



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: April 13, 2015.

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	(CHAPTER 11)
	§	
DUNE ENERGY, INC.	§	CASE NUMBER 15-10336
DUNE OPERATING COMPANY	§	CASE NUMBER 15-10337
DUNE PROPERTIES, INC.	§	CASE NUMBER 15-10338
	§	
DEBTORS.	§	(JOINTLY ADMINISTERED UNDER
	§	CASE NUMBER 15-10336)

ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER ESTABLISHING A SHORTENED BAR DATE FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF

On April 13, 2015, the Court conducted a hearing to consider the *Debtors' Motion for Entry of an Order Establishing a Shortened Bar Date for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof* (the "Motion") filed by the above-captioned debtors (the "Debtors").¹ The Motion requests the entry of an order pursuant to Sections 105, 501, and 1111(a) of the Bankruptcy Code and Bankruptcy Rules 2002(a)(7) and 3003(c)(3) establishing various bar dates and approving the form and manner of notice thereof. The Court finds that (i)

¹ Capitalized terms not otherwise defined herein or in the Motion shall have the meaning ascribed to them in the Bankruptcy Code and the Bankruptcy Rules.

it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Motion is in the best interests of the Debtors, their estates, and their creditors; (iv) proper and adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary; and (v) upon the record herein, after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein.

Therefore,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is hereby granted.
2. Except as otherwise provided in decretal paragraphs 3 through 5 below, June 5, 2015 at 4:00 p.m. Central Time is hereby established as the deadline (the “General Bar Date”) to file a proof of claim (a “Proof of Claim”) with respect to Claims asserted against the Debtors, including Claims under section 503(b)(9) of the Bankruptcy Code.²
3. The General Bar Date or thirty (30) days after a claimant is served with notice that the Debtors have amended their Schedules of Assets and Liabilities (the “Schedules”) is hereby established as the bar date for filing a Proof of Claim (the “Amended Schedules Bar Date”) with respect to any Claim that was amended by reducing the amount of such Claim, deleting such Claim, or otherwise changing the status of the Claim to disputed, contingent, and/or unliquidated.
4. Except as otherwise set forth in any order authorizing the rejection of an executory contract or unexpired lease, the later of the General Bar Date or thirty (30) days after the date any order is entered authorizing the rejection of an executory contract or unexpired lease

² For purposes of this Order, the term “Claim” shall have the meaning set forth in section 101(5) of the Bankruptcy Code.

is hereby established as the bar date for filing a Proof of Claim (the “Rejection Bar Date”) with respect to any Claim arising from the Debtors’ rejection of such executory contract or unexpired lease.

5. September 4, 2015 at 4:00 p.m. Central Time (the “Governmental Unit Bar Date”) is hereby established as the deadline for all governmental units (as defined in Section 101(27) of the Bankruptcy Code, the “Governmental Units”) to file a Proof of Claim.³

6. The Bar Dates shall apply to all Persons or Entities (each as defined in Sections 101(41) and 101(15) of the Bankruptcy Code) holding Claims against the Debtors (whether secured, priority or unsecured) that arose prior to the Petition Date, including but not limited to the following:

- a. Any Person or Entity whose Claim is listed as “disputed,” “contingent,” or “unliquidated” in the Debtors’ Schedules and that desires to assert a Claim against the Debtors that would entitle the claimant to vote on any Chapter 11 plan or participate in any distribution under such plan;
- b. Any Person or Entity who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to assert its Claim in a classification or amount other than as set forth in the Schedules; and
- c. Any Person or Entity whose Claim is not listed in the Debtors’ Schedules.

7. Proofs of Claim are not required to be filed at this time by any Person or Entity wishing to assert Claims against the Debtors of the types specifically identified below:

- a. Claims listed in the Debtors’ Schedules or any amendments thereto which are not therein listed as “contingent,” “unliquidated” or “disputed,” and which are not disputed by the creditor holding such Claim as to nature, amount, or classification;
- b. Claims on account of which a Proof of Claim has already been properly and timely filed;
- c. Claims previously allowed by, or paid pursuant to, an order of the Court;

³ The General Bar Date, the Amended Schedules Bar Date, the Rejection Bar Date, and the Governmental Unit Bar Date are collectively referred to hereinafter as the “Bar Dates.”

