
- h. any Debtor having a claim against another Debtor;
- i. any entity holding a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration incurred in the ordinary course, provided that any entity asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must assert such claims by filing a request for payment or a proof of claim on or prior to the Claims Bar Date;
- j. any person or entity holding a claim for which a separate deadline is fixed by the Court; and
- k. holders of claims for fees and expenses of professionals retained in these chapter 11 cases.

**C. Requirements for Preparing and Filing Proofs of Claim.**

16. With respect to preparing and filing proofs of claim, the Debtors propose that the proofs of claim be required to be consistent with the following:

- a. **Contents of Claim Form.** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially to Official Form 410; and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization).
- b. **Section 503(b)(9) Claim.** Any proof of claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include

the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).

- c. ***Original Signatures Required.*** Only (i) original proof of claim forms signed electronically or in ink or (ii) proof of claim forms submitted and signed electronically using the electronic filing interface available at <https://cases.stretto.com/aztecfund/> will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will not be accepted.
- d. ***Identification of the Debtor Entity.*** Each proof of claim form must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A proof of claim form filed without identifying a specific Debtor will be deemed as filed only against The Aztec Fund Holding, Inc.
- e. ***Claim Against Multiple Debtor Entities.*** Except as otherwise provided in the Bar Date Order or any other order of the Court, each proof of claim must state a claim against only one Debtor and clearly indicate the Debtor against which the claim is asserted. To the extent more than one Debtor is listed on the proof of claim form, such claim may be treated as if filed only against The Aztec Fund Holding, Inc.
- f. ***Supporting Documentation.*** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). Any supporting documentation that includes personally identifiable information should be redacted or hidden prior to submission.
- g. ***Timely Service.*** Each proof of claim form, including supporting documentation, must be filed or submitted, including supporting documentation, through any of the following methods: (i) electronic submission through PACER (Public Access to Court Electronic Records at <https://ecf.txsb.uscourts.gov/>); (ii) via the electronic filing interface available at <https://cases.stretto.com/aztecfund/> or (iii) by U.S. mail, overnight U.S. mail, or other hand delivery system, so as to be actually received by Stretto on or before the applicable Bar Date at the following address:

For First-Class Mail or Overnight Mail to:

**Aztec Fund Claims Processing  
c/o Stretto  
410 Exchange, Suite 100  
Irvine, CA 92602**

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR  
ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

- h. *Receipt of Service.* Claimants wishing to receive acknowledgment that their proof of claim forms were received by Stretto must submit (i) a copy of the proof of claim form; and (ii) a self-addressed, stamped envelope.

**D. Failure to File a Proof of Claim Form.**

17. Pursuant to Bankruptcy Rule 3003(c)(2), the Debtors propose that any person or entity who is required, but fails, to file a proof of claim form in accordance with the terms of the Bar Date Order on or before the applicable Bar Date (absent the consent of the Debtors in their sole discretion) shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors (or filing a proof of claim) and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim; provided that late-filed proofs of claim shall be treated in accordance with section 726(a)(3) of the Bankruptcy Code. Moreover, such creditor shall be prohibited from voting to accept or reject any plan filed in these chapter 11 cases, participating in any distribution in these chapter 11 cases on account of such claim, or receiving further notices regarding such claim.

**III. Procedure for Providing Notice of the Bar Dates.**

**A. Mailing of Bar Date Notice.**

18. Pursuant to Bankruptcy Rule 2002(a)(7), the Debtors propose to cause written notice of the Bar Dates, substantially in the form annexed as **Exhibit 1** to the Bar Date Order (the

“Bar Date Notice”) to be mailed via first class mail, no later than three (3) business days after entry of the Bar Date Order, to the following parties:

- a. the U.S. Trustee for the Southern District of Texas;
- b. counsel to any statutory committee;
- c. all known creditors and other known holders of claims against the Debtors;
- d. all persons or entities that have requested notice of the proceedings in these chapter 11 cases pursuant to Bankruptcy Rule 2002 as of the date of the Bar Date Order;
- e. all persons or entities that have filed proofs of claim in these chapter 11 cases as of the date of the Bar Date Order;
- f. all known holders of equity interests in the Debtors as of the date the Bar Date Order is entered;
- g. all known entities who are party to executory contracts and unexpired leases with the Debtors;
- h. all known entities who are party to active litigation with the Debtors;
- i. the Office of the Attorney General for the State of Texas and each of the states in which the Debtors conduct business;
- j. the Office of the United States Attorney for the Southern District of Texas;
- k. the United States Internal Revenue Service; and
- l. all other taxing authorities for the jurisdictions in which the Debtors have paid taxes within one year of the Petition Date.

