

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**In re:**

**XINERGY LTD., *et al.*,**

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No. 15-70444 (PMB)**

**(Jointly Administered)**

**NOTICE OF DEADLINE REQUIRING FILING OF PROOFS OF CLAIM  
AND PROOFS OF INTEREST BY THE GENERAL BAR DATE,  
GOVERNMENTAL UNIT BAR DATE AND REJECTION BAR DATE**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST XINERGY LTD. AND ITS  
AFFILIATED DEBTORS AND DEBTORS IN POSSESSION:**

On April 6, 2015, (the "Petition Date"), Xinergy Ltd.; Xinergy Corp.; Xinergy Finance (US), Inc.; Pinnacle Insurance Group LLC; Xinergy of West Virginia, Inc.; Xinergy Straight Creek, Inc.; Xinergy Sales, Inc.; Xinergy Land, Inc.; Middle Fork Mining, Inc.; Big Run Mining, Inc.; Xinergy of Virginia, Inc.; South Fork Coal Company, LLC; Sewell Mountain Coal Co., LLC; Whitewater Contracting, LLC; Whitewater Resources, LLC; Shenandoah Energy, LLC; High MAF, LLC; Wise Loading Services, LLC; Strata Fuels, LLC; True Energy, LLC; Raven Crest Mining, LLC; Brier Creek Coal Company, LLC; Bull Creek Processing Company, LLC; Raven Crest Minerals, LLC; Raven Crest Leasing, LLC; and Raven Crest Contracting, LLC (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of title 11 of the United States Bankruptcy Court (as amended, the "Bankruptcy Code") in the United States Bankruptcy Court for the Western District of Virginia, Roanoke Division (the "Court").

By Order of this Court entered on June 8, 2015 (the "Bar Date Order"), the Court entered an order establishing certain deadlines to file proofs of claim against the Debtors and proofs of equity interest in Xinergy Ltd.

**General Bar Date**

Pursuant to the Bar Date Order, the last date and time for filing proofs of claim or proofs of interest for any claim against one or more of the Debtors, including without limitation any claim under Bankruptcy Code section 503(b)(9) for goods delivered to a Debtor within twenty (20) days before the Petition Date, or any interest in Xinergy Ltd. that arose prior to the Petition Date (any such claim, a "Prepetition Claim"; and any such interest, a "Prepetition Interest") is **July 31, 2015 at 4:00 p.m. (prevailing Eastern Time)** (the "General Bar Date").

**For the avoidance of doubt, you MUST file a proof of claim or proof of interest by the General Bar Date if you have a claim or interest that arose on or before the Petition Date, and it is not an Excluded Prepetition Claim (as defined below) or Excluded Prepetition Interest (defined below) or subject to the Governmental Unit Bar Date (defined below) or Rejection Bar Date (defined below).** Acts or omissions of the Debtors that arose on or before the Petition Date may give rise to claims against the Debtors notwithstanding that such claims may not have matured or become fixed or liquidated prior to such

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<sup>1</sup> The Debtors, along with the last four digits of each Debtor's federal tax identification number, are listed on Schedule 1 attached hereto.

date. Under section 101(5) of the Bankruptcy Code as used herein, the word “claim” means (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or (b) 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. Under section 101(16) of the Bankruptcy Code as used herein, the word “equity security” means (a) a share in a corporation, whether or not transferable or denominated “stock”, or similar security; (b) an interest of a limited partner in a limited partnership; or (c) a warrant or right, other than the right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (a) or (b) above.

In addition to entities holding claims subject to the Governmental Unit Bar Date or the Rejection Bar Date, the following entities do not need to file proofs of claim by the General Bar Date:

