

1 John D. Albert
2 ALBERT & TWEET, LLP
3 242 Church St. SE
4 PO Box 968
5 Salem, OR 97308
6 Phone: (503)585-2056
7 Fax: (503)375-2649
8 Email: jalbert@albertandtweet.com

FILED
MAY 23 2008
CLERK

FILED
MAY 23 2008
CLERK

9 IN THE UNITED STATES BANKRUPTCY COURT
10 FOR THE NORTHERN DISTRICT OF GEORGIA
11 ATLANTA DIVISION

Mitsa Cedeno
CLERK

12 IN RE:) CHAPTER 7
13)
14 PIKE NURSERY HOLDING, LLC,) CASE NO. 07-79129-MGD
15 DBA PIKE FAMILY NURSERIES,)
16 DBA PIKE NURSERIES,) JUDGE MARY GRACE DIEHL
17)
18 Debtor.)

19 PATTERSON NURSERY, INC.'S NOTICE UNDER §546(b)
20 IN LIEU OF COMMENCEMENT OF ACTION

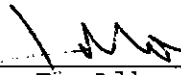
21 Patterson Nursery, Inc. has a perfected lien pursuant to ORS
22 87.700, et. seq., in certain produce delivered to the above
23 debtor, and its inventory and accounts receivable, as more
24 particularly described in its Notice of Agricultural Grain
25 Produce Lien attached hereto as Exhibit A, and by this reference
26 incorporated herein.

27 In lieu of commencing foreclosure proceedings in state
28 court, and pursuant to 11 USC §546(b), and ORS 87.700, et. seq.,
29 and ORS 88.010, et. seq., Patterson Nursery, Inc. hereby notifies
30 the trustee of its intent to maintain and continue said lien
31 against the inventory and accounts receivable, or any proceeds or
32 funds against which a replacement lien has been granted by Order

1 of this Court, by this notice in lieu of commencement of a
2 foreclosure.

3 Dated this 22nd day of May, 2008.

4 Albert & Tweet, LLP

5 By 
6 John D. Albert, OSB #76041
7 Of attorneys for Patterson Nursery,
8 Inc.

9 I hereby certify that on May 22, 2008, I served the
10 foregoing Notice upon the following parties at the addresses
11 stated below by depositing a correct copy thereof, postage
12 prepaid, and deposited in the post office at Salem, Oregon, on
13 said day. Between the said post office and the addresses to
14 which said copy was mailed there is a regular communication by US
15 Mail:

16 **Debtor**

17 Pike Nursery Holding LLC
18 4020 Steve Reynolds Blvd.
19 Norcross, GA 30093
20
21

Counsel for Debtor

J. Robert Williamson
Scroggins and Williamson
1500 Candler Building
127 Peachtree St. NE
Atlanta, GA 30303

22 **Trustee**

23 Marcus A. Watson
24 Finley, Colmer and Company
25 Suite 450
26 3091 Governors Lake Drive
27 Norcross, GA 30071
28

Counsel for Trustee

J. Carole Thompson Hord
John A. Christy
Paul E. Vranicar
Schreeder, Wheeler & Flint, LLP
1100 Peachtree St., Suite 800
Atlanta, GA 30309-4516

29 **US Trustee**

30 Office of US Trustee
31 75 Spring St.
32 362 Richard B. Russell Bldg.
33 Atlanta, GA 30303

Counsel for US Trustee

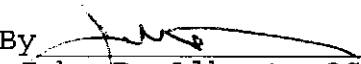
Leroy Culton
US Trustee
75 Spring St. SW
Atlanta, GA 30303

34 **Counsel for Creditor's Committee**

35 Gwendolyn J. Godfrey
36 Powell Goldstein LLP
37 One Atlantic Center - 14th Flr.
38 1201 W. Peachtree St. NW
39 Atlanta, GA 30309

1 Jeffrey W. Dulberg
2 Pachulski Stang Ziehl & Jones LLP
3 11th Floor
4 10100 Santa Monica Blvd.
5 Los Angeles, CA 90067-4100

6 Albert & Tweet, LLP

7 By 
8 John D. Albert, OSB #76041



Secretary
Corporation
255 Capitol
Salem, OR
Phone: (503) 326-4000
Fax: (503) 326-4001
FilingInC

State of Oregon
Initial Filing 8 Page(s)



9030743509

7804415
11/21/07 02:57 PM
OR Sec. of State

APL -1 Notice of Agricultural Produce Lien

In keeping with ORS 192.410-192.595, the information on the application is public record.
87.710

Pursuant to ORS

We must release this information to all parties upon request and it may be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

DEBTOR

CHECK ONE If Individual, list last name first.

PURCHASER: NAME 1 Pike Nursery Holding LLC

☒ -Business ☐ -Individual

NAME 2 Pike Nurseries

☒ -Business ☐ -Individual

4020 Steve Reynolds Blvd.

ADDRESS

Norcross

GA

30093

CITY

STATE

ZIP CODE

PRODUCER: Patterson Nursery Sales, Inc.

NAME

PO Box 99

ADDRESS

Boring

OR

97009

CITY

STATE

ZIP CODE

STATEMENT AMOUNT OF PRODUCER'S DEMAND (after Deducting All Credits and Offsets): \$ 44,448.25

DESCRIPTION OF PRODUCE DELIVERED OR TRANSFERRED BY:

Woody ornamentals - see attached invoices

DATE PAYMENT ORIGINALLY DUE: see attached summary

I (we) Alan Ranstead swear/affirm that the amount claimed on this Notice is a true and bona fide existing debt as of the date of this filing.

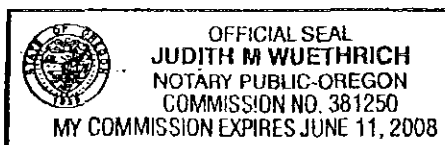
Alan Ranstead
CLAIMANT SIGNATURE

STATE OF Oregon

11/20/07
DATE

COUNTY OF Clackamas / Multnomah

SUBSCRIBED TO AND SWORN/AFFIRMED BEFORE ME THIS 20th DAY OF Nov, 2007.



by Judith M. Wuethrich

Notary Public of Oregon

My commission expires: 6/11/2008

RETURN TO (Please Type or Print within the box):

John D. Albert
Albert & Tweet, LLP
PO Box 968
Salem, OR 97308

FEES

Required Processing Fee - \$10 Processing Fees are nonrefundable.

Please make check payable to "Corporation Division."

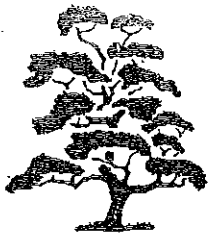
NOTE:

Fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

SUMMARY

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Payment Due Date</u>	<u>Amount</u>
0026961-IN	9-14-07	10-14-07	\$ 5,675.00
0265962-IN	9-14-07	10-14-07	\$ 1,350.00
0026989-IN	9-24-07	10-24-07	\$10,316.25
0026990-IN	9-24-07	10-24-07	\$ 4,395.00
0027043-IN	10-05-07	11-4-07	\$ 6,180.00
0027076-IN	10-16-07	11-15-07	<u>\$16,532.00</u>
			\$44,448.25

p:\dd\pattersonsummary



Patterson
Nursery Sales, Inc.

P.O. BOX 99 BORING, OR 97009
(503) 668-6000 FAX (503) 668-9000

***** INVOICE *****

PAGE: 1

INVOICE NUMBER: 0026961-IN
INVOICE DATE: 05/14/07
CUSTOMER NO: PIKE
COMMENT: JASON
SHIP DATE: 09/14/07
ORDER NUMBER: 0017935

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
NORCROSS GA 30093

SHIP TO: PIKE NURSERIES, INC. #4
221 POUNDS ROAD
TUCKER GA 30084

PH (770) 921-1022

CUSTOMER P.O.		SALESPERSON		SHIP VIA		TERMS		
04-2537		HOUSE - JASON BURNS				NET 30 DAYS		
ITEM NO.	QTY	GENUS/SPECIES		CULTIVAR	SIZE	PKG	PRICE	AMOUNT
ADSK06625	6	AGAVE PALMATUS		Sango Kaku	6'	25 Gal	135.00	810.00
ACSH03045	4	AGAVE PALMATUS		Shishigashira	Jr Spec	45 Gal	250.00	1,000.00
ACIA15035	4	AGAVE PALMATUS DISSECTUM		Tamukayana	1-1/2"	35 Gal	215.00	860.00
BUSE01507	6	CORYLUS SCOPULAVIRENS		Topiary	30"	7 Gal	55.00	330.00
CEAG08045	8	CEDRUS ATLANTICA		Glaucia	8'	45 Gal	115.00	920.00
E-CHOG0774603	2	CHAMAPARIS OBTUSA			8'	65 Gal	215.00	430.00
CHOW04220	6	CHAMAPARIS OBTUSA		Helf's Special	54"	20 Gal	70.00	420.00
CACF03520	5	CORNUS AVELLANA		Conforta	5'	20 Gal	115.00	575.00
PTSG04415P	3	PINUS SYLVESTRIS GLAUCO		Nana Pom Pom	4'	45 Gal	110.00	330.00
SEYC20035	0	SEYAL JAPONICA		Carillon	2"	8&B	.00	.00
NOTHING AVAILABLE CURRENTLY								