19. The Debtors shall also post the Bar Date Notice on the Debtors’ case website established by Stretto at <https://cases.stretto.com/aztecfund/>.

20. Among other things, the Bar Date Notice will: (a) identify the General Bar Date; (b) provide holders of claims with the information necessary to allow them to make an informed

decision as to whether to file a proof of claim; and (c) describe the procedures for filing a timely proof of claim and the consequences of failing to do so.

**B. Supplemental Mailings.**

21. After the initial mailing of the Bar Date Notice, the Debtors may, in their discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses;<sup>2</sup> (b) certain parties acting on behalf of parties in interest decline to distribute notices to these parties and instead return their names and addresses to the Debtors for direct mailing; and (c) additional potential claimants or parties in interest become known as the result of the Bar Date noticing process. In this regard, the Debtors request that the Court permit the Debtors to make supplemental mailings of the Bar Date Notice in these and similar circumstances at any time up to fourteen (14) days in advance of the applicable Bar Date, with any such mailings deemed timely and such Bar Date being applicable to the recipient creditors.

**BASIS FOR RELIEF**

**I. The Court Is Authorized to Approve the Bar Dates and the Proposed Procedures for Filing Proofs of Claim.**

22. Bankruptcy Rule 3003(c)(3) generally governs the filing of proofs of claim in a chapter 11 case and provides, in relevant part, that “[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed.” Fed. R. Bankr. P. 3003(c)(3). Although Bankruptcy Rule 2002(a)(7) generally provides that all parties in interest must receive 21 days’ notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c), neither the Bankruptcy Code, the Bankruptcy Rules, nor the Bankruptcy Local Rules

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<sup>2</sup> To the extent that any notices are returned as “return to sender” without a forwarding address, the Debtors request that they not be required to mail additional notices to such creditors.

specify a time by which proofs of claim must be filed in chapter 11 cases (other than section 502(b)(9) of the Bankruptcy Code relating to governmental units).

23. It is well-recognized that a claims bar date plays an essential role in the twin goals of bankruptcy—preserving a debtor’s assets and maximizing property available to satisfy creditors. *See, e.g., Bank of Am. Nat. Tr. & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 U.S. 434, 453 (1999). A claims bar date allows the debtor and parties in interest to expeditiously determine and evaluate the liabilities of the estate. The absence of such a deadline, in contrast, would prolong creditor uncertainty, increase the costs and expenses incurred by a debtor in connection with the claims reconciliation process, and delay or even derail the claims process, thus undercutting one of the principal purposes of bankruptcy law—“secur[ing] within a limited period the prompt and effectual administration and settlement of the debtor’s estate.” *See Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995).

24. The Debtors’ procedures, described herein, provide creditors with notice and opportunity and a clear process for filing their claims, all while achieving administrative and judicial efficiency. Indeed, the proposed procedures will provide comprehensive notice and clear instructions to creditors, on the one hand, and allow these chapter 11 cases to move forward quickly with a minimum of administrative expense and delay, on the other hand. Accordingly, they should be approved.

## **II. The Proposed Notice Procedures Are Reasonable and Appropriate.**

25. Bankruptcy Rule 2002(a)(7) requires that the Debtors provide claimants at least 21 days’ notice by mail of the Bar Dates pursuant to Bankruptcy Rule 3003(c). Fed. R. Bankr. P. 2002(a)(7).

26. In conjunction with setting deadlines to file proofs of claim, the Debtors must provide appropriate notice to interested parties. Where a creditor is known to the debtor, due process requires that a debtor must take reasonable steps, such as direct mailing, to provide actual notice of the deadline for filing proofs of claim. A creditor's identity is "reasonably ascertainable" if that creditor can be identified through "reasonably diligent efforts." *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 798 n.4 (1983). But this does not require a debtor to engage in "impracticable and extended searches . . . in the name of due process." *See Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 317 (1950).