- (a) any entity that has already properly filed with the Claims Docketing Center (as defined below) a proof of claim against one or more of the Debtors or proof of interest in Xinergy Ltd. for which no other or additional amounts, claims, or interests are sought;
- (b) any entity (i) whose Prepetition Claim is not listed as “disputed,” “contingent,” or “unliquidated” in the Debtors’ schedules of assets and liabilities (the “Schedules”)<sup>2</sup>, (ii) that agrees with the nature, classification, and amount of such Prepetition Claim set forth in the Schedules, and (iii) such entity does not dispute that its Prepetition Claim is an obligation of only the specific Debtor against which the Prepetition Claim is listed in the Schedules;
- (c) any entity (i) whose Prepetition Interest is listed in the Schedules, and (ii) that agrees with the nature, classification, and amount of such Prepetition Interest set forth in the Schedules;
- (d) any entity whose Prepetition Claim (including any Prepetition Claim listed in the Debtors’ Schedules) has been allowed previously by, or paid pursuant to, an order of the Court;
- (e) any of the Debtors that hold Prepetition Claims against one or more of the other Debtors;
- (f) any entity that asserts an administrative expense claim against the Debtors pursuant to section 503(b) of the Bankruptcy Code, unless such claim is pursuant to Bankruptcy Code section 503(b)(9) on account of goods delivered to the Debtors during the twenty (20) days prior to the Petition Date; and
- (g) any person or entity that holds a claim under that certain Credit Agreement dated as of December 21, 2012 (as amended, supplemented or otherwise modified from time to time) among Xinergy Corp., as borrower, Xinergy Ltd., as parent, other guarantors party thereto and the lenders party thereto; and
- (h) any person or entity whose claim is limited exclusively to the repayment of principal, interest and other fees and expenses under or in connection with that certain Indenture, dated as of May 6, 2011, by and among Xinergy Corp., as issuer, the guarantors listed therein and Wells Fargo Bank, National Association, as trustee and collateral trustee, for the 9.25% senior secured notes due 2019, as thereafter amended, supplemented or modified from time to time.

The foregoing claims are collectively referred to herein as the “Excluded Prepetition Claims” and the foregoing interests are collectively referred to herein as the “Excluded Prepetition Interests.”

#### **Governmental Unit Bar Date**

Any governmental unit holding claims against the Debtors that arose prior to the Petition Date is required to file proofs of claim on or before **September 23, 2015 at 4:00 p.m. (prevailing Eastern**

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<sup>2</sup> Pursuant to an order of the Court dated April 8, 2015 [Doc. No. 61], each of the Debtors is required to file their respective Schedules on or before June 19, 2015.

**Time)** (the “Governmental Unit Bar Date”). The Governmental Unit Bar Date would 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, whether such claims arise from petition tax years or prepetition transactions to which the Debtors were a party.

### **Rejection Bar Date**

If you wish to submit a rejection damages claim arising from the Debtors’ rejection of an executory contract or unexpired lease during these chapter 11 cases, such proof of claim must be filed by the later of (a) the General Bar Date or (b) thirty (30) days after the effective date of rejection of such executory contract or unexpired lease as provided by an order of this Court or pursuant to a notice under procedures approved by this Court (the “Rejection Bar Date”); together with the General Bar Date and the Governmental Unit Bar Date, the “Bar Dates”). Any other claims arising before the Petition Date with respect to any leases or contracts of the Debtors must be filed by the General Bar Date.

### **FAILURE TO FILE PROOFS OF CLAIMS OR PROOFS OF INTEREST**

**EXCEPT WITH RESPECT TO EXCLUDED PREPETITION CLAIMS AND THE EXCLUDED PREPETITION INTERESTS, ANY ENTITY THAT IS REQUIRED TO FILE A PROOF OF CLAIM FOR ANY PREPETITION CLAIM OR PROOF OF INTEREST FOR ANY PREPETITION INTEREST THAT SUCH ENTITY HOLDS OR WISHES TO ASSERT AGAINST A DEBTOR, BUT FAILS TO DO SO BY THE APPLICABLE BAR DATE DESCRIBED IN THIS NOTICE WILL BE FOREVER BARRED, ESTOPPED AND ENJOINED FROM ASSERTING SUCH PREPETITION CLAIM (OR FILING A PROOF OF CLAIM WITH RESPECT TO SUCH PREPETITION CLAIM) OR SUCH PREPETITION INTEREST (OR FILING A PROOF OF INTEREST WITH RESPECT TO SUCH PREPETITION INTEREST) AGAINST THE DEBTORS, AND THE DEBTORS AND THEIR PROPERTY WILL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH PREPETITION CLAIM OR SUCH PREPETITION INTEREST, AS APPLICABLE, AND SUCH ENTITY SHALL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PARTICIPATE IN ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF SUCH PREPETITION CLAIM OR SUCH PREPETITION INTEREST, OR TO RECEIVE FURTHER NOTICES REGARDING SUCH PREPETITION CLAIM OR SUCH PREPETITION INTEREST.**

**YOU SHOULD NOT FILE A PROOF OF CLAIM OR A PROOF OF INTEREST IF YOU DO NOT HAVE A CLAIM AGAINST OR EQUITY SECURITY INTEREST IN A DEBTOR. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR EQUITY SECURITY INTEREST OR THAT THE DEBTORS OR THE COURT BELIEVE THAT YOU HAVE A CLAIM OR EQUITY SECURITY INTEREST.**

