

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

ABENGOA BIOENERGY US HOLDING, LLC,
et al.,
Debtors.

Chapter 11

Case No. 16-41161-659

(Jointly Administered)

Re: Docket Nos. 1070, 1443

NOTICE OF (I) ENTRY OF CONFIRMATION ORDER, (II) OCCURRENCE OF EFFECTIVE DATE UNDER THE THIRD AMENDED JOINT PLANS OF LIQUIDATION OF THE DEBTORS AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS UNDER CHAPTER 11 OF THE BANKRUPTCY CODE, (III) DEADLINE TO FILE REQUESTS FOR PAYMENT OF ADMINISTRATIVE CLAIMS, (IV) DEADLINE FOR PROFESSIONALS TO FILE FINAL FEE APPLICATIONS PURSUANT TO SECTIONS 328, 330 AND 503(B) OF THE BANKRUPTCY CODE AND (V) DEADLINE TO FILE CLAIMS ARISING FROM REJECTION OF EXECUTORY CONTRACTS OR UNEXPIRED LEASES

PLEASE TAKE NOTICE that on February 27, 2017, Abengoa Bioenergy US Holding, LLC and certain of its affiliates, the debtors and debtors in possession in the above-captioned cases (collectively, the “Debtors”), together with the Official Committee of Unsecured Creditors (the “Committee” and together with the Debtors, the “Plan Proponents”) filed the *Third Amended Joint Plans of Liquidation of the Debtors and the Official Committee of Unsecured Creditors under Chapter 11 of the Bankruptcy Code* [Docket Nos. 1022, 1070 (as corrected)] (the “Plan”)¹ and the *Third Amended Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code* [Docket Nos. 1023, 1071 (as corrected)] (the “Disclosure Statement”).

PLEASE TAKE FURTHER NOTICE that on March 2, 2017, the United States Bankruptcy Court for the Eastern District of Missouri (the “Bankruptcy Court”) entered the *Order (I) Approving the Disclosure Statement, (II) Approving Solicitation and Notice Materials; (III) Approving Forms of Ballots; (IV) Establishing Solicitation and Voting Procedures; (V) Establishing Procedures for Allowing and Estimating Certain Claims for Voting Purposes; (VI) Scheduling a Confirmation Hearing; and (VII) Establishing Notice and Objection Procedures* [Docket No. 1072] (the “Solicitation Procedures Order”).

PLEASE TAKE FURTHER NOTICE that on June 6, 2017, the Bankruptcy Court held a hearing on confirmation of the Plan.

PLEASE TAKE FURTHER NOTICE that on June 8, 2017, the Bankruptcy Court entered the *Order Confirming Third Amended Joint Plans of Liquidation of the Debtors and the Official*

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Plan.

Committee of Unsecured Creditors under Chapter 11 of the Bankruptcy Code [Docket No. 1443] (the “Confirmation Order”).

PLEASE TAKE FURTHER NOTICE that on July 6, 2017, all conditions to the occurrence of the Effective Date set forth in the Plan and Confirmation Order were satisfied or waived in accordance therewith and the Effective Date of the Plan occurred.

PLEASE TAKE FURTHER NOTICE that any Claims created by the rejection of executory contracts or unexpired leases pursuant to Article VII.B of the Plan **must be filed with the Bankruptcy Court and served on the Debtors and the GUC Liquidating Trustee, no later than August 7, 2017.** Pursuant to the Plan and Confirmation Order, all executory contracts that existed between the Debtors and any person or entity immediately prior to the Confirmation Date were deemed rejected on the Effective Date except for any executory contracts or unexpired leases: (i) that were assumed or rejected pursuant to another order of the Bankruptcy Court, including without limitation the sale order entered prior to the Effective Date, or (ii) as to which a motion for approval of the assumption of such executory contract or unexpired lease has been filed and served prior to the Effective Date. Any Claims arising from the rejection of an executory contract or unexpired lease pursuant to Article VII.B of the Plan for which proofs of Claim are not timely filed within that time period will be forever barred from assertion against the Debtors, the Estates, the GUC Liquidating Trustee, their successors and assigns, and their assets and properties, unless otherwise ordered by the Bankruptcy Court or as otherwise provided in the Plan or Confirmation Order. All such Claims shall, as of the Effective Date, be subject to the permanent injunction set forth in Article IX.E of the Plan. Unless otherwise ordered by the Bankruptcy Court, all such Claims that are timely filed as provided herein shall be treated as General Unsecured Claims under the Plan and shall be subject to the provisions of Article III therein.

PLEASE TAKE FURTHER NOTICE that pursuant to Article II.A of the Plan and the Confirmation Order, **by 5:00 p.m., prevailing Central Time, on August 7, 2017,** any Person or Entity that seeks allowance of an Administrative Claim shall file with the Bankruptcy Court and serve on counsel for (i) the Debtors, (ii) the Creditors’ Committee, and (iii) the GUC Liquidating Trustee, any request for payment of an Administrative Claim arising after June 30, 2016. Requests for payment of an Administrative Claim must include at a minimum: (i) the name of the Holder seeking allowance of an Administrative Claim; (ii) the amount of the Administrative Claim sought; (iii) the basis asserted for allowance of the Administrative Claim; and (iv) all supporting documentation that justify allowance of the Administrative Claim asserted. The request for payment of an Administrative Claim will be timely filed only if it actually received by the above parties by 5:00 p.m., prevailing Central Time, on such date. Requests for payment of Administrative Claims may not be delivered by facsimiles, telecopy, or electronic mail transmission.

PLEASE TAKE FURTHER NOTICE that pursuant to Article II.D of the Plan, the deadline for submission by Professionals for Bankruptcy Court approval of Accrued Professional Compensation is **September 5, 2017.** Any Professional or other Person or Entity that is required to file and serve a request for approval of Accrued Professional Compensation that fails to file and serve a timely request will be forever barred, estopped, and enjoined from asserting any

request for payment of Accrued Professional Compensation or participating in Distributions under the Plan on account thereof.

PLEASE TAKE FURTHER NOTICE that any Person desiring to remain on the Debtors' Bankruptcy Rule 2002 service list shall be required to file a request for continued service and to serve such request upon counsel to the GUC Liquidating Trustee, Hogan Lovells US LLP, Attn: Ronald J. Silverman, 875 Third Avenue, New York, NY 10022. Parties who do not file a request for continued service shall be removed from the Debtors' Bankruptcy Rule 2002 service list upon the Effective Date and shall be served with pleadings only where they have a direct pecuniary interest in the relief sought by the pleading.

PLEASE TAKE FURTHER NOTICE that, pursuant to the terms of the Plan, as of the Effective Date, the GUC Liquidating Trust shall be administered pursuant to the terms and conditions provided in the GUC Liquidating Trust Agreement.

PLEASE TAKE FURTHER NOTICE that copies of the Plan and the Confirmation Order may be obtained by (i) accessing the Bankruptcy Court's website at <http://www.moeb.uscourts.gov/> (please note that a PACER password is needed to access documents on the Bankruptcy Court's website), (ii) contacting Prime Clerk, LLC at (855) 650-7243, or (iii) visiting the Debtors' case website: <https://cases.primeclerk.com/Abengoa/>.

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Dated: July 6, 2017
St. Louis, Missouri

Respectfully submitted,

ARMSTRONG TEASDALE LLP

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