27. The relief requested herein provides for clear notice of the General Bar Date in satisfaction of the requirements of the Bankruptcy Rules and consistent with the underlying policies of the Bankruptcy Code and applicable case law. Specifically, to the extent the General Bar Date is established as November 7, 2024, at 4:00 p.m. (prevailing Central Time), the Debtors intend to mail the Bar Date Notice to known holders of claims on or before three (3) business days after the date the Court enters the Bar Date Order. Finally, because the Debtors filed their Schedules on September 4, 2024, known holders of claims will have ample opportunity to review the Schedules, reconcile the information contained therein with their own books and records, and prepare and file proofs of claim, if necessary.

28. In the event that the Debtors amend their Schedules in accordance with Bankruptcy Rule 1009 and Bankruptcy Local Rule 1009-1, the Debtors shall give notice of any amendment to the holders of affected claims and such holders will have no less than twenty-one (21) days from the date of mailing such notice of amendment to file proofs of claim with respect to their claims.

29. Accordingly, for all the foregoing reasons, the proposed Bar Dates and the form and manner of providing notice thereof are appropriate in light of the circumstances, inure to the benefit of all parties in interest and should be approved.

### **III. Redaction of Certain Confidential Information.**

30. Bankruptcy Rule 5003 requires the clerk of the Court to maintain a list of claims in a publicly available claims register. Proofs of claim forms, as well as supporting documentation, often contain personal information such as the creditor's name and address. Section 107(c)(1) of the Bankruptcy Code provides that the Court, for cause, may protect any means of identification contained in any paper filed or to be filed in a case under the Bankruptcy Code. 11 U.S.C. § 107(c)(1).

31. Cause exists for the Court to authorize creditors of the Debtors to file a redacted proof of claim that does not disclose personally identifiable information with Stretto, provided that an unredacted proof of claim shall be provided upon request by the Debtors. If an entity files an unredacted proof of claim with Stretto, the Debtors will take reasonable steps to redact such information on the publicly available claims register. Such information could be used to perpetrate identity theft or unlawful injury to an individual and may result in a violation of the applicable data privacy laws governing the use of information outside of the United States.

### **NOTICE**

32. Debtors will provide notice to parties in interest, including: (a) the Office of the United States Trustee for the Southern District of Texas; (b) the holders of the 30 largest unsecured claims against the Debtors (on a consolidated basis); (c) BANA and its counsel; (d) the United

States Attorney's Office for the Southern District of Texas; (e) the Internal Revenue Service; (f) the state attorneys general for states in which the Debtors conduct business; (g) any party that has requested notice pursuant to Bankruptcy Rule 2002; and (h) counsel for any of the foregoing, to the extent known. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request entry of an order, substantially in the form attached hereto, granting the relief requested herein and granting such other relief as is just and proper.

RESPECTFULLY SUBMITTED this 20th day of September, 2024.

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Alexander R. Perez

John D. Cornwell  
Texas Bar No. 24050450  
Brenda L. Funk  
Texas Bar No. 24012664  
Julian P. Vasek  
Texas Bar No. 24070790  
Alexander R. Perez  
Texas Bar No. 24074879  
700 Milam St., Suite 800  
Houston, TX 77002  
Telephone: (713) 222-1470  
Facsimile: (713) 222-1475  
jcornwell@munsch.com  
bfunk@munsch.com  
jvasek@munsch.com  
arperez@munsch.com

***Counsel to the Debtors and Debtors-in-Possession***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of September 2024, I personally caused to be served a true and correct copy of the above and foregoing document by electronically filing it with the Court using the Court's CM/ECF system.

