

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

503-585-2056
JUL 13 2008 2:42:05 PM

FILED

CLERK

CLERK

CLERK

Mitza Cedeño

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

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 SOBELLA FARMS' NOTICE UNDER §546(b)
20 IN LIEU OF COMMENCEMENT OF ACTION

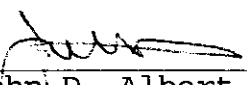
21 Sobella Farms has a perfected lien pursuant to ORS 87.700,
22 et. seq., in certain produce delivered to the above debtor, and
23 its inventory and accounts receivable, as more particularly
24 described in its Notice of Agricultural Grain Produce Lien
25 attached hereto as Exhibit A, and by this reference incorporated
26 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., Sobella Farms hereby notifies the
30 trustee of its intent to maintain and continue said lien against
31 the inventory and accounts receivable, or any proceeds or funds
32 against which a replacement lien has been granted by Order of

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

3 Dated this 12th day of June, 2008.

4 Albert & Tweet, LLP

5 By 
6 John D. Albert, OSB #76041
7 Of attorneys for Sobella Farms

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

15 **Debtor**

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

Counsel for Debtor

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

21 **Trustee**

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

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

28 **US Trustee**

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

Counsel for US Trustee

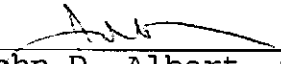
Leroy Culton
US Trustee
75 Spring St. SW
Atlanta, GA 30303

33 **Counsel for Creditor's Committee**

34 Gwendolyn J. Godfrey
35 Powell Goldstein LLP
36 One Atlantic Center - 14th Flr.
37 1201 W. Peachtree St. NW
38 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 of State
Corporation Division
255 Capitol St. NE,
Salem, OR 97310-1133
Phone: (503) 986-2111
Fax: (503) 373-1111
FilingInOregon.com

State of Oregon
Initial Filing 10 Page(s)



9030923809

7822491
12/14/07 02:26 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.
We must release this information to all parties upon request and it may be posted on our website.

Pursuant to ORS 87.710

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

DEBTOR

PURCHASER: NAME 1 Pike Nursery Holding LLCNAME 2 Pike Family Nurseries4020 Steve Reynolds Blvd.

ADDRESS

NorcrossGA30093

CITY

STATE

ZIPCODE

PRODUCER: Sobella Farms

NAME

PO Box 1138

ADDRESS

BoringOR97009

CITY

STATE

ZIPCODE

Mark One If Individual, list last name first.

☒ Business ☐ Individual☒ Business ☐ IndividualSTATEMENT AMOUNT OF PRODUCER'S DEMAND (after Deducting All Credits and Offsets): \$ 19,991.60

DESCRIPTION OF PRODUCE DELIVERED OR TRANSFERRED BY:

Woody ornamentals - see attached invoices

DATE PAYMENT ORIGINALLY DUE: see attached statement

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

STATE OF OregonCOUNTY OF Clackamas

CLAIMANT SIGNATURE

DATE

SUBSCRIBED TO AND SWORN/AFFIRMED BEFORE ME THIS 13th DAY OF December, 20 07.by Steve Sobella

OFFICIAL SEAL
ROBYN V. TORRES
NOTARY PUBLIC - OREGON
COMMISSION NO. 407764
MY COMMISSION EXPIRES JUNE 27, 2010

Notary Public of Oregon

My commission expires: June 27, 2010

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

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 No.</u>	<u>Shipping Date</u>	<u>Due Date</u>	<u>Amount</u>
4558	9/28/07	11/2/07	\$4,380.50
4559	9/28/07	11/2/07	\$2,752.50
4569	10/19/07	11/23/07	\$1,389.00
4374	10/19/07	11/23/07	\$4,363.00
4570	10/19/07	11/23/07	\$799.60
4571	10/19/07	11/23/07	\$863.40
4572	10/19/07	11/23/07	\$1,571.50
4573	10/19/07	11/23/07	<u>\$3,872.10</u>
			\$19,991.60

p:\dd\sobellsum

Sobella Farms**Invoice 4558**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Family Nurseries Inc. #18
4020 ROSWELL ROAD
ATLANTA, GA. 30342