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Plant Division
63M Capitol St. NE, Salem, OR 97310-0110

Shipping Permit No. 50-9501

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and diseases.



B.D. WRIGHT

ANLA
American Nursery & Landscape Association



NET INVOICE:	5,675.00
LESS DISCOUNT:	.00
FREIGHT:	.00
INVOICE TOTAL:	5,675.00



***** INVOICE *****

PAGE: 1

Patterson
Nursery Sales, Inc.

P.O. BOX 99 BORING, OR 97009
(503) 668-6000 FAX (503) 668-9000

INVOICE NUMBER: 0026962-IN
INVOICE DATE: 09/14/07
CUSTOMER NO: PIKE
COMMENT: JASON
SHIP DATE: 09/14/07
ORDER NUMBER: 0017934

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
NORCROSS GA 30093

SHIP TO: PIKE #46
350 MCFARLAND RD
ALPHARETTA GA 30004

PH (770) 921-1022

CUSTOMER P.O.	SALESPERSON	SHIP VIA	TERMS				
46-2720	HOUSE - JASON BURNS		NET 30 DAYS				
ITEM NO.	QTY	GENUS/SPECIES	CULTIVAR	SIZE	PKG	PRICE	AMOUNT
E-CEAP05046603	3	Cedrus atlantica RED BLACK STRIPE	'Glaucia Pendula' Serpentine	Jr Spec	65 Gal	225.00	675.00
E-CEBP05045603	3	Cedrus atlantica RED BLACK STRIPE	'Glaucia Pendula' Serpentine	Jr Spec	45 Gal	225.00	675.00

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Plant Division
405 Capitol St. NE, Salem, OR 97310-0130

Shipping Permit No. 50-9301

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and disease.



B. D. WRIGHT

ANLA
American Nursery & Landscape Association



NET INVOICE:	1,350.00
LESS DISCOUNT:	.00
FREIGHT:	.00
INVOICE TOTAL:	1,350.00



Patterson
Nursery Sales, Inc.

P.O. BOX 99 BORING, OR 97009
(503) 668-6000 FAX (503) 668-9000

INVOICE 0026989-1M

PAGE: 1

INVOICE NUMBER: 0026989-1M
INVOICE DATE: 09/24/07
CUSTOMER NO: PIKE
COMMENT: JASON
SHIP DATE: 09/24/07
ORDER NUMBER: 0017951

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
NORCROSS GA 30093

SHIP TO: PIKE NURSERIES, INC. #44
4550 SOUTH LEE STREET
BUFORD GA 30518

PH (770) 921-1022

CUSTOMER		SHIP VIA		TERMS		
HOUSE - JASON BURNS		NET 30 DAYS				
ITEM	QTY	GENUS SPECIES	CULTIVAR	SIZE	PRICE	AMOUNT
ACR0077	2	Adiantum palmatum	Bloodgood	8'	200.00	400.00
AD00000000	10	Adiantum palmatum	Bloodgood	36"	100.00	1,000.00
AD00000000	10	Adiantum palmatum	Bloodgood	30"	80.00	800.00
04-0058RUH12	6	Adiantum palmatum	Bloodgood	10'	250.00	1,500.00
0776RCH020	6	Adiantum palmatum	Bloodgood	7'	185.00	1,110.00
03-07-06RCH020	2	Adiantum palmatum	Bloodgood	6'	185.00	370.00
CH00000000	45	Adiantum palmatum	Bloodgood	18"	17.50	787.50
CH00000000	15	Adiantum palmatum	Bloodgood	4'	49.50	742.50
CH00000000	4	Adiantum palmatum	Bloodgood	5'	75.00	300.00
CH00000000	40	Adiantum palmatum	Bloodgood	12"	12.50	500.00
CH00000000	75	Adiantum palmatum	Bloodgood	10"	10.50	787.50
CH00000000	6	Adiantum palmatum	Bloodgood	6'	125.00	750.00
CH00000000	25	Adiantum palmatum	Bloodgood	12"	13.50	337.50
CH00000000	25	Adiantum palmatum	Bloodgood	12"	13.50	337.50
CH00000000	25	Adiantum palmatum	Bloodgood	18"	23.75	593.75
CH00000000	0	Adiantum palmatum	Bloodgood	7'	.00	.00

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Plant Division
835 Capitol St. NE, Salem, OR 97310-0110

Shipping Permit No. 50-8501

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and disease.