/s/ Alexander R. Perez  
Alexander R. Perez

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

In re:	§	Chapter 11
	§	
THE AZTEC FUND HOLDING, INC., <i>et al.</i> , <sup>1</sup>	§	Case No. 24-90436 (CML)
	§	
Debtors.	§	(Jointly Administered)
	§	

**ORDER (I) SETTING BAR DATES FOR FILING PROOFS OF CLAIM;  
(II) APPROVING FORM AND MANNER FOR FILING PROOFS OF CLAIM;  
AND (III) APPROVING FORM OF NOTICE OF BAR DATES, AND  
(IV) GRANTING RELATED RELIEF**

Upon consideration of the motion (“Motion”)<sup>2</sup> of The Aztec Holding Fund, Inc., and its debtor affiliates, as debtors and debtors-in-possession (collectively, the “Debtors”), for entry of an order (this “Order”) (a) setting bar dates for the filing of proofs of claim; (b) approving the manner for filing proofs of claim; (c) approving the form of notice of bar dates; and (d) granting related relief, each as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for a hearing on the Motion having been given; and the relief requested in the Motion being in the best interests of the Debtors’ estates, their creditors and other parties in interest; and the Court having determined that the legal and

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: The Aztec Fund Holding, Inc. (7839); Aztec OME Holdings, Inc. (1731); OME 2001 Mark Center, LLC (9459); OME Bowie Corporate Center, LLC (2184); OME Lake Vista III & IV, LLC (4040); OME Windward Oaks, LLC (5261); TAF 5775 DTC, LLC (2526); TAF Intellicenter, LLC (0832); TAF Lakeside II, LLC (0253); TAF Pinnacle Park, LLC (3055); TAF Pinnacle Park Land, LLC; and TAF Royal Tech, LLC (6049). The Debtors’ service address is: Paseo de los Tamarindos 90, Torre 2 - Piso 27, Bosque de las Lomas, CDMX 05120.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.

factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. Except as otherwise provided below, each person or entity that asserts a claim against the Debtors that arose (or is deemed to have arisen) before the Petition Date, including all priority claims, shall be required to file an original, written proof of claim, substantially in the form of Official Form 410, so that such proof of claim form is **actually received** on or before **November 7, 2024, at 4:00 p.m. (prevailing Central Time)** (the “General Bar Date”) by Stretto in accordance with the instructions set forth in this Order.

2. Any entity that asserts a claim against the Debtors that arose before the Petition Date is authorized to file a proof of claim that redacts personally identifiable information with Stretto; *provided* that an unredacted proof of claim shall be provided upon request by the Debtors.

3. The Debtors are authorized to take reasonable action to prevent an entity’s personally identifiable information from being publicly available on the claims register.

4. All governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) that arose (or is deemed to have arisen) before the Petition Date must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party, so that they are **actually received** on or before **February 1, 2025, at 4:00 p.m. (prevailing Central Time)** (the “Governmental Bar Date”) by Stretto in accordance with the instructions set forth in this Order.

5. In the event that the Debtors amend or supplement their Schedules after having given notice of the Bar Dates, holders of claims affected thereby must file proofs of claim with respect to such claims so that they are actually received on or before the later of: (a) the General

Bar Date or the Governmental Bar Date, as applicable to such claims; and (b) 4:00 p.m. (prevailing Central Time) on the date that is twenty-one (21) days from the date on which the Debtors mail notice of the amendment or supplement to the Schedules (the “Amended Schedules Bar Date”). Notice of the Amended Schedules Bar Date shall be sent to each claimant holding a claim affected by any such amendment or supplement and shall describe the listing and treatment of such claim on the Schedules, including how such treatment has changed, if applicable, and indicate the Amended Schedules Bar Date for such claim.

6. All proofs of claim must be **actually received** by Stretto on or before the applicable Bar Date. If proofs of claim are not received by Stretto on or before the applicable Bar Date, the holders of the underlying claims shall be barred from asserting such claims against the Debtors and precluded from voting on any chapter 11 plans filed in these chapter 11 cases and/or receiving distributions from the Debtors on account of such claims in these chapter 11 cases.

7. The following entities holding claims against the Debtors arising prior to the Petition Date shall be required to file a proof of claim on or before the applicable Bar Date:

- a. any entity whose claim against a Debtor is not listed in the applicable Debtor’s Schedules or is listed as contingent, unliquidated, or disputed if such entity desires to participate in any of these chapter 11 cases or share in any distribution in any of these chapter 11 cases;
- b. any entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- c. any entity that believes that its prepetition claim as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than that identified in the Schedules; and
- d. any entity who believes that its claim against a Debtor is or may be an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.

