

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 11

ALPHA DINER CORP.,

Case No. 16-40648 (ESS

Debtor.  
-----X

**DISCLOSURE STATEMENT FOR**  
**DEBTOR'S PLAN OF REORGANIZATION**

**THIS DISCLOSURE STATEMENT CONTAINS INFORMATION THAT MAY AFFECT CREDITORS' DECISIONS TO ACCEPT OR REJECT THE PLAN OF REORGANIZATION ANNEXED HERETO AS EXHIBIT A. ALL CREDITORS ARE URGED TO READ THIS DISCLOSURE STATEMENT CAREFULLY. ALL CAPITALIZED TERMS CONTAINED IN THIS DISCLOSURE STATEMENT SHALL HAVE THE SAME MEANING AS CAPITALIZED TERMS CONTAINED IN THE PLAN OF REORGANIZATION.**

**THIS IS NOT A SOLICITATION OF ACCEPTANCE OR REJECTION OF THE PLAN. ACCEPTANCES OR REJECTIONS MAY NOT BE SOLICITED UNTIL A DISCLOSURE STATEMENT HAS BEEN APPROVED BY THE BANKRUPTCY COURT. THIS DISCLOSURE STATEMENT IS BEING SUBMITTED FOR APPROVAL BUT HAS NOT BEEN APPROVED BY THE COURT.**

**COURT APPROVAL OF THE DISCLOSURE STATEMENT DOES NOT CONSTITUTE COURT APPROVAL OF THE TERMS OF THE PLAN.**

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ATTORNEYS FOR THE DEBTOR

## I. INTRODUCTION

This is the disclosure statement (the “Disclosure Statement”) pursuant to 1125 of title 1, United States Code (the “Bankruptcy Code”) in the small business chapter 11 case of Alpha Diner Corp. (the “Debtor”). This Disclosure Statement contains information about the Debtor and describes the Third Amended Plan of Reorganization (the “Plan”) filed by the Debtor on June 24, 2015. A full copy of the Plan is attached to this Disclosure Statement as Exhibit A.

***Your rights may be affected. You should read the Plan and this Disclosure Statement carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.***

### A. Purpose of This Document

This Disclosure Statement describes:

- The Debtor and significant events during the bankruptcy case,
- How the Plan proposes to treat claims or equity interests of the type you hold (*i.e.*, what you will receive on your claim or equity interest if the plan is confirmed),
- Who can vote on or object to the Plan,
- What factors the Bankruptcy Court (the “Court”) will consider when deciding whether to confirm the Plan,
- Why the Debtor believes the Plan is feasible, and how the treatment of your claim or equity interest under the Plan compares to what you would receive on your claim or equity interest in liquidation, and
- The effect of confirmation of the Plan.

Be sure to read the Plan as well as the Disclosure Statement. This Disclosure Statement describes the Plan, but it is the Plan itself that will, if confirmed, establish your rights.

### B. Deadlines for Voting and Objecting; Date of Plan Confirmation Hearing

The Court has not yet confirmed the Plan described in this Disclosure Statement. This section describes the procedures pursuant to which the Plan will or will not be confirmed.

1. *Time and Place of the Hearing to Confirm the Plan.*

The hearing at which the Court will determine whether to confirm the Plan will take place before the Honorable Elizabeth S. Stong on October \_\_, 2016 , at \_\_\_\_\_, in Courtroom 3585, at the U.S. Bankruptcy Court, Eastern District of N.Y., Conrad B. Duberstein U.S. Courthouse, 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201.

2. *Deadline for Voting to Accept or Reject the Plan.*

If you are entitled to vote to accept or reject the plan, vote on the enclosed ballot and return the ballot in the enclosed envelope to Morrison Tenenbaum PLLC, 87 Walker Street, Floor 2, New York, New York 10013, Attn: Lawrence F. Morrison, Esq. See section IV.A. below for a discussion of voting eligibility requirements.

Your ballot must be received by 5:00 p.m. on October \_\_, 2016 or it will not be counted.

3. *Deadline For Objecting to the Confirmation of the Plan*

Objections to the confirmation of the Plan must be filed with the Court and served upon Morrison Tenenbaum PLLC, 87 Walker Street, Floor 2, New York, New York 10013, Attn: Lawrence F. Morrison, Esq. by October \_\_, 2016.

