

# EXHIBIT 5



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# AFFIDAVIT OF PUBLICATION

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UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF CALIFORNIA

In re  
 DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1,  
 Debtor.

Case No. 25-26635-A-9  
 DCN BWS-1  
**NOTICE OF COMMENCEMENT OF CHAPTER 9 CASE**

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**TO ALL CREDITORS OF DIABLO GRANDE COMMUNITY FACILITIES DISTRICT NO. 1, AND TO PARTIES IN INTEREST, PLEASE TAKE NOTICE THAT:**

**COMMENCEMENT OF CHAPTER 9 CASE.** On November 25, 2025, Diablo Grande Community Facilities District No. 1 (the "Debtor") commenced a case under chapter 9 of title 11 of the United States Code ("Bankruptcy Code") in the United States Bankruptcy Court for the Eastern District of California, Sacramento Division ("Court"). The chapter 9 case is pending before the Honorable Jennifer E. Niemann, United States Bankruptcy Judge. All documents filed with the Court are available for inspection via the PACER system, which may be accessed on a subscription basis at the following internet address: www.caeb.uscourts.gov. In addition, a website has been created with Verita Global, https://www.veritaglobal.net/diablomagrandecfd1, which contains, among other things, key pleadings filed in the bankruptcy case.

**AUTOMATIC STAY.** Pursuant to sections 362 and 922 of the Bankruptcy Code, 11 U.S.C. sections 362 and 922, the filing of the Debtor's chapter 9 petition operates as an automatic stay of actions against the Debtor, including, among other things, the enforcement of any judgment, any act to obtain property from the Debtor, any act to create, perfect, or enforce any lien against property of the Debtor, any act to collect, assess or recover a claim against the Debtor, and the commencement or continuation of any judicial, administrative, or any other action or proceeding against the Debtor.

**PURPOSE OF THE CHAPTER 9 FILING.** Chapter 9 of the Bankruptcy Code provides a means for a municipality, such as the Debtor, that has encountered financial difficulty to work with its creditors to adjust its debts. The primary purpose of chapter 9 is to allow the municipality to continue its operations while it adjusts or restructures creditor obligations. In a chapter 9 case, the jurisdiction and powers of the bankruptcy court are limited such that the court may not interfere with any of the political or governmental powers of the Debtor. The Debtor intends to propose a plan for the adjustment of its debts after the order for relief is entered. Future notice concerning such a plan will be provided to all known creditors. During the bankruptcy case, the Debtor will remain in possession and control of its property and will maintain its operations for the benefit of the public.

**DEADLINE FOR OBJECTIONS TO PETITION AND ENTRY OF AN ORDER FOR RELIEF.** Objections to the chapter 9 petition may be filed by a creditor or party in interest by no later than 5:00 p.m. Pacific time on April 3, 2026. If you are an authorized user of the Court's CM/ECF system, any such objection shall be filed via the Court's CM/ECF system. If you are not an authorized user of the Court's CM/ECF system, a written objection must be sent by means calculated to reach the Court no later than 5:00 p.m. on April 3, 2026, at the following address: Clerk of the United States Bankruptcy Court for the Eastern District of California, 501 I Street, Sacramento, California 95814. Any objection shall state the facts and legal authorities relied upon in support thereof and shall be served on or before the same date on the following parties: (1) the United States Trustee; (2) the Debtor; (3) the Debtor's chapter 9 counsel; and (4) any other party who has filed a request for special notice with the Court.

**HEARING ON OBJECTIONS.** If no objection is timely filed, the filing of the petition shall be deemed an order for relief under chapter 9 of the Bankruptcy Code, and this notice shall be deemed notice of such order for relief. If a timely objection is filed and served, the Court has set a status conference for April 15, 2026, at 9:30 a.m. Pacific time at the United States Bankruptcy Court for the Eastern District of California, Dept. A, Ctrm 11, 2500 Tulare Street, Fresno, California 93721. At such time, the Court will consider setting other dates.

**FAILURE TO FILE A TIMELY WRITTEN OPPOSITION WILL RESULT IN THE ORDER FOR RELIEF BEING ENTERED.**

Dated: February 5, 2026, BURKE, WILLIAMS & SORENSEN, LLP, By: Joseph P. Buchman, Richard J. Reynolds, Joseph P. Buchman, Martin Kosla, Attorneys for Diablo Grande Community Facilities District No. 1

### Declaration of Publication

C.C.P. S2015.5  
 STATE OF CALIFORNIA )  
 )ss.

County of Stanislaus )

the undersigned,

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Modesto Bee, a newspaper of general circulation, printed and published in the city of Modesto, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of February 25, 1951 Action No. 46453 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3.0 insertion(s) published on:

02/11/26 Print, 02/18/26 Print, 02/25/26 Print

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*Sherry Chasteen*



Sherry Chasteen

*Amanda Rodela*



Sworn to and subscribed before  
 me on

Feb 25, 2026, 10:16 AM EST