8. The following entities, in the capacities described below, shall **not** be required to file a proof of claim prior to the applicable Bar Date:

- a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- b. Bank of America, National Association;
- c. any entity that already has filed a signed proof of claim against the applicable Debtor with Stretto in a form substantially similar to Official Form 410 with respect to the claim asserted therein;
- d. any person or entity whose claim is listed on the Schedules if: (i) the claim is **not** scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- e. any person or entity whose claim has previously been allowed by order of the Court;
- f. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- g. any person or entity holding an equity interest in any Debtor;
- h. any Debtor having a claim against another Debtor;
- i. any entity holding a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration incurred in the ordinary course, *provided* that any entity asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must assert such claims by filing a request for payment or a proof of claim on or prior to the Claims Bar Date;
- j. any person or entity holding a claim for which a separate deadline is fixed by the Court; and
- k. holders of claims for fees and expenses of professionals retained in these chapter 11 cases.

9. The following requirements shall apply with respect to filing and preparing each proof of claim:

- a. ***Contents of Claim Form.*** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially to Official Form 410;

and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization).

- b. ***Section 503(b)(9) Claim.*** Any proof of claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- c. ***Original Signatures Required.*** Only (i) original proof of claim forms signed electronically or in ink or (ii) proof of claim forms submitted and signed electronically using the electronic filing interface available at <https://cases.stretto.com/AztecFund/> will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will **not** be accepted.
- d. ***Identification of the Debtor Entity.*** Each proof of claim form must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A proof of claim form filed without identifying a specific Debtor will be deemed as filed only against The Aztec Fund Holding, Inc.
- e. ***Claim Against Multiple Debtor Entities.*** Except as otherwise provided in this Order or any other order of the Court, each proof of claim must state a claim against only one Debtor and clearly indicate the Debtor against which the claim is asserted. To the extent more than one Debtor is listed on the proof of claim form, such claim may be treated as if filed only against The Aztec Fund Holding, Inc.
- f. ***Supporting Documentation.*** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). Any supporting documentation that includes personally identifiable information should be redacted or hidden prior to submission.
- g. ***Timely Service.*** Each proof of claim form, including supporting documentation, must be filed or submitted, including supporting documentation, through any of the following methods: (i) electronic submission through PACER (Public Access to Court Electronic Records at <https://ecf.txsb.uscourts.gov/>); (ii) via the electronic filing interface available at <https://cases.stretto.com/aztecfund/> or (iii) by U.S. mail, overnight U.S. mail, or other hand delivery system, so as to be **actually received** by Stretto on or before the applicable Bar Date at the following address:

For First-Class Mail or Overnight Mail to:

**Aztec Fund Claims Processing  
c/o Stretto  
410 Exchange, Suite 100  
Irvine, CA 92602**

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC  
MAIL WILL NOT BE ACCEPTED.**

h. *Receipt of Service.* Claimants wishing to receive acknowledgment that their proof of claim forms were received by Stretto must submit (i) a copy of the proof of claim form; and (ii) a self-addressed, stamped envelope.

10. No later than three (3) business days after entry of this Order, the Debtors shall cause written notice of the Bar Dates, substantially in the form annexed as **Exhibit 1** (the “Bar Date Notice”) to be mailed via first class mail, to the following entities:

- a. the U.S. Trustee for the Southern District of Texas;
- b. counsel to any statutory committee;
- c. all known creditors and other known holders of claims against the Debtors;
- d. all persons or entities that have requested notice of the proceedings in these chapter 11 cases pursuant to Bankruptcy Rule 2002 as of the date of this Order;
- e. all persons or entities that have filed proofs of claim in these chapter 11 cases as of the date of this Date Order;
- f. all known holders of equity interests in the Debtors as of the date the Bar Date Order is entered;
- g. all known entities who are party to executory contracts and unexpired leases with the Debtors;
- h. all known entities who are party to active litigation with the Debtors;
- i. the Office of the Attorney General for the State of Texas and each of the states in which the Debtors conduct business;
- j. the Office of the United States Attorney for the Southern District of Texas;
- k. the United States Internal Revenue Service; and

- l. all other taxing authorities for the jurisdictions in which the Debtors have paid taxes within one year of the Petition Date.

11. The Debtors shall also post the Bar Date Notice on the Debtors' case website established by Stretto at <https://cases.stretto.com/aztecfund/>.

12. The Debtors are authorized, in their discretion, to extend the applicable Bar Date for certain holders of claims by stipulation where the Debtors determine that such extension is in the best interest of their estates.

13. The Debtors shall serve notice of the Bar Dates to their known creditors, and such mailing shall be made to the last known mailing address for each such creditor, as reflected in the Debtors' books and records at such time.

14. After the initial service of the Bar Date Notice, the Debtors may, in their sole discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing, and (c) additional potential claimants become known as the result of the Bar Date mailing process. In this regard, the Debtors may make supplemental mailings of the Bar Date Notice in these and similar circumstances at any time up to fourteen (14) days in advance of the applicable Bar Date, with any such mailings being deemed timely and the Bar Date being applicable to the recipient creditors. The Debtors shall not be required to mail additional notices to any entity or party, for which any notice is returned to the Debtors as "return to sender" without a forwarding address.

15. The Bar Date Notice and any supplemental notices that the Debtors may send from time to time as set forth in this Order constitute adequate and sufficient notice of each of the

respective Bar Dates and satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules.

16. Any person or entity that is required, but fails, to file a proof of claim in accordance with this Order on or before the applicable Bar Date shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors and their chapter 11 estates (or filing a proof of claim with respect thereto) and the Debtors and their property and estates shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim. Without limiting the foregoing sentence, any creditor asserting a claim entitled to priority pursuant to section 503(b)(9) of the Bankruptcy Code that fails to file a proof of claim in accordance with this Order shall not be entitled to any priority treatment on account of such claim pursuant to section 503(b)(9) of the Bankruptcy Code, regardless of whether such claim is identified on the Schedules as not contingent, not disputed, and liquidated. Such person or entity shall not be treated as a creditor with respect to such claim for any purpose in these chapter 11 cases.

17. Any such entity that is required, but fails, to file a proof of claim in accordance with this Order on or before the applicable Bar Date shall be prohibited from voting to accept or reject any chapter 11 plan filed in these chapter 11 cases, participating in any distribution in these chapter 11 cases on account of such claim, or receiving further notices regarding such claim.

18. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

19. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

20. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

21. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are satisfied by such notice.

22. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_, 2024

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HONORABLE CHRISTOPHER M. LOPEZ,  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT 1**

**BAR DATE NOTICE**

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

In re:	§	Chapter 11
	§	
THE AZTEC FUND HOLDING, INC., <i>et al.</i> , <sup>1</sup>	§	Case No. 24-90436 (CML)
	§	
Debtors.	§	(Jointly Administered)
	§	

**NOTICE OF (I) DATE BY WHICH PARTIES MUST  
FILE PROOFS OF CLAIM; AND (II) PROCEDURES  
FOR FILING PROOFS OF CLAIM AGAINST THE DEBTORS**

The Aztec Holding Fund, Inc., and its debtor affiliates, as debtors and debtors-in-possession (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas (the “Court”) on August 5, 2024 (the “Petition Date”).

On September 20, 2024, the Debtors filed the *Debtors’ Motion for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim; (II) Approving Manner for Filing Proofs of Claim; (III) Approving Form of Notice of Bar Dates; and (IV) Granting Related Relief* [Docket No. [●]] (the “Bar Date Motion”) with the Court. On October [●], 2024, the Court entered an order approving the Bar Date Motion [Docket No. [●]] (the “Bar Date Order”) and establishing certain dates (each, a “Bar Date,” and collectively, the “Bar Dates”) by which parties holding claims

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if any, are: The Aztec Fund Holding, Inc. (7839); Aztec OME Holdings, Inc. (1731); OME 2001 Mark Center, LLC (9459); OME Bowie Corporate Center, LLC (2184); OME Lake Vista III & IV, LLC (4040); OME Windward Oaks, LLC (5261); TAF 5775 DTC, LLC (2526); TAF Intellicenter, LLC (0832); TAF Lakeside II, LLC (0253); TAF Pinnacle Park, LLC (3055); TAF Pinnacle Park Land, LLC; and TAF Royal Tech, LLC (6049). The Debtors’ service address is: Paseo de los Tamarindos 90, Torre 2 - Piso 27, Bosque de las Lomas, CDMX 05120.

against the Debtors arising prior to the Petition Date must file proofs of claim. Each date is expressly set forth below.

**YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY BE HOLDING A CLAIM AGAINST THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.**

**Background to the Debtors' Chapter 11 Cases**

- A. General Information About the Debtors' Cases.** The Debtors' chapter 11 cases are being jointly administered under case number 24-90436 (CML) (Bankr. S.D. Tex.). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases.
- B. Access to Proof of Claim Forms and Additional Information.** If you have any questions regarding the claims processing and/or if you wish to obtain a copy of the Bar Date Motion, Bar Date Order, proof of claim form, or related documents (and/or any other pleadings filed in these chapter 11 cases) you may do so by: (i) visiting the website of the Debtors' claims, noticing, and solicitation agent, Stretto, Inc. ("Stretto") at: <https://cases.stretto.com/aztecfund/>, (ii) calling (855) 316-2291 (Toll-Free) or (714) 716-1969 (International), and/or (iii) emailing [AztecFundInquiries@stretto.com](mailto:AztecFundInquiries@stretto.com). Please note that Stretto **cannot** advise you on how to file, or whether you should file, a proof of claim.
- C. Schedules of Assets and Liabilities.** The Debtors filed their statement of financial affairs and schedules of assets and liabilities with the Court (collectively, the "Schedules") on September 4, 2024. The Schedules are available online and free of charge at <https://cases.stretto.com/aztecfund/> or for a fee via PACER at <https://ecf.txsb.uscourts.gov/>.

**Bar Dates Approved by the Court**

The Court has established the following Bar Dates as those dates by which parties holding claims against the Debtors arising prior to the Petition Date must file proofs of claims so that they are **actually received** by Stretto:

**General Bar Date:**

**November 7, 2024, at 4:00 p.m. (prevailing Central Time)** is the date by which all entities (which includes individual persons, estates, trusts, partnerships, and corporations, among others) must file proofs of claims.

**Governmental Bar Date:** **February 1, 2025, at 4:00 p.m. (prevailing Central Time)** is the date by which all governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which the Debtors were a party.

**Amended Schedules Bar Date:** To the extent applicable, the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty one (21) days from the date on which the Debtors mail notice of an amendment to the Schedules is the date by which holders of claims affected thereby must file proofs of claims.

**Parties Required to File Claim Forms**

- A. Definition of Claim.** Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (i) 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 (ii) 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.
- B. Parties Who Must File Claim Forms.** The following entities holding claims against the Debtors arising prior to the Petition Date are required to file a proof of claim on or before the applicable Bar Date:
- a. any entity whose claim against a Debtor is not listed in the applicable Debtor’s Schedules or is listed as contingent, unliquidated, or disputed if such entity desires to participate in any of these chapter 11 cases or share in any distribution in any of these chapter 11 cases;
  - b. any entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
  - c. any entity that believes that its prepetition claim as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than that identified in the Schedules; and

- d. any entity who believes that its claim against a Debtor is or may be an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.

**C. Parties Who Do Not Need to File Claim Forms.** Certain parties are not required to file a proof of claim. The Court may, however, enter one or more separate orders at a later time requiring holders of claims to file proofs of claim and setting related deadlines. If the Court does enter such an order, you will receive notice of it.

The following persons or entities holding claims that would otherwise be subject to the applicable Bar Date need **not** file proofs of claim:

- a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- b. Bank of America, National Association;
- c. any entity that already has filed a signed proof of claim against the applicable Debtor with Stretto in a form substantially similar to Official Form 410 with respect to the claim asserted therein;
- d. any person or entity whose claim is listed on the Schedules if: (i) the claim is **not** scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- e. any person or entity whose claim has previously been allowed by order of the Court;
- f. any person or entity whose claim has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- g. any person or entity holding an equity interest in any Debtor;
- h. any Debtor having a claim against another Debtor;
- i. any entity holding a claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration incurred in the ordinary course, *provided* that any entity asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must assert such claims by filing a request for payment or a proof of claim on or prior to the Claims Bar Date;
- j. any person or entity holding a claim for which a separate deadline is fixed by the Court; and

- k. holders of claims for fees and expenses of professionals retained in these chapter 11 cases.