4. *Identity of Person to Contact for More Information*

If you want additional information about the Plan, you should contact Lawrence F. Morrison, Esq., Morrison Tenenbaum PLLC, 87 Walker Street, Floor 2, New York, New York 10013, Tel. (212) 620-0938, email: lmorrison@m-t-law.com.

### **C. Disclaimer**

*The Court has approved this Disclosure Statement as containing adequate information to enable parties affected by the Plan to make an informed judgment about its terms. The Court has not yet determined whether the Plan meets the legal requirements for confirmation, and the fact that the Court has approved this Disclosure Statement does not constitute an endorsement of the Plan by the Court, or a recommendation that it be accepted.*

## **II. BACKGROUND**

### **A. Description and History of the Debtor's Business**

The Debtor is a corporation. The Debtor operates a diner located at 105-45 Crossbay Boulevard, Ozone Park, New York.

### **B. Insiders of the Debtor/Management of the Debtor Before and During the Bankruptcy**

The Debtor has been owned and managed by Dimitrios Athanasopoulos since its inception. Mr. Athanasopoulos receives compensation at the rate of \$60,000.00 per annum.

After the effective date of the order confirming the Plan, the Debtor will be continue to be owned and managed by Dimitrios Athanasopoulos as further described below.

### **C. Events Leading to Chapter 11 Filing**

Prior to the bankruptcy filing, a group of plaintiffs filed a class action wage claim against the Debtor seeking damages in excess of \$9,000,000. The Debtor filed chapter 11 to stabilize operations, remain in business, and to develop a plan to repay creditors.

#### **D. Significant Events During the Bankruptcy Case**

The Debtor filed a voluntary petition under chapter 11 of the Bankruptcy Code on February 19, 2016. By order entered April 13, 2016, the Debtor was authorized to retain Morrison Tenenbaum PLLC as its chapter 11 counsel.

A committee of unsecured creditors has not been appointed in this case.

The Debtor filed an application to retain Spyro Kekatos & Associates as accountant to the Debtor.

The Debtor filed its monthly operating reports throughout this chapter 11 case. The Debtor has used the breathing spell provided by chapter 11 to stabilize operations and employees, reduce expenses, and focus on obtaining new business. The operating reports demonstrate that the Debtor is cash flow positive and will be able to make the plan payments as projected.

#### **E. Projected Recovery of Avoidable Transfers**

The Debtor has not yet completed its investigation with regard to prepetition transactions. If you received a payment or other transfer within 90 days of the bankruptcy, or other transfer avoidable under the Code, the Debtor may seek to avoid such transfer. At this time, based upon the 90 day payment schedule filed with the Statement of Financial Affairs, the Debtor does not anticipate pursuing any preference or fraudulent conveyance claims.

#### **F. Claims Objections**

Except to the extent that a claim is already allowed pursuant to a final non-appealable order, the Debtor reserves the right to object to claims. Therefore, even if your claim is allowed for voting purposes, you may not be entitled to a distribution if an objection to your

claim is later upheld. The procedures for resolving disputed claims are set forth in Article V of the Plan.

### **G. Current and Historical Financial Conditions**

A liquidation analysis containing a summary of the estate's current assets is annexed as Exhibit B.

Projections of cash flow and earnings over the first 5 years of the debtor's plan is annexed as Exhibit C.

## **III. SUMMARY OF THE PLAN OF REORGANIZATION AND TREATMENT OF CLAIMS AND EQUITY INTERESTS**

### **A. What is the Purpose of the Plan of Reorganization?**

As required by the Code, the Plan places claims and equity interests in various classes and describes the treatment each class will receive. The Plan also states whether each class of claims or equity interests is impaired or unimpaired. If the Plan is confirmed, your recovery will be limited to the amount provided by the Plan.

### **B. Unclassified Claims**

Certain types of claims are automatically entitled to specific treatment under the Code. They are not considered impaired, and holders of such claims do not vote on the Plan. They may, however, object if, in their view, their treatment under the Plan does not comply with that required by the Code. As such, the Plan Proponent has not placed the following claims in any class:

#### *1. Administrative Expenses*

Administrative expenses are costs or expenses of administering the Debtor's chapter 11 case which are allowed under § 507(a)(2) of the Code. Administrative expenses also include the value of any goods sold to the Debtor in the ordinary course of business and received within 20 days before the date of the bankruptcy petition. (No administrative claims have been filed for goods/services received within 20 days before the date of the bankruptcy petition). The Code requires that all administrative expenses be paid on the effective date of the Plan, unless a particular claimant agrees to a different treatment.