### **Procedures Generally Applicable to the Filing of Proofs of Claim and Proofs of Interest**

Except as provided herein, proofs of claim and proofs of interest must be filed so as to be received on or before the applicable Bar Date. A proof of claim or a proof of interest will be deemed timely filed only if the original proof of claim or proof of interest is mailed or delivered by hand, courier or overnight service so as to be actually received at the following addresses (the “Claims Docketing Center”) on or before the applicable Bar Date:

**If via U.S. mail:**

Xinergy Ltd.. Claims Center

**If via delivery by hand, courier, or overnight service:**

Xinergy Ltd. Claims Center

c/o American Legal Claim Services, LLC  
P.O. Box 23650  
Jacksonville, FL 32241-3650

c/o American Legal Claim Services, LLC  
5985 Richard St., STE3  
Jacksonville, FL 32216

Proofs of claim or proofs of interest may not be sent by facsimile, telecopy or other electronic means.

All entities asserting claims against more than one Debtor are required to file a separate proof of claim with respect to each such Debtor.

If you file a proof of claim or proof of interest, your filed proof of claim or proof of interest must (a) be written in the English language, (b) be denominated in lawful currency of the United States, (c) comply substantially with the enclosed proof of claim form or proof of interest form, as applicable, (d) attach copies of any writings upon which your asserted Prepetition Claim or Prepetition Interest is based, and (e) be signed by the claimant or by an authorized agent of the claimant or the equity security holder or by an authorized agent of the equity security holder, as applicable. If a proof of claim form or proof of interest form is not enclosed herewith, you may obtain a proof of claim form or proof of interest form by written request to American Legal Claim Services, LLC (“ALCS”) sent to the appropriate address set forth above or at the website maintained for these cases by ALCS at the address [www.americanlegalclaims.com/xinergy](http://www.americanlegalclaims.com/xinergy). Additionally, you may obtain a proof of claim form or proof of interest form from any bankruptcy court clerk's office, from your lawyer or from certain business supply stores.

Copies of the Schedules and the Bar Date Order are available and may be examined by interested parties (i) at the website maintained for these cases by ALCS at the address [www.americanlegalclaims.com/xinergy](http://www.americanlegalclaims.com/xinergy), (ii) at the office of the Clerk of the Court, 200 Church Avenue, Roanoke, VA 24011, between the hours of 8:00 a.m. and 3:00 p.m. (prevailing Eastern Time), or (iii) on the Court’s electronic docket of these cases at the address [www.vawb.uscourts.gov](http://www.vawb.uscourts.gov).

If you have any questions regarding the filing, amount, nature or processing of a proof of claim or proof of interest, please call Justin F. Paget or Henry (Toby) P. Long, III, Esq., at (804) 788-8200. YOU SHOULD CONSULT YOUR ATTORNEY REGARDING ANY OTHER INQUIRIES, SUCH AS WHETHER YOU SHOULD FILE A PROOF OF CLAIM OR PROOF OF INTEREST. **DO NOT ATTEMPT TO CONTACT THE COURT FOR ADVICE.**

Dated: June 8, 2015

Roanoke, Virginia

**BY ORDER OF THE UNITED STATES BANKRUPTCY COURT**

## SCHEDULE 1

### Debtor Entities

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| 1. Xinergy Ltd. (3697)                   | 14. Whitewater Contracting, LLC (7740)        |
| 2. Xinergy Corp. (3865)                  | 15. Whitewater Resources, LLC (9929)          |
| 3. Xinergy Finance (US), Inc. (5692)     | 16. Shenandoah Energy, LLC (6770)             |
| 4. Pinnacle Insurance Group LLC (6851)   | 17. High MAF, LLC (5418)                      |
| 5. Xinergy of West Virginia, Inc. (2401) | 18. Wise Loading Services, LLC (7154)         |
| 6. Xinergy Straight Creek, Inc. (0071)   | 19. Strata Fuels, LLC (1559)                  |
| 7. Xinergy Sales, Inc. (8180)            | 20. True Energy, LLC (2894)                   |
| 8. Xinergy Land, Inc. (8121)             | 21. Raven Crest Mining, LLC (0122)            |
| 9. Middle Fork Mining, Inc. (1593)       | 22. Brier Creek Coal Company, LLC (9999)      |
| 10. Big Run Mining, Inc. (1585)          | 23. Bull Creek Processing Company, LLC (0894) |
| 11. Xinergy of Virginia, Inc. (8046)     | 24. Raven Crest Minerals, LLC (7746)          |
| 12. South Fork Coal Company, LLC (3113)  | 25. Raven Crest Leasing, LLC (7844)           |
| 13. Sewell Mountain Coal Co., LLC (9737) | 26. Raven Crest Contracting, LLC (7796)       |