

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO
PROBATE DIVISION

IN THE MATTER OF: : Case No. 2024TRS00006
:
Mike-sell's Potato Chip Co. :
:
: Judge David Brannon
:

**NOTICE OF ENTRY OF BAR DATE ORDER
ESTABLISHING MONDAY, NOVEMBER 6, 2024, AT 4:00 P.M.
EASTERN STANDARD TIME AS THE DATE AND TIME FOR PROVIDING
PROOFS OF CLAIM ("BAR DATE NOTICE")**

PLEASE TAKE NOTICE THAT ON June 17, 2024, the Montgomery County, Ohio Probate Court (the Court) entered an order in the above-captioned Assignment for the Benefit of Creditors (the "Bar Date Order") requiring that any and all claims (as defined herein) other than Excluded Claims (as defined herein) against the Assignor in the above-captioned Assignment for the Benefit of Creditors, that arose before or after April 15, 2024, (the "Assignment Date"), must be asserted against the Assignor, such Claims to include each and every valid Claim, whether in the nature of a general unsecured, priority or secured Claim, on or before 4:00 p.m. (Eastern Standard Time) on November 6, 2024. (the "Bar Date"). All proofs of claims must (i) be denominated in lawful currency of the United States as of the Assignment Date; (ii) provide the information requested by the attached Claim Form; and (iii) be received by Mike-sell's ABC LLC on or before the Bar Date.

SUCH PROOFS OF CLAIM WILL BE DEEMED SENT ONLY WHEN ACTUALLY RECEIVED.

PLEASE TAKE FURTHER NOTICE THAT for purposes of this Notice, "Claim" shall mean (a) the right to payment, whether or not such right is reduced to judgment, liquidated,

unliquidated, fixed, contingent, matured, unmatured, disputed, legal, equitable, secured or unsecured; and/or (b) the 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.

PLEASE TAKE FURTHER NOTICE THAT, any claim that is not asserted by a timely proof of claim in the form and manner directed by the Bar Date Order on or before Bar Date shall be forever barred, and the holder of such Claim shall be restrained and enjoined from (a) asserting Claims that such person or entity possesses against the Assignor and their respective estates, and Assignor and their respective estates shall be forever discharged from any and all indebtedness or liability with respect to such claims; (b) being treated as a creditor for the purposes of receiving distributions from the Assignor's liquidation, except that holders of the following Claims (the "Excluded Claims") need not provide proofs of claim by the Bar Date:

- a. Claims that have already been paid and satisfied in full by the Assignee;
- b. Claims that have been previously administered pursuant to an order of this Court entered on or before the Bar Date.

PLEASE FURTHER TAKE NOTICE THAT nothing set forth herein shall be deemed to preclude the Assignee from objecting to any Claim on any ground. The assertion of a proof of Claim against the Assignee does not constitute the acceptance of such Claim by the Assignee.

ANY CLAIM REQUIRED TO BE ASSERTED, WHICH IS NOT ASSERTED BY A PROOF OF CLAIM BY THE BAR DATE, SHALL BE FOREVER BARRED, AND ITS HOLDER ESTOPPED AND ENJOINED FROM ASSERTING ANY CLAIM AGAINST THE ASSIGNOR OR ITS ESTATE; AND SHALL BE FOREVER BARRED AND ITS HOLDER ESTOPPED; AND SHALL BE FURTHER BARRED, AND ITS HOLDER

**ESTOPPED, AND ENJOINED FROM BEING TREATED AS A CREDITOR FOR
PURPOSES OF PARTICIPATING IN ANY DISTRIBUTION UNDER ANY PLAN OF
LIQUIDATION THAT MAY BE CONFIRMED.**

A copy of the Bar Date Order is attached hereto.

Respectfully submitted,

/s/ A.J. Webb

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Attorneys for Mike-sell's ABC LLC

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
PROBATE DIVISION**

IN THE MATTER OF

CASE NO. 2024 TRS 00006

TRUSTEESHIP OF

Related Case No. 2024 TRS 00005

MIKE-SELLS POTATO CHIP CO.

JUDGE DAVID D. BRANNON

**ENTRY / ORDER
APPROVING MOTION TO
ESTABLISH CLAIMS BAR DATE
and
SETTING STATUTORY
REPORTING DEADLINES**

Upon consideration of the Motion (the “Motion”) (“filed May 16, 2024) of the Assignee Mike-sell’s ABC LLC, for an order establishing November 6, 2024 at 4:00 p.m. (Eastern Standard Time) as the Bar Date for receipt of any and all Claims by the Assignee that arose or are deemed to have arisen pre- or post-Assignment Date, and approving the form, manner and sufficiency of notice of the Bar Date and it appearing that due and sufficient notice of the Motion was given; and after due deliberation and cause appearing therefor, the Court finds the Motion well taken and is GRANTED.

IT IS ORDERED, ADJUDGED AND DECREED that:

1. NOVEMBER 6, 2024 at 4:00pm (EST) is hereby established as the deadline for the provision of any and all Claims against the Assignor’s estate (the “Bar Date”);
2. Assignee shall give a notice of the Bar Date by transmitting to known creditors by first class mail with postage prepaid no later than three business days after the entry of this order, the Bar Date Notice annexed as Exhibit E, to the Motion;
3. the form of the Claim Form is hereby approved;

4. Any Claim that is not asserted by a timely proof of claim against or interest in the Assignor on or before the Bar Date, may be forever barred, and the holder of such Claim may be restrained and enjoined from asserting its claim against the Assignor, its estate, and successors and/or assigns to the Assignor and/or any purchaser of assets from the Assignor or its estate.

IT IS FURTHER ORDERED that the following shall serve as deadlines for administration:

- A. Proof of Claim Bar Date {R.C. 1313.39} - NOVEMBER 6, 2024
B. Report of Claims by Assignee {R.C. 1313.40} - NOVEMBER 20, 2024
C. Final Account to be filed by Assignee {R.C. 1313.45} - JANUARY 10, 2025

This matter shall proceed in accordance with the deadlines and orders as set forth above, subject to any further proceedings that may be brought before the Court by any interested party.

IT IS SO ORDERED,

HON. DAVID D. BRANNON, JUDGE

CERTIFICATE OF SERVICE

This Notice is electronically filed via the Probate Court's e-Filing system. The system will post a record of the filing and will be deemed served to the e-Filing Notification account of the following case participants on the date of journalization upon the docket:

A.J. WEBB, ESQ.
JOY D. KLEISINGER, ESQ.
Frost Brown Todd LLP
Email: awebb@fbtlaw.com
jkleisinger@fbtlaw.com
Counsel for Assignee, Mike-Sell's ABC LLC

I certify that a true copy of the foregoing is served upon the following via ordinary U.S. mail on or within three (3) business days of the date as file-stamped herein by placement of such into the repository for U.S. mail collection located at the Clerk of Courts office of the Montgomery County Ohio Probate Court:

No other interested persons or entities have entered an appearance.

By: /s/ Bradley Swillinger
Staff Attorney, Montgomery County Probate Court
Email: swillingerb@mcOhio.org



Case Title: THE TRUSTEESHIP OF . MIKE-SELLS POTATO CHIP CO.

Case Number: 2024TRS00006

Type: ORDER

Judge David D. Brannon

A handwritten signature in black ink, appearing to read "David D. Brannon", followed by a horizontal line.