## 2. *Statutory Fees*

Statutory fees, and any applicable interest thereon, are all fees payable pursuant to chapter 123 of title 28, United States Code, including, but not limited to, all fees required to be paid by 28 U.S.C. § 1930(a)(6) and interest, if any, required to be paid by 31 U.S.C. § 3717 (collectively, "U.S. Trustee Fees"). U.S. Trustee Fees will accrue and be timely paid until the Case is closed, dismissed, or converted to another chapter of the Bankruptcy Code. Any U.S. Trustee Fees owed on or before the Effective Date of this Plan will be paid in full on the Effective Date of the Plan. The Debtor shall remain responsible for any and all U.S. Trustee fees that become due and shall pay same on a timely basis.

The following chart lists the Debtor's estimated administrative expenses and their proposed treatment under the Plan:

<b>Type</b>	<b>Estimated Amount Owed</b>	<b>Proposed Treatment</b>
Expenses Arising in the Ordinary Course of Business After the Petition Date	\$0.00	The Debtor is current with post-petition trade creditors

Professional Fees, as approved by the Court.	\$35,000.00	Paid in full on the effective date of the Plan, or according to separate written agreement, or according to court order if such fees have not been approved by the Court on the effective date of the Plan
Clerk's Office Fees	\$0.00	Paid in full on the effective date of the Plan
Other administrative expenses	\$0.00	Paid in full on the effective date of the Plan or according to separate written agreement
Office of the U.S. Trustee Fees	\$0.00 <sup>1</sup>	Paid in full on the effective date of the Plan

1. *Class 1 – Priority Unsecured Claims*

Certain priority claims that are referred to in §§ 507(a)(1), (4), (5), (6), and (7) of the Code are required to be placed in classes. The Code requires that each holder of such a claim receive cash on the effective date of the Plan equal to the allowed amount of such claim.

However, a class of holders of such claims may vote to accept different treatment. Priority tax claims are unsecured income, employment, and other taxes described by § 507(a)(8) of the Code. Unless the holder of such a § 507(a)(8) priority tax claim agrees otherwise, it must receive the present value of such claim, in regular installments paid over a period not exceeding 5 years from the order of relief.

The Debtor proposes to pay priority creditors in full over a period not exceeding 5 years from the order of relief. The following chart lists all classes containing claims under §§ 507(a)(1), (4), (5), (6), (7) and (a)(8) of the Code and their proposed treatment under the Plan:

<b>Claimant</b>	<b>Description</b>	<b>Impairment</b>	<b>Treatment</b>
New York State Department of	\$unknown	Impaired	Paid in full over a period not exceeding 5 years from the

<sup>1</sup> Any outstanding fees owed to the U.S. Trustee will be paid prior to the confirmation hearing.



Labor			order of relief
Internal Revenue Service	\$33,561.02	Impaired	Paid in full over a period not exceeding 5 years from the order of relief
NYS Dept. of Labor	\$1,061.06	Impaired	Paid in full over a period not exceeding 5 years from the order of relief
New York State Dept. of Taxation and Finance	\$3,464.11	Impaired	Paid in full over a period not exceeding 5 years from the order of relief
Total:	\$38,086.19		

## 2. *Class 3 - General Unsecured Claims*

General unsecured claims are not secured by property of the estate and are not entitled to priority under § 507(a) of the Code. Filed and/or scheduled general unsecured claims include (1) scheduled trade creditors in the amount of total \$16,026.22 and (2) a class action wage claim, disputed by the Debtor, filed in the amount of \$9,625,459.39.

Under the Plan, the Debtor will make distributions to unsecured creditors over a 5 year period. The Debtor shall make monthly payments, to a segregated interest bearing bank account, in the amount of \$5,000.00 per month for 5 years, for an aggregate amount of \$300,000.00. Distributions shall issue to class 3 creditors every 6 months during the 5 year plan, with the first distribution checks to issue beginning 6 months after the effective date of the plan. The distribution to unsecured creditors is difficult to estimate because of the contingent nature of the wage claim. In the event the wage claim is allowed as filed, creditors will receive a 3% distribution.

There are no other entities that have a security interest in any of the assets of the Debtor.