Ph 404 843-9578 Fa (404)-256-0224

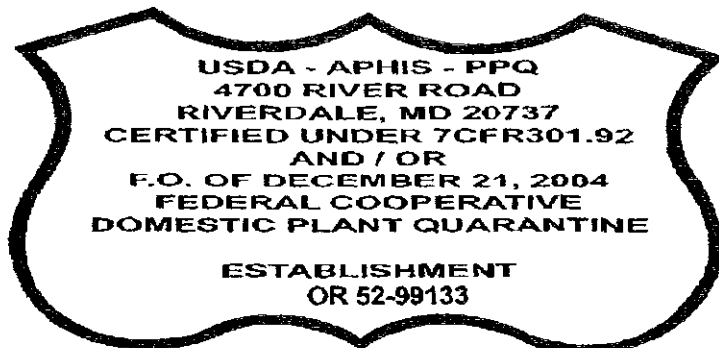
Invoice Date 09/28/2007

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/02/2007	09/28/2007
Quantity	Item Description			Unit Price	Extended Price

200	Buxus semp. Suffruticosa 2 Gallon	\$8.00	\$1,600.00
20	Chamaecyparis pis. Sungold 2 Gallon	\$7.50	\$150.00
25	Pieris jap. Mt. Fire 3Gal.15-18"	\$8.00	\$200.00
30	Thuja occ. Emerakds 5 Gal.42-48"	\$11.50	\$345.00
8	Buxus sempervirens (Tiered) 7Gal.Field	\$35.00	\$280.00
20	Buxus semp. Suffruticosa 7Ga.18-24"	\$16.50	\$330.00
30	Buxus semp. (Pencil) 7Ga.24-30"	\$14.00	\$420.00
4	Chamaecyparis Boulevard Pom Pom 7Ga.24-30"	\$32.00	\$128.00
25	Buxus sempervirens 10Gal. 24-30"	\$22.50	\$562.50
10	Thuja occ. Emerakds 10Ga 4/5Ft	\$14.90	\$149.00
4	Chamaecyparis Boulevard Pom Pom 20 Gallon	\$54.00	\$216.00

376 Item Count

Invoice Due 11/02/2007 Invoice Total \$4,380.50

State of Oregon Dept. of Agriculture
635 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4559**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 09/28/2007

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Store #51
2410 Camellia Lane
Atlanta, GA. 30324

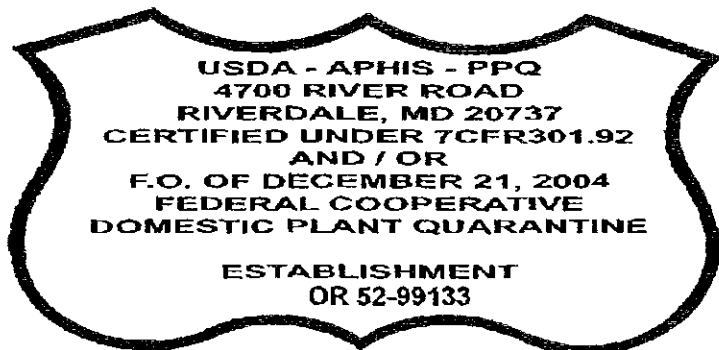
Ph 7709211022 Fa

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/02/2007	09/28/2007
Quantity	Item Description			Unit Price	Extended Price
80	Buxus semp. Suffruticosa 1 Gallon			\$3.10	\$248.00
65	Buxus semp. Suffruticosa 2 Gallon			\$8.00	\$520.00
10	Chamaecyparis pis. Sungold 2 Gallon			\$7.50	\$75.00
15	Prunus las. Otto Luyken 3 Gallon			\$7.90	\$118.50
10	Thuja occ. Emeralds 5 Gal.42-48"			\$11.50	\$115.00
25	Buxus semp. Suffruticosa 7Ga.18-24"			\$16.50	\$412.50
12	Buxus semp. (Pencil) 7Ga.24-30"			\$14.00	\$168.00
4	Chamaecyparis Boulevard Pom Pom 7Ga.24-30"			\$35.00	\$140.00
26	Buxus sempervirens 10Gal. 24-30"			\$22.50	\$585.00
5	Thuja occ. Emeralds 10Ga 4/5Ft			\$14.90	\$74.50
2	Cedrus atl.Pendula (Twist) 15Gal 4/5Ft			\$40.00	\$80.00
4	Chamaecyparis Boulevard Pom Pom 20 Gallon			\$54.00	\$216.00

