

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

**IN RE:**

**PIKE NURSERY HOLDING LLC,  
  
Debtor.**

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**CASE NO. 07-79129-MGD**

**Chapter 11**

**APPLICATION OF PAVESTONE COMPANY, L.P., A TEXAS LIMITED  
PARTNERSHIP TO ALLOW ADMINISTRATIVE EXPENSE  
CLAIM PURSUANT TO 11 U.S.C. § 503(b)(9)**

**THIS APPLICATION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE APPLICATION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE NO LATER THAN JANUARY 10, 2008, A DATE THAT IS 23 DAYS FROM THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING SCHEDULED FOR 10:30 AM ON JANUARY 31, 2008 AT 75 SPRING STREET SW, ATLANTA, GEORGIA 30303, COURTROOM 1201. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**NOW COMES** Pavestone Company, L.P., a Texas Limited Partnership (“Pavestone”) and files this “Application of Pavestone Company, L.P., a Texas Limited Partnership to Allow Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9)” (“Application”) and in support thereof would respectfully show the Court as follows:

**I.**  
**GENERAL BACKGROUND**

1. Pike Nursery Holding LLC (“Debtor”) filed its voluntary petition pursuant to Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”) on November 14, 2007 (the “Petition Date”). Debtor remains a debtor-in-possession at this time.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B) and (O).

3. Within twenty (20) days prior to the Petition Date, Pavestone sold and delivered certain goods to Debtor in the ordinary course of the businesses of Pavestone and Debtor. A true and correct copy of a certain invoice summary of Pavestone relating to such sales is attached hereto as Exhibit “A” and is incorporated herein by reference for all purposes. As of the Petition Date, the sum of \$57,727.31 was due and owing to Pavestone by Debtor for the sale and delivery of the referenced goods within twenty (20) days prior to the Petition Date.

**II.**  
**REQUEST FOR RELIEF**

4. Pursuant to Section 503(b)(9) of the Bankruptcy Code, Pavestone is entitled to the allowance of a Chapter 11 administrative expense claim in the amount of \$57,727.31. Therefore, Pavestone respectfully requests that the Court enter an order granting it an allowed Chapter 11 administrative expense claim in the amount of \$57,727.31. Pavestone additionally reserves the right, after subsequent notice and opportunity for a hearing, to seek a Court order for immediate payment of its administrative expense claim. This Application is without prejudice to any and all other claims that Pavestone may own or possess.

**WHEREFORE**, Pavestone requests that the Court enter an Order allowing it a Chapter 11 administrative expense claim in the amount of \$57,727.31. Pavestone additionally requests such other and further relief to which it may show itself justly entitled.

Respectfully submitted on this the 18<sup>th</sup> day of December, 2007.

**LOOPER REED & MCGRAW, P.C.**

By: /s/ Micheal W. Bishop  
Micheal W. Bishop, Esq.  
Texas State Bar No. 02354860

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**ATTORNEYS FOR PAVESTONE COMPANY, L.P.,  
A Texas Limited Partnership**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2007, a copy of the foregoing “Application of Pavestone Company, L.P., a Texas Limited Partnership to Allow Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9)” was served via United States first class mail, postage prepaid, to each of the persons listed on the mailing matrix attached hereto.

/s/ Micheal W. Bishop  
Micheal W. Bishop