The following chart identifies the Plan's proposed treatment of Class 3 which contains general unsecured claims against the Debtor:

<b>Claim Totals</b>	<b>Description</b>	<b>Impairment</b>	<b>Treatment</b>
\$9,625,459.39	General Unsecured Class	Impaired	Bi-annual payments begin 6 months after the effective date of the plan and end after 10 payments. Estimated percent of claim paid: 3%

### 3. *Class 4 -- Equity Interest Holders*

Equity interest holders are parties who hold an ownership interest (*i.e.*, equity interest) in the Debtor. In a corporation, entities holding preferred or common stock are equity interest holders. In a partnership, equity interest holders include both general and limited partners. In a limited liability company ("LLC"), the equity interest holders are the members. Finally, with respect to an individual who is a debtor, the Debtor is the equity interest holder.

Dimitrios Athanasopoulos is the 100% equity interest holder of the Debtor. Mr. Athanasopoulos will provide new value toward the plan obligations in the sum of \$10,000.00 in exchange for retention of his equity interest. The new value contribution will be funded no later than two weeks prior to the confirmation hearing, and the Debtor will file a letter on the docket confirming such funding. The funds will be held in escrow with counsel to the Debtor to be distributed to creditors pursuant to the plan.

No other creditor or party in interest has proposed an alternative plan or higher equity contribution.

The following chart sets forth the Plan's proposed treatment of the class[es] of equity interest holders:

<b>Claimant</b>	<b>Description</b>	<b>Impairment</b>	<b>Treatment</b>
Dimitrios Athanasopoulos	Equity interest holder	Unimpaired	Retain interest in exchange for new value contribution

### **C. Means of Implementing the Plan.**

#### *1. Source of Payments*

Distributions under the Plan shall come from the Debtor's ongoing operations. The Debtor shall make monthly payments into an interest bearing segregated account, and shall issue distributions to unsecured creditors on a bi-annual basis. The length of the plan is 5 years..

#### *2. Post-confirmation Management*

The Debtor is managed by Dimitrios Athanasopoulos at the present time and will continue to be managed by Dimitrios Athanasopoulos post-confirmation. will receive compensation at the rate of \$60,000.00.

#### *3. Quarterly Reports*

Until the Chapter 11 Case is closed, converted or dismissed, whichever is earlier, the Reorganized Debtor shall file quarterly reports setting forth the status of Distributions to holders of Allowed Class 3 Claims. The quarterly reports shall be filed on or before the 15th day of July, October, January and April. In addition, the Distribution Agent shall maintain an accurate register of the General Unsecured Claims.

As of the Effective Date, pursuant to provisions of Bankruptcy Code sections 1141(b) and (c), all property and assets of the Debtor shall be transferred to and shall vest in the Post-Confirmation Debtor free and clear of all Liens, Claims and Interests, except as otherwise expressly provided in this Plan and the Confirmation Order.

Unless otherwise agreed to by the claimant, immediately after the earlier of a Final Order of the Bankruptcy Court or the occurrence of the Effective Date, the Debtor or the Post-Confirmation Debtor shall pay all Allowed Administrative Expense Claims, including Fee Claims.

#### 4. *Continuing Existence*

From and after the Effective Date, the Post-Confirmation Debtor will continue in existence and shall be vested with all of the Debtor's assets. In addition, the Debtor's ownership interests will be unaffected by confirmation of the Plan.

#### **D. Risk Factors**

The proposed Plan calls for the Debtor to make monthly payments over a period of 5 years to its creditors. Based on the projections, the Debtor believes that it will be able to meet these obligations. Risk factors include changes in the economy or market that would affect the Debtor's ability to meet the projections.

#### **E. Executory Contracts and Unexpired Leases**

Any executory contract or unexpired lease of the Debtor which has not been assumed or rejected by Final Order of the Bankruptcy Court, or which is not the subject of a pending motion to assume or reject on the Confirmation Date, shall be deemed assumed by the Debtor on the Effective Date.

#### **F. Tax Consequences of the Plan**

The Proponents do not believe that there will be any negative tax consequences to the Debtors or to Creditors under the Plan. To the extent that a creditor is not paid in full under the Plan, such creditor may be entitled to a bad debt deduction. To the extent that a creditor has taken a bad debt deduction, Plan distributions may be taxable as income.