- d. Claims allowable under Sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of the Debtors' chapter 11 cases, other than Claims under section 503(b)(9) of the Bankruptcy Code.

8. The Debtors shall retain the right to: (a) dispute, contest, setoff, recoup, and assert any defenses, counterclaims or subordination against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification, or otherwise; or (b) subsequently designate any Claim as disputed, contingent, or unliquidated.

9. With respect to parties asserting liens and/or security interests against the Debtors' properties, such parties must provide evidence with their Proofs of Claim substantiating such lien or security interest and set forth in the Proof of Claim the first date upon which such lien or security interest attached.

10. Pursuant to Bankruptcy Rule 3003(c)(2), any Person or Entity that is required to file a Proof of Claim but fails to do so in a timely manner shall be forever barred, estopped, and enjoined from: (a) asserting any Claim against the Debtors that (i) is in an amount that exceeds the amount, if any, that is set forth in the Schedules, or (ii) is of a different nature or in a different classification (any such Claim referred to as an "Unscheduled Claim"); and (b) voting upon, or receiving distributions under, any plan or plans in these chapter 11 cases in respect of an Unscheduled Claim.

11. The Proof of Claim form substantially in the form attached hereto as **Exhibit A** and the form of notice of the Bar Date (the "Bar Date Notice") substantially in the form attached to the Motion as **Exhibit B** are hereby approved. The Debtors are authorized to revise the Bar Date Notice as necessary to correct typographical errors or make other non-substantive changes, without further order of the Court.

12. The Debtors shall cause the Bar Date Notice and the Proof of Claim Form to be mailed at least thirty (30) calendar days prior to the General Bar Date to all known Persons and

Entities holding Claims for whom the Debtors have a deliverable address, by first class United States mail, postage prepaid, and such other method as the Debtors deem appropriate.

13. In accordance with Bankruptcy Rule 2002(a)(7), service of the Bar Date Notice in the manner set forth above shall be deemed good and sufficient notice of the Bar Dates to the Debtors' creditors.

14. All Persons and Entities holding or wishing to assert Claims against the Debtors are required to file a separate, completed and executed Proof of Claim so that the Proof of Claim is actually received on or before the applicable Bar Date by the Debtors' Claims and Noticing Agent, Prime Clerk LLC (the "Claims Agent") via electronic filing at <https://cases.primeclerk.com/duneenergy/EPOC-Index> or by courier service, hand delivery or mail at the following address:

Dune Energy, Inc. Claims Processing Center
c/o Prime Clerk LLC
830 3rd Avenue, 9th Floor
New York, NY 10022

15. Proofs of Claim shall be deemed filed only when actually received by the Claims Agent, and must contain the signature of the creditor or the creditor's authorized representative. Claims submitted by facsimile will not be allowed. If a creditor wishes to receive acknowledgment of receipt of its Proof of Claim, such creditor must provide in addition to the original Proof of Claim Form, one extra copy of such form along with a self-addressed, stamped return envelope.

16. This Order applies to all Claims, of whatever character, against or in the Debtors or their assets, whether secured or unsecured, priority or nonpriority, liquidated or unliquidated, fixed or contingent.

17. All Creditors that desire to rely on the Schedules with respect to filing a Proof of Claim in the Debtors' chapter 11 cases are solely responsible for determining that their Claims are accurately listed therein.

18. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

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Exhibit A

Proof of Claim Form

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Check this box if you have a claim arising from the value of any goods received by the Debtor 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

7. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

8. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

9. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

****DEFINITIONS****

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

****INFORMATION****

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access Prime Clerk's website at <http://cases.primeclerk.com/duneenergy> to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

Dune Energy, Inc. Claims Processing Center
c/o Prime Clerk LLC
830 3rd Ave, 9th Floor
New York, NY 10022