

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
PIKE NURSERY HOLDING LLC,)	CASE NUMBER: 07-79129-mgd
)	
Debtor.)	
_____)	

FIRST INTERIM APPLICATION OF FINLEY COLMER AND COMPANY
FOR COMPENSATION FOR CHAPTER 7 CASE

Finley Colmer and Company (“Applicant”) files its first interim application for compensation for services during the Chapter 7 case and respectfully shows this Court as follows:

1.

Finley Colmer and Company as accountants for Marcus A. Watson, Sr., the Chapter 7 Trustee makes this first interim application for allowance of compensation for professional services rendered in the amount of \$196,712.50 for the time period of March 24, 2008 through and including August 31, 2008.

2.

On April 3, 2008, this Court approved Finley Colmer and Company as accountants for Marcus A. Watson, Sr. both as the Chapter 11 Trustee and Chapter 7 Trustee in this case. This is Finley Colmer and Company’s first application for compensation for services during the Chapter 7 case.

3.

All services for which compensation is requested by Finley Colmer and Company were performed for and on behalf of the Chapter 7 Trustee and not on behalf of any creditor, committee or other person.

4.

A copy of this Application has been submitted for approval by the Trustee prior to submission to the Court.

5.

Finley Colmer and Company shows this Court that the billing rates for the services that are sought are reasonable and in keeping with similar awards to similar professionals performing accounting services in similar cases.

A. Background and General Services

This case was filed on November 14, 2007. The Debtor operated retail and wholesale nurseries in Alabama, Georgia and North Carolina. The Debtor sold the majority of its assets and assigned the majority of its commercial leases in early March, 2008. On March 6, 2008, the Unsecured Creditors' Committee filed a Motion to Appoint a Chapter 11 Trustee. On March 17, 2008, the Court entered an Order directing the United States Trustee to appoint a Chapter 11 Trustee. On March 18, 2008, Marcus A. Watson was appointed as the Chapter 11 Trustee. The case was converted on the Trustee's motion to Chapter 7 on March 24, 2008.

Marcus A. Watson was appointed as the Chapter 7 Trustee and retained Applicant as accountants in this matter.

B. Claims

Applicant provided assistance to the Trustee with respect to claims matters as follows:

- Review of Chapter 11 Administrative Expense Proof of Claims
- Contacting Chapter 11 creditors to request outstanding invoices and summarize open Chapter 11 claims
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- Discussions with creditors regarding bankruptcy proceeding

C. Accounting

Applicant provided assistance to the Trustee in connection to accounting matters as follows:

- Preparation of liquidation analyses
- Posting to general ledger
- Maintaining books and records

D. Collections

Applicant provided assistance to the Trustee with respect to collection matters as follows:

- Phone calls and meetings with numerous customers regarding their outstanding balance owed to the Estate

- Reconciling customer's books to Debtor's books
- Review of customer's proposed payment plans and submit to Trustee for approval

E. Analysis

Applicant provided assistance to the Trustee in connection to analysis of potential claims against Roark Capital Group.

F. Administrative

Applicant provided assistance to the Trustee with respect to general administrative matters as follows:

- Determining which of Debtor's accounting records needed to be retained and ensuring proper retention of records
- Assisting the Trustee with the closure of the Debtor's corporate offices and relocation of office equipment and records
- Responding to inquiries from employees with respect to Debtor's retirement plan
- Working with information technology professionals with respect to the Debtor's accounting information

G. Leases and turnover of property

Applicant assisted the Trustee in connection with leases and returning the leased equipment as follows:

- Identifying existing leases and executory contracts
- Fielding inquiries from lessors and contacting lessors with respect to turnover of leased equipment

- Locating leased equipment for turnover to lessors
- Advising counsel for the Trustee n rejection of leases and executory contracts

The foregoing has been a general overview of the background of this case and the services provided by the Applicant. Attached hereto as **Exhibit "A"** is a more detailed breakdown of the daily services provided by the Applicant's professionals.

Applicant seeks compensation for services rendered at its standard hourly rates. No premium or bonuses are being sought. Applicant was not paid a retainer and no prior requests for payment of fees have been made or approved. Applicant shows this Court that its fee application is reasonable in light of the awards in similar cases. Accordingly, the Court should approve the compensation requested by Finley Colmer and Company in the amount of \$196,712.50 as reasonable and necessary in this case.

WHEREFORE, Finley Colmer and Company prays that an allowance be made to it in the sum of \$196,712.50 for professional services rendered in this proceeding for the time period of March 24, 2008 through and including August 31, 2008

This 19th day of November, 2008.

/s/ John A. Christy

John A. Christy

Georgia Bar No. 125518

J. Carole Thompson Hord

Georgia Bar No. 291473

Attorneys for Marcus A. Watson, Sr.
Chapter 7 Trustee

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Atlanta, Georgia 30309-4516
(404) 681-3450

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AFFIDAVIT OF PETER COLMER

STATE OF GEORGIA

COUNTY OF GWINNETT

Before me, the undersigned attesting office duly authorized to administer oaths, personally appeared Peter Colmer who, after being duly sworn, deposed and said:

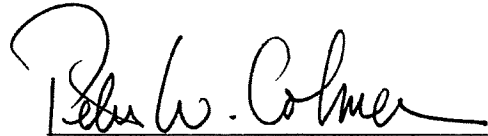
1.

I am a principal of Finley, Colmer and Company whom the Chapter 7 Trustee retained to provide accounting services.

2.

The facts set forth in the First Interim Application of Finley, Colmer and Company for Compensation for Chapter 7 Case and the Exhibits thereto, are true and correct based on my knowledge and Finley, Colmer and Company's business

records maintained in the ordinary course of business, including time and disbursement records made by its professionals at or near the time of each service or expense indicated by the records.



Peter W. Colmer
President

Sworn to and subscribed before me
this 19th day of November, 2008.



Notary

Notary Public, Bibb County, Georgia
My Commission Expires Oct. 11, 2011

[NOTARIAL SEAL]

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