**THE PROPONENTS DO NOT PURPORT, THROUGH THIS DISCLOSURE STATEMENT, TO ADVISE THE CREDITORS OR INTEREST HOLDERS REGARDING THE TAX CONSEQUENCES OF THE TREATMENT OF THE CREDITORS AND INTEREST HOLDERS UNDER THE PLAN. CREDITORS AND INTEREST HOLDER SHOULD SEEK INDEPENDENT COUNSEL CONCERNING THE TAX CONSEQUENCES OF THEIR TREATMENT UNDER THE PLAN.**

#### **IV. CONFIRMATION REQUIREMENTS AND PROCEDURES**

To be confirmable, the Plan must meet the requirements listed in §§ 1129(a) or (b) of the Code. These include the requirements that: the Plan must be proposed in good faith; at least one impaired class of claims must accept the plan, without counting votes of insiders; the Plan must distribute to each creditor and equity interest holder at least as much as the creditor or equity interest holder would receive in a chapter 7 liquidation case, unless the creditor or equity interest holder votes to accept the Plan; and the Plan must be feasible. These requirements are not the only requirements listed in § 1129, and they are not the only requirements for confirmation.

**A. Who May Vote or Object**

Any party in interest may object to the confirmation of the Plan if the party believes that the requirements for confirmation are not met.

Many parties in interest, however, are not entitled to vote to accept or reject the Plan. A creditor or equity interest holder has a right to vote for or against the Plan only if that creditor or equity interest holder has a claim or equity interest that is both (1) allowed or allowed for voting purposes and (2) impaired.

In this case, the Plan Proponent believes that classes are impaired and that holders of claims in each of these classes are therefore entitled to vote to accept or reject the Plan. The Plan Proponent believes that classes are unimpaired and that holders of claims in each of these classes, therefore, do not have the right to vote to accept or reject the Plan.

*1. What Is an Allowed Claim or an Allowed Equity Interest?*

Only a creditor or equity interest holder with an allowed claim or an allowed equity interest has the right to vote on the Plan. Generally, a claim or equity interest is allowed if either (1) the Debtor has scheduled the claim on the Debtor's schedules, unless the claim has been scheduled as disputed, contingent, or unliquidated, or (2) the creditor has filed a proof of claim or equity interest, unless an objection has been filed to such proof of claim or equity interest. When a claim or equity interest is not allowed, the creditor or equity interest holder holding the claim or equity interest cannot vote unless the Court, after notice and hearing, either overrules the objection or allows the claim or equity interest for voting purposes pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure.

***The deadline for filing a proof of claim in this case was August 15, 2016 for general creditors and is November 11, 2016 for governmental creditors.***

*2. What Is an Impaired Claim or Impaired Equity Interest?*

As noted above, the holder of an allowed claim or equity interest has the right to vote only if it is in a class that is impaired under the Plan. As provided in § 1124 of the Code, a class is considered impaired if the Plan alters the legal, equitable, or contractual rights of the members of that class.

*3. Who is Not Entitled to Vote*

The holders of the following five types of claims and equity interests are *not* entitled to vote:

- holders of claims and equity interests that have been disallowed by an order of the Court;
- holders of other claims or equity interests that are not “allowed claims” or “allowed equity interests” (as discussed above), unless they have been “allowed” for voting purposes.
- holders of claims or equity interests in unimpaired classes;
- holders of claims entitled to priority pursuant to §§ 507(a)(2), (a)(3), and (a)(8) of the Code; and
- holders of claims or equity interests in classes that do not receive or retain any value under the Plan;
- administrative expenses.

***Even If You Are Not Entitled to Vote on the Plan, You Have a Right to Object to the Confirmation of the Plan.***

*4. Who Can Vote in More Than One Class*

A creditor whose claim has been allowed in part as a secured claim and in part as an unsecured claim, or who otherwise hold claims in multiple classes, is entitled to accept or reject a Plan in each capacity, and should cast one ballot for each claim.

## **B. Votes Necessary to Confirm the Plan**

If impaired classes exist, the Court cannot confirm the Plan unless (1) at least one impaired class of creditors has accepted the Plan without counting the votes of any insiders within that class, and (2) all impaired classes have voted to accept the Plan, unless the Plan is eligible to be confirmed by a cram down on non-accepting classes, as discussed later in Section [B.2.].

### *1. Votes Necessary for a Class to Accept the Plan*

A class of claims accepts the Plan if both of the following occur: (1) the holders of more than one-half (1/2) of the allowed claims in the class, who vote, cast their votes to accept the Plan, and (2) the holders of at least two-thirds (2/3) in dollar amount of the allowed claims in the class, who vote, cast their votes to accept the Plan.

A class of equity interests accepts the Plan if the holders of at least two-thirds (2/3) in amount of the allowed equity interests in the class, who vote, cast their votes to accept the Plan.