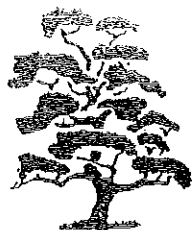
B.D. WRIGHT

ANLA
American Nursery & Landscape Association



NET INVOICE	10,316.25
LESS DISCOUNTS	.00
FREIGHT	.00
INVOICE TOTAL	10,316.25

EXHIBIT A
Page 5 of 8



第 16761 号 16761CF 第 16761 号

PAGE: 1

Patterson
Nursery Sales, Inc.

P.O. BOX 88 BORING, OR 97009
(503) 668-6000 FAX (503) 668-9000

INVOICE NUMBER: 0026990-IN
INVOICE DATE: 09/24/07
CUSTOMER NO: PIKE
COMMENT: JASON
SHIP DATE: 09/24/07
ORDER NUMBER: 0017970

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
NORCROSS GA 30093

PH (770) 921-1022

SHIP TO: PIKE NURSERIES, INC. #46
350 MCFARLAND RD
ALPHARETTA GA 30004

[illegible]

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Feed Division
886 Capitol Bldg., Salem, OR 97310-8190

Shipping Permit No. 50-9501

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and disease.



E.D. WRIGHT



ANLATM
American Nursery &
Landscape Association



NET DEDUCTIBLE	4,395.00
LESS DISCOUNT	.00
FREIGHT:	.00
INVOICE TOTAL	4,395.00

EXHIBIT A
Page 6 of 8



Patterson
Nursery Sales, Inc.

P.O. BOX 89 BORING, OR 97009
(503) 666-6000 FAX (503) 666-9000

***** INVOICE *****

PAGE: 1

INVOICE NUMBER: 0027043-1H
INVOICE DATE: 10/05/07
CUSTOMER NO: PIKE
COMMENT:
SHIP DATE: 10/05/07
ORDER NUMBER: 0018025

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
MORCROSS GA 30093

SHIP TO: PIKE NURSERIES, INC. #46
350 MCFARLAND RD
ALPHARETTA GA 30004

PH (770) 921-1022

CUSTOMER P.O.		SALESPERSON		SHIP VIA		TERMS	
HOUSE - JASON BURNS				NET 30 DAYS			
ITEM NO.	QTY	GENUS/SPECIES	CULTIVAR	SIZE	PKG	PRICE	AMOUNT
ACCP07124	1	Acer palmatum	'Crimson Prince'	7'	24" Box	200.00	200.00
		TAGGED RED BLACK STRIPE X 2					
*ACB06621	10	Acer palmatum	'Bloodgood'	6'	20" Box	155.00	1,550.00
\$B735727	1	Acer palmatum dissectum	'Tanukayama'	Spec	36" Box	925.00	925.00
		TAGGED RED BLACK STRIPE					
\$B735736	1	Acer palmatum dissectum	'Tanukayama'	Spec	150 Gal	900.00	900.00
		TAGGED RED BLACK STRIPE					
*EAC08045	5	Cedrus atlantica	'Glauca'	8'	45 Gal	100.00	500.00
HON04420	10	Chamaecyparis obtusa	'Well's Special'	4'	20 Gal	55.00	550.00
CHPB05533	6	Chamaecyparis pisifera	'Cyano-viridis Blvd'	5'	B&B	65.00	390.00
		LOAD IS FREE GEE TREE HYDRANGEAS FROM SID					
*PEM01315	10	Pieris japonica	'Mountain Fire'	24"	15 Gal	26.50	265.00
		RED BLACK CHECK					
PSES15033E	12	Pyrus	Ass't Espaliered	1-1/2"	B&B	75.00	900.00

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Plant Division
825 Capitol St. NE, Salem, OR 97310-0110

Shipping Permit No. 50-8501

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and disease.



