UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CHAPTER 7
PIKE NURSERY HOLDING, LLC,	:	CASE NUMBER: 07-79129
Debtor.	:	

CHAPTER 7 TRUSTEE'S OBJECTION TO CLAIM NO. 2 FILED BY CHARLIE'S CREEK NURSERY, INC.

COMES NOW Marcus A. Watson, Sr., Chapter 7 Trustee of Pike Nursery Holding, LLC, and objects to claim no. 2 in the amount of $7,165.00 filed by Charlie's Creek Nursery, Inc. ("Charlie's Creek ") pursuant to 11 U.S.C. § 502 and Fed. Bankr. R. 3007 on the grounds that claim is duplicative of claim no. 433. In support of his Objection, the Trustee shows this Court as follows:

1. This bankruptcy case began as a voluntary Chapter 11 petition filed on November 14, 2007.

2. On March 3, 2008, the Court entered a series of orders approving a sale of virtually all of the Debtor's wholesale and retail businesses and related assets. The Debtor thereafter ceased operations.

3. On March 17, 2008, this Court entered an Order Directing the United States Trustee to Appoint Chapter 11 Trustee in this bankruptcy case. On March

19, 2008, the Court approved the United States Trustee's appointment of Marcus A. Watson, Sr. as the Chapter 11 Trustee for the Debtor.

4. On March 24, 2008, the Court converted the case to Chapter 7 and Marcus A. Watson, Sr. was appointed as the interim Chapter 7 Trustee and became the permanent Chapter 7 Trustee after the first meeting of creditors on April 28, 2008.

5. On November 30, 2007, Charlie's Creek filed copies of invoices for goods sold to the Debtor in August 2007, totaling of $7,165.00. The invoices were treated as a proof of claim and assigned claim no. 2.

6. On May 15, 2008, Charlie's Creek filed a Chapter 11 administrative proof of claim, claim no. 433, asserting a claim in the amount of $7,165.00. The proof of claim attached the same invoices previously submitted. Claim no. 433 was re-classified as a general unsecured claim pursuant to the Order Granting Chapter 7 Trustee's Objection to Administrative Claim No. 433 Filed by Charlie's Creek Nursery, Inc. entered on May 3, 2010.

7. The Trustee requests that the Court disallow claim no. 2 as duplicative.

WHEREFORE Marcus A. Watson, Sr., Chapter 7 Trustee of Pike Nursery Holding, LLC, requests that the Court enter an Order sustaining his objection and disallowing claim no. 2.

This 31st day of July, 2013.

/s/ John A. Christy
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NORTHERN DISTRICT OF GEORGIA
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IN RE:	)	CHAPTER 7
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PIKE NURSERY HOLDING LLC,	)	CASE NUMBER: 07-79129-mgd
	)	
Debtor.	)	
	)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Marcus A. Watson, Sr., Chapter 7 Trustee, has filed Chapter 7 Trustee's Objection to Claim No. 2 Filed by Charlie's Creek Nursery, Inc, ("Motion") seeking to disallow the claim.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1201, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at 10:30 a.m. on September 5, 2013.

Your rights may be affected by the Court's ruling on the Motion. You should read the Motion carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the Motion with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below and if possible also e-mail a copy to the undersigned at the e-mail address noted below.

This 31st day of July, 2013.

/s/ John A. Christy
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CERTIFICATE OF SERVICE

This is to certify that the undersigned served a copy of the CHAPTER 7 TRUSTEE'S OBJECTION TO CLAIM NO. 2 FILED BY CHARLIE'S CREEK NURSERY, INC. AND NOTICE OF HEARING through the electronic case filing system (ECF) or by placing a copy of the same in the United States Mail, with sufficient postage thereon to ensure delivery upon the parties listed on the Master Service List attached hereto and the following claimant:

Charlie's Creek Nursery, Inc.
c/o Don Black, president/owner
P.O. Box 669
5827 Highway 81 North
Iva, SC 29655

This 31st day of July, 2013.

/s/ J. Carole Thompson Hord
J. CAROLE THOMPSON HORD

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