258 Item Count

Invoice Due 11/02/2007 Invoice Total \$2,752.50



State of Oregon Dept. of Agriculture
635 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4569**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 10/19/2007

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Store #200
12630 N. Community House Rd.
Charlotte, NC. 28277

Ph 7049968573 Fa

Page 1 of 1

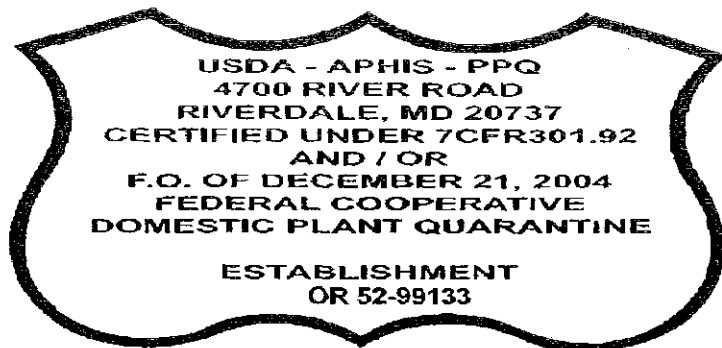
Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price

20	Buxus semp. Suffruticosa 2 Gallon			\$8.00	\$160.00
20	Chamaecyparis pis. Sungold 2 Gallon			\$7.50	\$150.00
10	Thuja occ. Emeralds 5 Gal.42-48"			\$11.50	\$115.00
14	Buxus semp. Suffruticosa 7Ga.18-24"			\$16.50	\$231.00
10	Buxus semp. (Pencil) 7Ga.24-30"			\$14.00	\$140.00
2	Chamaecyparis Boulevard Pom Pom 7Ga.24-30"			\$35.00	\$70.00
10	Buxus sempervirens 10Gal. 24-30"			\$22.50	\$225.00
20	Thuja occ. Emeralds 10Ga 4/5Ft			\$14.90	\$298.00

106 Item Count

Invoice Due 11/23/2007 Invoice Total

\$1,389.00



State of Oregon Dept. of Agriculture
535 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases.



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4574**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 10/19/2007

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Family Nurseries Inc. #18
4020 ROSWELL ROAD
ATLANTA, GA. 30342

Ph 404 843-9578 Fa (404)-256-0224

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price
200	Buxus semp. Suffruticosa 1 Gallon			\$3.10	\$620.00
100	Buxus semp. Suffruticosa 2 Gallon			\$8.00	\$800.00
20	Thuja occ. Emeralds 5 Gal.42-48"			\$11.50	\$230.00
52	Buxus semp. Suffruticosa 7Ga.18-24"			\$16.50	\$858.00
30	Buxus semp. Pyramid 7Ga.24-30"			\$14.90	\$447.00
40	Buxus sempervirens 10Gal. 24-30"			\$22.50	\$900.00
20	Thuja occ. Emeralds 10Ga 4/5Ft			\$14.90	\$298.00
2	Chamaecyparis Boulevard Pom Pom 15 Gallon			\$45.00	\$90.00
3	Cedrus atl.Pendula (Twist) 15Gal 4/5Ft.			\$40.00	\$120.00

467 Item Count

Invoice Due 11/23/2007 Invoice Total \$4,363.00

USDA - APHIS - PPQ
4700 RIVER ROAD
RIVERDALE, MD 20737
CERTIFIED UNDER 7CFR301.92
AND / OR

F.O. OF DECEMBER 21, 2004
FEDERAL COOPERATIVE
DOMESTIC PLANT QUARANTINE

ESTABLISHMENT
OR 52-99133

State of Oregon Dept. of Agriculture
535 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4570**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 10/19/2007

