



IT IS ORDERED as set forth below:

Date: July 11, 2008

Mary Grace Diehl

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

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	
)	CHAPTER 7
PIKE NURSERY HOLDING LLC,)	
)	CASE NO. 07-79129-mgd
Debtor)	

ORDER ALLOWING GAS SOUTH, LLC'S ADMINISTRATIVE EXPENSE CLAIMS

Currently before the Court are Gas South, LLC's ("Gas South's") two motions for allowance and payment of Chapter 11 administrative expenses [Docket Entry Nos. 526 and 554] (the "Motions"). No creditor or party-in-interest filed any written objection or response to the Motions, although the Trustee appeared at the hearing and made a limited objection.

After proper notice, the Court called the case for hearing on the Motions on June 13, 2008. When the Court called the

Motions for hearing, no party, other than the Trustee, appeared in opposition. Marcus A. Watson, the Chapter 7 Trustee, asked for three (3) additional days to review Gas South's invoices and to take action if such review indicated that Gas South claims were not documented or calculated accurately and the matter could not be resolved with Gas South, and the Trustee further objected to the immediate payment of the claims or their surcharge pursuant to 11 U.S.C. § 506(c).

After Gas South, through its attorneys, proffered evidence in support of the Motions, the Court directed the Chapter 7 Trustee to make known his differences, if any, with Gas South's documentation and calculations of Gas South's claims, and to do so within the period suggested above by Mr. Watson.

Mr. Watson now has notified Gas South and the Court that he has completed his review of Gas South's claims, documentation and calculations, and he does not oppose allowing Gas South's administrative expenses in the amounts sought in the Motions. Mr. Watson opposes paying Gas South's allowed claims now, but he does not oppose their payment when he pays other Chapter 11 administrative expenses. The Trustee also presently opposes any surcharge of Gas South's claim against any property serving or which has served as collateral for any of the Debtor's creditors. The Court specifically has not determined whether Gas South's claims should be surcharged against any property

serving as collateral for Debtor's creditors.

Based on the Motions, the Affidavit of James M. Tiernan, Gas South's Controller ("Tiernan Aff."), the in-Court statements and arguments of counsel on June 13, 2008, the Court finds as follows:

1.

Gas South, a natural gas utility company, provided natural gas to Debtor under that certain Natural Gas Supply Agreement dated September 20, 2007 between Gas South and Debtor (the "Agreement") from October 1, 2007 through March 14, 2008. (Tiernan Aff. ¶¶ 3 and 12.)

2.

Gas South provided natural gas to Debtor during the twenty (20) day period preceding the petition date, from October 25, 2007 through November 13, 2007, in the usual and ordinary course of Debtor's business. The charges for the natural gas provided to Debtor by Gas South within the twenty-day period are \$11,392.00.

3.

By virtue of the foregoing, Gas South is entitled to an allowable administrative expense claim under 11 U.S.C. § 503(b)(9) in the amount of \$11,392.00.

4.

Pursuant to the Agreement and consistent with this Court's

Order dated December 7, 2007 (sometimes called the "Utility Order"), Gas South provided natural gas to Debtor from the petition date, November 14, 2007, through March 14, 2008, in the usual and ordinary course of business. Debtor used such natural gas in its business. The charges for the natural gas provided to Debtor by Gas South after the petition date through March 14, 2008 are \$108,586.30.

5.

By virtue of the foregoing, Gas South is entitled to an allowable administrative expense claim against Debtor's Estate under 11 U.S.C. § 503(b)(1)(A) in the amount of \$108,586.30.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

(a) Gas South's administrative expense claim in the amount of \$11,392.00 for natural gas provided to Debtor within the twenty-day period prior to the petition date shall be and hereby is allowed pursuant to 11 U.S.C. § 503(b)(9); and

(b) Gas South's administrative expense claim in the amount of \$108,586.30 for natural gas provided to Debtor after the petition date shall be and hereby is allowed pursuant to 11 U.S.C. § 503(b)(1)(A).

[END OF DOCUMENT]

Presented By:

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CERTIFICATE OF SERVICE

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

User: benningto
Form ID: pdf452

Page 1 of 1
Total Served: 9

Date Rcvd: Jul 14, 2008

The following entities were served by first class mail on Jul 16, 2008.

db +Pike Nursery Holding LLC, 4020 Steve Reynolds Blvd., Norcross, GA 30093-3067
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tr +Marcus A. Watson, Finley, Colmer and Company, Suite 450, 3091 Governors Lake Drive,
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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.

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: Jul 16, 2008

Signature:

