



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

**Date: November 16, 2007**

*Mary Grace Diehl*

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

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**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>	)	
	)	

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**ORDER AUTHORIZING PAYMENT OF PRE-PETITION WAGES,  
PAYROLL TAXES, CERTAIN EMPLOYEE BENEFITS, AND RELATED EXPENSES**

This matter is before the Court on the motion of Pike Nursery Holding LLC (the “Debtor”) for authority to pay pre-petition wages, payroll taxes, certain employee benefits, related expenses, and other compensation to employees and independent contractors (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. The Debtor is authorized to pay all Obligations, as defined in the Motion, that have accrued by virtue of the services rendered prior to the Petition Date; provided, however, the payments to any individual shall not exceed the limitations set forth in 11 U.S.C. § 507(a)(4) unless authorized by further order to the Court. The Obligations that the Debtor is authorized to pay are described in the Motion and include, without limitation, (i) wages, salaries, and other compensation; (ii) payroll taxes; (iii) paid time off, bereavement, and holiday programs; (iv) qualified 401(k) plan obligations; (v) health and welfare benefits; (vi) performance recognition benefits; (vii) tuition benefits; (viii) employee discounts; and (ix) other benefits.
3. Subject to the availability of funds, the Debtor's banks are authorized and directed to honor any check or draft representing an Obligation that may be presented for payment and to make other transfers necessary to implement these transactions provided that sufficient funds are available in the applicable accounts to make the payments and transfers. The Debtor is further authorized to pay any cost or penalty incurred by its employees in the event that a check issued by the Debtor for payment of the Obligations is inadvertently not honored because of the filing of the Debtor's bankruptcy case.
4. The banks and other financial institutions that process, honor and pay any and all checks on account of Obligations may rely on the representation of the Debtor as to which

checks are issued and authorized to be paid in accordance with this Order without any duty of further inquiry and without liability for following the Debtor's instructions.

5. Neither this Order, nor the Debtor's payment of any amounts authorized by this Order, shall (i) result in any assumption of any executory contract by the Debtor; (ii) result in a commitment to continue any plan, program, or policy of the Debtor; or (iii) impose any administrative, pre-petition, or post-petition liabilities upon the Debtor.

6. 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.

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

**[END OF DOCUMENT]**

Prepared and presented by:

SCROGGINS & WILLIAMSON

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Bankruptcy Noticing Center  
2525 Network Place, 3rd Floor  
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# CERTIFICATE OF SERVICE

District/off: 113E-9  
Case: 07-79129

User: slaterc  
Form ID: pdf453

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Total Served: 3

Date Rcvd: Nov 16, 2007

The following entities were served by first class mail on Nov 18, 2007.

db +Pike Nursery Holding LLC, 4020 Steve Reynolds Blvd., Norcross, GA 30093-3067  
aty +J. Robert Williamson, Scroggins and Williamson, 1500 Candler Building,  
127 Peachtree Street, N.E., Atlanta, GA 30303-1810  
ust Office of U.S. Trustee, 75 Spring St., 362 Richard B. Russell Bldg., Atlanta, GA 30303

The following entities were served by electronic transmission.

NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 18, 2007

Signature:

