



**IT IS ORDERED as set forth below:**

**Date: December 17, 2007**

*Mary Grace Diehl*

**Mary Grace Diehl  
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>In re:</b>	)	<b>Chapter 11</b>
	)	
<b>PIKE NURSERY HOLDING LLC,</b>	)	<b>Case No. 07-79129-mgd</b>
	)	
<b>Debtor.</b>	)	
	)	

**ORDER ESTABLISHING PROCEDURES FOR MONTHLY COMPENSATION  
AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS**

This matter is before the Court on the motion of Pike Nursery Holding LLC (the “Debtor”) for the establishment of procedures for monthly compensation and reimbursement of expenses of professionals in this case (the “Motion”).

The Court has considered the Motion, the Declaration of Scott Schnell in Support of First Day Applications and Motions, and the matters reflected in the record of the hearing held on the Motion. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the Motion has been given to the Office of the United States Trustee, counsel for the Debtor’s pre-petition senior secured lenders, counsel to the Debtor’s proposed debtor-in-possession lenders, and the Debtor’s twenty (20) largest unsecured creditors; that no

further notice is necessary; that the relief sought in the Motion is in the best interests of the Debtor, its estate, and its creditors; and that good and sufficient cause exists for such relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. Except as may otherwise be provided in an order of this Court authorizing the retention of a specific professional, any professional whose retention is approved by this Court pursuant to Sections 327 or 1103 of the Bankruptcy Code (a "Professional") may seek monthly compensation in accordance with the following procedures:

- (a) After the end of a month for which compensation is sought, each Professional seeking compensation may serve a monthly statement (the "Monthly Statement") on (i) J. Robert Williamson, Esq. Scroggins & Williamson, 1500 Candler Building, 127 Peachtree Street, NE, Atlanta, Georgia 30303; (ii) the Office of the United States Trustee, 75 Spring Street, S.W., Atlanta, Georgia 30303; (iii) counsel for any official committee appointed in this case; and (iv) counsel for the Debtor's post-petition secured lenders.
- (b) Each Monthly Statement shall contain a list of individuals and their respective titles who provided services during the statement period, their respective billing rates, the aggregate hours spent by each individual, contemporaneously maintained time entries for each individual in increments of tenths of an hour, and a reasonably detailed breakdown of disbursements incurred.
- (c) In the event that an interested party has an objection to the compensation or reimbursement sought in a particular Monthly Statement, he or she shall, within ten (10) days after service of the Monthly Statement, serve upon the Professional whose statement is objected to and the other persons designated in paragraph (a) above a written "Notice of Objection to Fee Statement," setting forth the nature of the objection and the amount of fees or expenses at issue.
- (d) After the expiration of the ten (10) day period described above, the Debtor may pay eighty percent (80%) of the fees and one hundred percent (100%) of the expenses identified in each Monthly Statement to which no objection has been served.
- (e) If the Debtor receives an objection to a particular Monthly Statement, it shall withhold payment of that portion of the Monthly Statement to which the objection is directed and shall promptly pay the remainder of the fees and expenses set forth in the Monthly Statement.
- (f) If any objecting party resolves a dispute with a Professional, the objecting party (or the Debtor, with the consent of the objecting party) shall serve written notice

on the persons designated in paragraph (a) above that the objection is withdrawn and shall describe the terms of the resolution. The Debtor shall promptly pay that portion of the Monthly Statement at issue that is no longer subject to an objection.

- (g) Any objection that is not resolved by the parties shall be preserved and presented to the Court at the next interim or final fee application hearing.
- (h) The service or lack of an objection in accordance with paragraph (c) above shall not prejudice the objecting party's right to object to any fee application made to the Court in accordance with the Bankruptcy Code on any ground, whether raised in the objection or not. Furthermore, the decision by any party not to object to a Monthly Statement shall not be a waiver of any kind or prejudice that party's right to objection to any fee application subsequently made to the Court.
- (i) Approximately every one hundred and twenty (120) days, each Professional may serve and file with the Court, pursuant to Sections 330 and 331 of the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 2016, an application for interim or final approval and allowance of compensation and reimbursement of expenses, including compensation previously paid by the Debtor on the basis of a Monthly Statement.
- (j) Neither the payment of, nor the failure to pay, in whole or in part, monthly compensation and reimbursement as provided herein shall have any effect on this Court's interim or final allowance of compensation or reimbursement of expenses of any Professional.
- (k) Counsel for the official committee appointed in this case may, in accordance with the foregoing procedures, collect and submit statements of expenses allowable under Section 503(b)(3)(F) of the Bankruptcy Code, with supporting vouchers, from members of such committee.

3. The provisions of this Order shall not apply to any professional retained by the Debtor as an ordinary course of business professional.

4. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

5. Counsel for the Debtor is directed to serve a copy of this Order on all parties on the Master Service List within three (3) days of the entry of this Order and to file a certificate of service with the Clerk of the Court.

**[END OF DOCUMENT]**

*[Signature of counsel on following page]*

Prepared and presented by:

SCROGGINS & WILLIAMSON

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