

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	X	
	:	Chapter 11
In re	:	
	:	Case No. 22-10951 (CTG)
KABBAGE, INC. d/b/a KSERVICING, et al.,	:	
	:	(Jointly Administered)
	:	
Debtors.¹	:	Re: Docket Nos. 627, 630 & 680
	:	
	:	
	X	

NOTICE OF FILING OF EXECUTED WIND DOWN AGREEMENT

PLEASE TAKE NOTICE that on October 3, 2022, Kabbage, Inc. (d/b/a KServicing) and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”), commenced cases under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that on March 9, 2023, the Debtors filed the *Notice of Filing of Third Supplement to the Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 630] (the “**Third Plan Supplement**”) in connection with the *Amended Joint Chapter 11 Plan of Liquidation of Kabbage, Inc. (d/b/a KServicing) and its Affiliated Debtors* [Docket No. 630] (as amended, modified, and supplemented, the “**Plan**”).² Attached as Exhibit E to the Third Plan Supplement was a revised version of the Wind Down Agreement.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable are: Kabbage, Inc. d/b/a KServicing (3937); Kabbage Canada Holdings, LLC (N/A); Kabbage Asset Securitization LLC (N/A); Kabbage Asset Funding 2017-A LLC (4803); Kabbage Asset Funding 2019-A LLC (8973); and Kabbage Diameter, LLC (N/A). Kabbage is a trademark of American Express used under license; Kabbage, Inc. d/b/a KServicing is not affiliated with American Express. The Debtors’ mailing and service address is 925B Peachtree Street NE, Suite 383, Atlanta, GA 30309.

² Capitalized terms used herein and not otherwise defined shall have the meanings given to them in the Plan.

PLEASE TAKE FURTHER NOTICE that on March 15, 2023, the Court entered an order [Docket No. 680] confirming the Plan. As of the date of filing of this notice, the Effective Date has not yet occurred.

PLEASE TAKE FURTHER NOTICE that, on April 28, 2023, the Debtors and Jeremiah Foster, in his capacity as the Wind Down Officer, entered into the Wind Down Agreement. An executed copy of the Wind Down Agreement is attached hereto as **Exhibit A**. Pursuant to section 1 of the Wind Down Agreement, notwithstanding that the Wind Down Agreement was executed on April 28, 2023, the Wind Down Agreement shall only become effective on the Effective Date. For the convenience of the Court and all parties in interest, a blackline comparison of the executed Wind Down Agreement marked against the version of the Wind Down Agreement that was attached to the Third Plan Supplement is attached hereto as **Exhibit B**.

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Dated: May 11, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

RICHARDS, LAYTON & FINGER, P.A.

Daniel J. DeFranceschi (No. 2732)

Amanda R. Steele (No. 5530)

Zachary I. Shapiro (No. 5103)

Matthew P. Milana (No. 6681)

One Rodney Square

920 North King Street

Wilmington, Delaware 19801

Telephone: (302) 651-7700

E-mail: defranceschi@rlf.com

steele@rlf.com

shapiro@rlf.com

milana@rlf.com

-and-

WEIL, GOTSHAL & MANGES LLP

Ray C. Schrock (admitted *pro hac vice*)

Candace M. Arthur (admitted *pro hac vice*)

Natasha S. Hwangpo (admitted *pro hac vice*)

Chase A. Bentley (admitted *pro hac vice*)

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

E-mail: ray.schrock@weil.com

candace.arthur@weil.com

natasha.hwangpo@weil.com

chase.bentley@weil.com

*Attorneys for Debtors and Debtors in
Possession*