Bill to**Ship to**

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Pike Family Nurseries Inc. #35
5795 STATE BRIDGE ROAD
ALPHARETTA, GA. 30202

Ph (770)-921-1022 Fa (770)-381-3433

Ph 770 813-5050 Fa (770)-813-5052

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price

5	Chamaecyparis pis. Sungold 2 Gallon			\$7.50	\$37.50
15	Thuja occ. Emeralds 5 Gal.42-48"			\$11.50	\$172.50
10	Buxus semp. (Pencil) 7Ga.24-30"			\$14.00	\$140.00
5	Chamaecyparis Boulevard Pom Pom 7Ga.24-30"			\$35.00	\$175.00
4	Thuja occ. Emeralds 10Ga 4/5Ft			\$14.90	\$59.60
3	Chamaecyparis Boulevard Pom Pom 15 Gallon			\$45.00	\$135.00
2	Cedrus atl.Pendula (Twist) 15Gal 4/5Ft			\$40.00	\$80.00

44 Item Count

Invoice Due 11/23/2007 Invoice Total \$799.60

USDA - APHIS - PPQ
4700 RIVER ROAD
RIVERDALE, MD 20737
CERTIFIED UNDER 7CFR301.92
AND / OR
F.O. OF DECEMBER 21, 2004
FEDERAL COOPERATIVE
DOMESTIC PLANT QUARANTINE
ESTABLISHMENT
OR 52-99133

State of Oregon Dept. of Agriculture
635 Capitol SE N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4571**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Family Nurseries Inc. #19
2955 HOLCOMB BRIDGE ROAD
ALPHARETTA, GA. 30202

Ph 770 641-1217 Fa (770)-992-6872

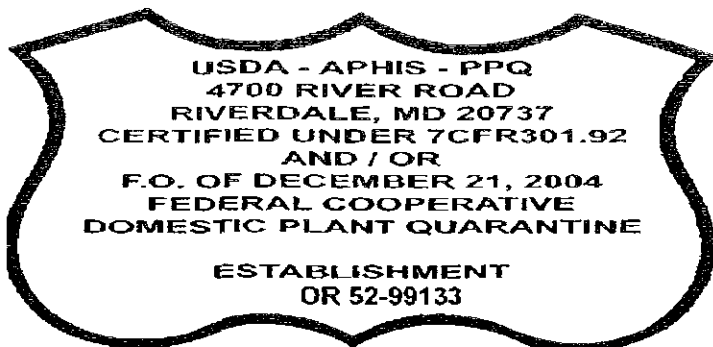
Invoice Date 10/19/2007

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price

40	Buxus semp. Suffruticosa 1 Gallon		\$3.10	\$124.00
20	Buxus semp. Suffruticosa 2 Gallon		\$8.00	\$160.00
10	Chamaecyparis pis. Sungold 2 Gallon		\$7.50	\$75.00
20	Buxus semp. (Pencil) 7Ga.24-30"		\$14.00	\$280.00
4	Buxus sempervirens 10Gal. 24-30"		\$22.50	\$90.00
6	Thuja occ. Emeralds 10Ga 4/5Ft		\$14.90	\$89.40
1	Picea pungens Fat Albert 20Ga.4/5Ft.		\$45.00	\$45.00

101 Item Count

Invoice Due 11/23/2007 Invoice Total \$863.40

State of Oregon Dept. of Agriculture
635 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4572**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 10/19/2007

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Family Nurseries Inc.#38
2101 Lavista Rd
Atlanta, GA. 30329

Ph 404 634-8604 Fa

Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price

60	Buxus semp. Suffruticosa 1 Gallon		\$3.10	\$186.00
40	Buxus semp. Suffruticosa 2 Gallon		\$8.00	\$320.00
10	Chamaecyparis pis. Sungold 2 Gallon		\$7.50	\$75.00
10	Buxus Suffruticosa (Pyramid) 5Gal.Field		\$14.90	\$149.00
15	Thuja occ. Emeralds 5 Gal.42-48"		\$11.50	\$172.50
4	Buxus semp. Suffruticosa 7Ga.18-24"		\$16.50	\$66.00
10	Buxus semp. Pyramid 7Ga.24-30"		\$14.90	\$149.00
6	Buxus sempervirens 10Gal. 24-30"		\$22.50	\$135.00
10	Thuja occ. Emeralds 10Ga 4/5Ft		\$14.90	\$149.00
2	Chamaecyparis Boulevard Pom Pom 15 Gallon		\$45.00	\$90.00
2	Cedrus atl.Pendula (Twist) 15Gal 4/5Ft.		\$40.00	\$80.00