### *2. Treatment of Nonaccepting Classes*

Even if one or more impaired classes reject the Plan, the Court may nonetheless confirm the Plan if the nonaccepting classes are treated in the manner prescribed by § 1129(b) of the Code. A plan that binds nonaccepting classes is commonly referred to as a cram down plan. The Code allows the Plan to bind nonaccepting classes of claims or equity interests if it meets all the requirements for consensual confirmation except the voting requirements of § 1129(a)(8) of



the Code, does not discriminate unfairly, and is fair and equitable toward each impaired class that has not voted to accept the Plan.

*You should consult your own attorney if a cramdown confirmation will affect your claim or equity interest, as the variations on this general rule are numerous and complex.*

### **C. Liquidation Analysis**

To confirm the Plan, the Court must find that all creditors and equity interest holders who do not accept the Plan will receive at least as much under the Plan as such claim and equity interest holders would receive in a chapter 7 liquidation. A liquidation analysis is attached to this Disclosure Statement as Exhibit B.

### **D. Feasibility**

The Court must find that confirmation of the Plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the Debtor or any successor to the Debtor, unless such liquidation or reorganization is proposed in the Plan.

#### *1. Ability to Initially Fund Plan*

The Plan Proponent believes that the Debtor will have enough cash on hand on the effective date of the Plan to pay all the claims and expenses that are entitled to be paid on that date. The effective date of the plan shall be 30 days after entry of the confirmation order.

2. *Ability to Make Future Plan Payments And Operate Without Further Reorganization*

The Plan Proponent must also show that it will have enough cash over the life of the Plan to make the required Plan payments.

The Plan Proponent has provided projected financial information. Those projections are listed in Exhibit C.

***You Should Consult with Your Accountant or other Financial Advisor If You Have Any Questions Pertaining to These Projections.***

**V. EFFECT OF CONFIRMATION OF PLAN**

**A. DISCHARGE OF DEBTOR**

Discharge of the Debtor. On the effective date of the Plan, the Debtor shall be discharged from any debt that arose before confirmation of the Plan, subject to the occurrence of the effective date, to the extent specified in § 1141(d)(1)(A) of the Code, except that the Debtor shall not be discharged of any debt (i) imposed by the Plan, (ii) of a kind specified in § 1141(d)(6)(A) if a timely complaint was filed in accordance with Rule 4007(c) of the Federal Rules of Bankruptcy Procedure, or (iii) of a kind specified in § 1141(d)(6)(B). After the effective date of the Plan your claims against the Debtor will be limited to the debts described in clauses (i) through (iii) of the preceding sentence.

No Release of Third Parties. No third party, including the Debtor's principal, shall be deemed to have been released under the plan from any liabilities that they may have to the Debtor's creditors under any personal guarantee.

## **B. Modification of Plan**

The Plan Proponent may modify the Plan at any time before confirmation of the Plan. However, the Court may require a new disclosure statement and/or revoting on the Plan.

The Plan Proponent may also seek to modify the Plan at any time after confirmation only if (1) the Plan has not been substantially consummated *and* (2) the Court authorizes the proposed modifications after notice and a hearing.

## **C. Final Decree**

Within 90 days after confirmation, the plan proponent shall file, on notice to the United States trustee, an application and a proposed order for a final decree pursuant to Bankruptcy Rule 3022. Upon request, the Court may reduce or extend the time to file such application.

## **VI. OTHER PLAN PROVISIONS**

Unclaimed Property.

Escrow of Unclaimed Property. The Post Confirmation Debtor shall hold all Unclaimed Property (and all interest, dividends, and other distributions thereon), for the benefit of the respective holders of Claims entitled thereto under the terms of the Plan.

Distribution of Unclaimed Property. At the end of one (1) year following the relevant Distribution Date of particular Cash or other property to be distributed under the Plan, the holders of Allowed Claims entitled to Unclaimed Property held pursuant to this Section shall be deemed to have forfeited such property, and all right, title and interest in and to such property

shall be redistributed Pro Rata to holders of Allowed General Unsecured Claims that previously cashed one or more Distributions.

Dated: September 7, 2016

/s/Dimitrios Athanasopoulos  
Alpha Diner Corp.  
By: Dimitrios Athanasopoulos

/s/ Lawrence Morrison  
Morrison Tenenbaum PLLC  
By: Lawrence F. Morrison, Esq.