### **Instructions for Filing Claim Forms**

- A. ***Contents of Claim Form.*** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (iii) conform substantially to Official Form 410; and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization).
- B. ***Section 503(b)(9) Claim.*** Any proof of claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).
- C. ***Original Signatures Required.*** Only (i) original proof of claim forms signed electronically or in ink or (ii) proof of claim forms submitted and signed electronically using the electronic filing interface available at <https://cases.stretto.com/aztecfund/> will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will **not** be accepted.
- D. ***Identification of the Debtor Entity.*** Each proof of claim form must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. A proof of claim form filed without identifying a specific Debtor will be deemed as filed only against The Aztec Fund Holding, Inc.
- E. ***Claim Against Multiple Debtor Entities.*** Except as otherwise provided in the Bar Date Order or any other order of the Court, each proof of claim must state a claim against only one Debtor and clearly indicate the Debtor against which the claim is asserted. To the extent more than one Debtor is listed on the proof of claim form, such claim may be treated as if filed only against The Aztec Fund Holding, Inc.
- F. ***Supporting Documentation.*** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). Any supporting documentation that includes personally identifiable information should be redacted or hidden prior to submission.
- G. ***Timely Service.*** Each proof of claim form, including supporting documentation, must be filed or submitted, including supporting documentation, through any of the following methods: (i) electronic submission through PACER (Public Access to Court Electronic Records at <https://ecf.txsb.uscourts.gov/>); (ii) via the electronic filing interface available at <https://cases.stretto.com/aztecfund/> or (iii) by U.S. mail, overnight U.S. mail, or other hand delivery system, so as to be **actually received** by Stretto on or before the applicable Bar

Date at the following address: Aztec Fund Claims Processing, c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602.

- H. ***Receipt of Service.*** Claimants wishing to receive acknowledgment that their proof of claim forms were received by Stretto must submit (i) a copy of the proof of claim form; and (ii) a self-addressed, stamped envelope.

**Consequences of Failing to Timely File Your Claim Form**

Pursuant to the Bar Date Order and in accordance with Bankruptcy Rule 3003(c)(2), if you or any party or entity who is required, but fails, to file a proof of claim in accordance with the Bar Date Order on or before the applicable Bar Date, please be advised that (absent the consent of the Debtors, in their sole discretion):

- **YOU WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTORS (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO);**
- **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM; AND**
- **YOU WILL NOT BE PERMITTED TO VOTE ON ANY CHAPTER 11 PLAN OR PLANS FOR THE DEBTORS ON ACCOUNT OF THAT CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM.**

**Amendments to the Debtors' Schedules**

- A. **Amendments to Schedules.** In the event that the Debtors amend their Schedules after the date of this notice, the Debtors will provide holders of claims that are affected by any such amendment notice of the amendment, and such parties will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.
- B. **Amended Schedules Bar Date.** The Court has approved the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty one (21) days from the date on which the Debtors mail notice of the amendment to the Schedules as the date by which holders of claims affected by the amendment must file proofs of claim with respect to such claims.

**Reservation of Rights**

Nothing contained in this notice is intended to or should be construed as a waiver of the Debtors' right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim

listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof;

(b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; or

(c) otherwise amend or supplement the Schedules.

Dated: October [●], 2024  
Houston, Texas

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/  
John D. Cornwell  
Texas Bar No. 24050450  
Brenda L. Funk  
Texas Bar No. 24012664  
Julian P. Vasek  
Texas Bar No. 24070790  
Alexander R. Perez  
Texas Bar No. 24074879  
700 Milam St., Suite 800  
Houston, TX 77002  
Telephone: (713) 222-1470  
Facsimile: (713) 222-1475  
jcornwell@munsch.com  
bfunk@munsch.com  
jvasek@munsch.com  
arperez@munsch.com

***Counsel to the Debtors and Debtors-in-Possession***