

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: )  
 ) Chapter 11  
 )  
ALSET OWNERS, LLC, *et al.*, ) Case No. 09-11960 (BLS)  
 )  
 Debtors. ) Jointly-Administered  
 )  
\_\_\_\_\_ )

**REQUEST FOR ALLOWANCE AND PAYMENT OF  
ADMINISTRATIVE CLAIM PURSUANT TO 11 U.S.C. §503(b)(1)**

Guardian Protection Services, Inc. (“Guardian”), hereby moves and/or makes application to the Court for the allowance of an administrative expense claim against Setla, LLC, Altes, LLC and Checkers Michigan, LLC, three of the Debtors in this jointly administered case, to be paid in the amount of \$3,307.26 for post-petition services provided between December 15, 2009 and March 9, 2010, the effective date of the Joint Chapter 11 Plan of Liquidation of the Debtors and Debtors in Possession.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334.
2. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2) and §1334.
3. Venue is proper in this Court pursuant to 28 U.S.C. §1408 and §1409.

**BACKGROUND**

4. On June 5, 2009 (the “Petition Date”), the above-captioned debtors (the “Debtors”) filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, as amended (the “Bankruptcy Code”).

5. At the Debtor's request, Guardian continued to provide services to the Debtors post-petition to allow the Debtors to continue their business operations. A summary of the invoices issued for services provided between December 15, 2009 and March 9, 2010 are attached hereto as "Exhibit A".

6. As of the date of this filing, the Debtors have failed to pay for the services rendered by Guardian.

### **GUARDIAN'S ADMINISTRATIVE CLAIM**

7. Guardian has received payments for some post-petition services provided to the Debtors, but, to date, Guardian has not received payment for the services as outlined above in the amount of \$3,307.26.

8. Guardian is, accordingly, entitled to an allowed administrative claim for the post-petition, unpaid amount for the services provided in the amount of \$3,307.26 (the "Post-petition Services Claim").

### **LAW AND ARGUMENT**

9. The Post-petition Services Claim constitutes an allowable administrative expense claim pursuant to 11 U.S.C. §503(b)(1) which provides:

After notice and a hearing, there shall be allowed administrative expenses...including –

(1)(A) the actual, necessary costs and expenses of preserving the estate including

(i) wages, salaries and commissions of services rendered after the commencement of the case...

11 U.S.C. §503(b)(1)(A).

10. For a claim to be entitled to first priority under 11 U.S.C. §503(b), “the debt must arise from a transaction with the debtor-in-possession... [and] the consideration supporting the claimant’s right to payment [must be] beneficial to the debtor-in-possession in the operation of the business.” In re O’Brien Env’tl. Energy, Inc., 181 F.3d 527, 532-33 (3rd Cir. 1999) (*internal quotations omitted*); see also, COLLIER ON BANKRUPTCY, 15th Ed. ¶503.06[3] (an administrative claim must have arisen from a transaction with the estate and demonstrably benefited the estate).

11. As it is evident that the Debtor has benefited in the operation of its business from receiving additional services from Guardian post-petition, Guardian should be allowed an administrative claim to the extent of the value of the services provided in the amount of \$3,307.26.

WHEREFORE, Guardian requests that this Honorable Court enter an Order awarding Guardian an allowed administrative expense claim under 11 U.S.C. §503(b)(1) in the amount of the value of the Post-petition Services Claim, \$3,307.26, and granting Guardian such other and further relief as this Court deems appropriate.

Respectfully submitted,

SNYDER & ASSOCIATES, P.A.

/s/ Bayard J. Snyder

Baynard J. Snyder, Esq.

Del. I.D. No. 175

300 Delaware Avenue, Suite 1014

Wilmington, DE 19801

COHEN & GRIGSBY, P.C.

/s/ Jill Locnikar Bradley

Jill Locnikar Bradley

P.A. I.D. No. 85892

625 Liberty Avenue

Pittsburgh, PA 15222-3152  
Phone: (412) 297-4707  
Fax: (412) 209-1984  
E-mail: [jbradley@cohenlaw.com](mailto:jbradley@cohenlaw.com)

Dated: April 9, 2010 Counsel for GUARDIAN PROTECTION SERVICES, INC.