D.D. WRIGHT
ADMINISTRATOR

AN&LA
American Nursery &
Landscape Association



NET INVOICE:	6,180.00
LESS DISCOUNT:	.00
FREIGHT:	.00
INVOICE TOTAL:	6,180.00

EXHIBIT A
Page 7 of 8



Patterson
Nursery Sales, Inc.

P.O. BOX 99 BORING, OR 97009
(503) 668-6000 FAX (503) 668-9000

***** INVOICE *****

PAGE: 1

INVOICE NUMBER: 0027076-1H
INVOICE DATE: 10/16/07
CUSTOMER NO: PIKE
COMMENT: JASON
SHIP DATE: 10/16/07
ORDER NUMBER: 0017994

SOLD TO: PIKE NURSERIES, INC.
4020 STEVE REYNOLDS BLVD
MORCROSS GA 30093

SHIP TO: PIKE NURSERIES, INC. #46
350 MCFARLAND RD
ALPHARETTA GA 30004

PH (770) 921-1022

CUSTOMER P.O.	SALESPERSON	SHIP VIA	TERMS				
46-2829	HOUSE - JASON BURNS		NET 30 DAYS				
ITEM NO.	QTY	GENUS/SPECIES	CULTVAR	SIZE	PKG	PRICE	AMOUNT
ACBG05510	10	UPDATED 10/12/07 Acer palmatum SAMPLES	'Bloodgood'	5'	10 Gal	65.00	650.00
ADSK06620	1	Acer palmatum	'Sango Kaku'	6'	20 Gal	125.00	125.00
F-ADSE0442004	1	RED BLACK STRIPE AND RED BLACK DOT Acer palmatum dissectum	'Seiryu'	4'	20 Gal	65.00	65.00
CTA02125	1	RED BLACK STRIPE AND RED BLACK DOT Acer palmatum dissectum	'Yamukoyana'	48"	25 Gal	180.00	180.00
ACRD01920	1	RED BLACK STRIPE AND RED BLACK DOT Acer palmatum dissectum	'Red Dragon'	48"	20 Gal	180.00	180.00
ACCQ02120	1	RED BLACK STRIPE AND RED BLACK DOT Acer palmatum dissectum	'Crimson Queen'	48"	20 Gal	180.00	180.00
ADIS01714	1	RED BLACK STRIPE AND RED BLACK DOT Acer palmatum dissectum	'Inaba Shidare'	48"	15" Box	180.00	180.00
E-CEAG0853305	15	Cedrus atlantica	'Glauca'	10'	B&B	165.00	2,475.00
E-CEAG0903305	20	Cedrus atlantica	'Glauca'	12'	B&B	195.00	3,900.00
E-CEAG0923303	6	Cedrus atlantica	'Glauca'	14'	B&B	235.00	1,410.00
CEAP06635	1	Cedrus atlantica UP AND OVER RED BLACK STRIPE AND RED BLACK DOT	'Glauca Pendula'	6'	35 Gal	95.00	95.00
E-CHNP0853304	10	Chamaecyparis nootkatensis RED BLACK STRIPE	'Pendula'	10'	B&B	195.00	1,950.00
E-CHNP0903304	5	Chamaecyparis nootkatensis RED BLACK STRIPE	'Pendula'	12'	B&B	250.00	1,250.00
CHEN00707	111	Chamaecyparis pisifera	'Filifera Golden Mops'	18"	7 Gal	23.50	2,608.50
PCAD00503	19	Picea abies AT EAG	'Pumila'	12"	3 Gal	14.00	266.80
PCAN01503	25	Picea abies	'Pendula'	30"	3 Gal	33.50	837.50
PITB01310	0	Pinus densiflora	'Umbraculifera'	24"	10 Gal	.00	.00
E-PIAN0173304	2	Pinus thunbergiana	'Angelica Thunderhead'	36"	B&B	90.00	180.00

If payment is not received within 30 days, interest will be charged at the rate of 1.5% per month. Annual interest rate is 18%.

State of Oregon
DEPARTMENT OF AGRICULTURE
Plant Division
838 Capital St. NE, Salem, OR 97310-0110

Shipping Permit No. 50-9501

This is to certify that the nursery doing business under the above permit number has been regularly inspected and to the best of our knowledge is free from dangerous pest and disease.



B.D. WRIGHT

ANCLA
American Nursery & Landscape Association



NET INVOICE:	16,532.00
LESS DISCOUNT:	.00
FREIGHT:	.00
INVOICE TOTAL:	16,532.00

EXHIBIT A
Page 8 of 8