169 Item Count

Invoice Due 11/23/2007 Invoice Total \$1,571.50

USDA - APHIS - PPQ
4700 RIVER ROAD
RIVERDALE, MD 20737
CERTIFIED UNDER 7CFR301.92
AND / OR
F.O. OF DECEMBER 21, 2004
FEDERAL COOPERATIVE
DOMESTIC PLANT QUARANTINE
ESTABLISHMENT
OR 52-99133

State of Oregon Dept. of Agriculture
635 Capitol St. N.E. Salem, OR. 97310-0110

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SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business

Sobella Farms**Invoice 4573**

Sobella Farms P.O. Box 1138 Boring, OR 97009 Ph (503) 668-8055 Fax (503) 668-1006

Invoice Date 10/19/2007

Bill to

Pike Family Nurseries Inc.
4020 Steve Reynolds Blvd.
Norcross GA 30093

Ph (770)-921-1022 Fa (770)-381-3433

Ship to

Pike Store #51
2410 Camellia Lane
Atlanta, GA. 30324

Ph 7709211022 Fa

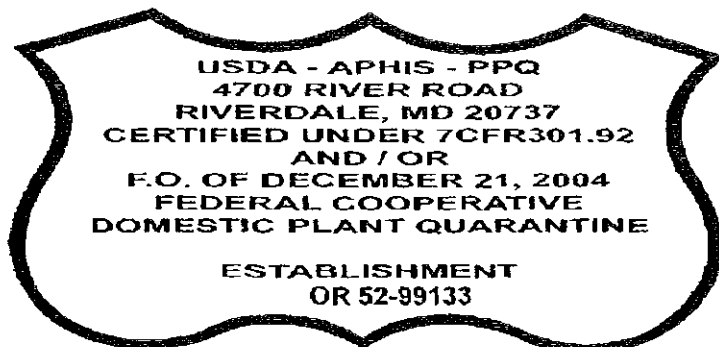
Page 1 of 1

Order No	PO Number	Ship Via	Terms	Due Date	Ship Date
48		All-American	35	11/23/2007	10/19/2007
Quantity	Item Description			Unit Price	Extended Price
150	Buxus semp. Suffruticosa 1 Gallon			\$3.10	\$465.00
100	Buxus semp. Suffruticosa 2 Gallon			\$8.00	\$800.00
14	Buxus Suffruticosa (Pyramid) 5Gal.Field			\$14.90	\$208.60
10	Thuja occ. Emeralds 5 Gal.42-48"			\$11.50	\$115.00
25	Buxus semp. Suffruticosa 7Ga.18-24"			\$16.50	\$412.50
25	Buxus semp. Pyramid 7Ga.24-30"			\$14.90	\$372.50
10	Chamaecyparis Boulevard Pom Pom 7Ga.24-30"			\$35.00	\$350.00
24	Buxus sempervirens 10Gal. 24-30"			\$22.50	\$540.00
15	Thuja occ. Emeralds 10Ga 4/5Ft			\$14.90	\$223.50
5	Chamaecyparis Boulevard Pom Pom 15 Gallon			\$45.00	\$225.00
4	Cedrus atl.Pendula (Twist) 15Gal 4/5Ft.			\$40.00	\$160.00

382 Item Count

Invoice Due 11/23/2007 Invoice Total

\$3,872.10



State of Oregon Dept. of Agriculture
635 Capitol St. N.E. Salem, OR. 97310-0110

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 pests and diseases



SHIPPING PERMIT NO. 52-99133

Dan Hilburn
Administrator Plant Division

Thank You for Your Business