

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

IN RE:)	CASE NO. 07-70129-MGD
)	
PIKE NURSERY HOLDING, LLC,)	CHAPTER 7
)	
DEBTOR.)	JUDGE DIEHL

**APPLICATION FOR ALLOWANCE AND PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIM**

COMES NOW, Heartwood by and through its undersigned counsel and hereby requests allowance and payment of an administrative expense of the Estate, and in support of such, Heartwood shows the Court the following:

FACTS

1.

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).

2.

Pike Nursery Holding, LLC (the “Debtor”) filed a voluntary petition for relief under Chapter 11 Petition of the Bankruptcy Code, on November 14, 2007. Debtor continued to operate its business as a debtor-in-possession.

3.

Upon motion of the Chapter 11 Trustee, the Chapter 11 case was converted to Chapter 7, on March 24, 2008.

4.

Subsequent to filing the Petition, the Debtor ordered from Heartwood, merchandise which benefitted the Debtor in the normal operation of its business.

5.

Heartwood sold the goods to the Debtor in the ordinary course of such debtor's business.

6.

Debtor initiated the transactions with Heartwood without disclosing the fact that it had filed a voluntary Chapter 11 Petition.

7.

Attached hereto and marked as Collective Exhibit "A" are true and correct copies of invoices reflecting the deliveries to Debtor. The value of goods delivered to Debtor totals \$7,790.00.

ARGUMENT

Sections 503(a) & (b) of the Bankruptcy Code provide as follows:

- (a) An entity may timely file a request for payment of an administrative expense, or may tardily file such request if permitted by the court for cause.
- (b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including—

(1)(A) the actual,

necessary costs
and expenses of
preserving the
estate

11 USC §§ 503(a) & (b)(1)(A)

8.

Heartwood is entitled to the allowance of a Chapter 11 administrative expense claim in the amount of \$7,790.00 pursuant to 11 U.S.C. § 503(b)(1). Heartwood respectfully requests that the Court enter an order granting it an allowed Chapter 11 administrative expense claim in the amount of \$7,790.00, and additionally, that Debtor be authorized and compelled to pay to Heartwood this amount within ten (10) days after issuance of an order.

9.

This Application is made without prejudice to any and all other claims held by Heartwood.

WHEREFORE, Heartwood respectfully requests an Order allowing Heartwood's administrative expense claim and compelling Debtor to pay such claim within ten (10) days after issuance of such an order.

Respectfully submitted, this 29th day of May, 2008.

/s/ Annette Triplett-Beasley
ANNETTE TRIPLETT-BEASLEY
Attorney for Debtors
2330 Scenic Highway, Suite 215
Snellville GA 30078
Admitted in GA and MS
Ga. Bar No. 716390
Telephone 678-252-2128, Facsimile 678-252-2124
anntripb@yahoo.com