UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

TRUSTEE'S MOTION FOR APPROVAL OF LIMITED NOTICE FOR MOTIONS SEEKING APPROVAL OF PREFERENCE SETTLEMENTS AND ATTORNEY'S FEES AND EXPENSES RELATED TO SETTLEMENTS

COMES NOW Marcus A. Watson, Sr., the Chapter 7 Trustee of Pike Nursery Holding LLC, and moves this Court for an Order establishing procedures limiting the notice with respect to settlements of preference claims and payment of attorney's fees and expenses. In support of his Motion, the Trustee states as follows:

1. On November 14, 2007 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. On March 17, 2008, the Court entered an Order Directing the United States Trustee to Appoint Chapter 11 Trustee in this bankruptcy case. On March 19, 2008, the Court approved the United States Trustee's application to appoint Marc A. Watson, Sr. as the Chapter 11 Trustee for the Debtor.

3. On March 24, 2008, the Court converted the case to Chapter 7 and Marcus A. Watson, Sr. was subsequently appointed as the Chapter 7 Trustee.

4. On April 24, 2008, the Court entered an Order Establishing Notice procedures which limited the notice, except as to the items listed in Rule 2002(a). Except as to Rule 2002(a) items, only the persons or entities on the Master Service List receive copies of the filings in the bankruptcy case.

5. The Master Service List consists of the following entities or persons:

- Office of the United States Trustee;
- The Trustee;
- Counsel for the Trustee;
- Counsel for the Debtor's pre and post petition lenders (until paid in full);
- Anyone who has formally appeared and requested service pursuant to Bankr. R. 2002; and
- The Internal Revenue Service and other state and federal government agencies, to the extent required by the Bankruptcy Rules.

There are 49 persons listed on the Master Service List.

6. The Trustee has identified approximately 150 potential preference claims. The Trustee is required under the current notice procedures to provide notice to all creditors of all settlements of the preference claims pursuant to Bankruptcy Rule 9019.

7. The Trustee also seeks to retain Schreeder, Wheeler & Flint, LLP to filed and pursue the preference claims on a contingent fee bases and is filing an

application to approve the terms of the retention. The Trustee also is required to serve all creditors with the requests to pay Schreeder, Wheeler & Flint, LLP its attorney's fees and expenses with each settlement of a preference claim under Bankruptcy Rule 2002(a).

8. Based on the Debtor's schedules, there are over 3,500 creditors entitled to receive notice of the preference settlements and related fee payments in this bankruptcy case. The cost associated with serving notices on all creditors and parties in interest is significant and will result in less funds to distribute to the creditors.

9. The Trustee proposes to serve only the Master Service List with the motions to approve the settlement of preference claims and payment of related attorney's fees and expenses where the amount of the claim identified by the Trustee is less than $20,000.

10. Permitting the Trustee to only serve the parties on the Master Service list will reduce the costs and time associated with service, particularly since the majority of the parties will receive service electronically.

11. The Trustee also requests that he be permitted to limit the distribution list and/or service for Orders regarding settlements of preference claims and

payment of related attorney's fees and expenses to Trustee's counsel, the United States Trustee and the parties specifically impacted by the Order in question.

WHEREFORE the Trustee requests that the Court enter an Order approving the notice procedures related to the preference settlements and related attorney's fees and expenses proposed herein. A proposed Order Establishing Chapter 7 Notice Procedures for Preference Settlements is attached hereto.

This 21st day of October, 2009.

/s/ John A. Christy
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
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IN RE:	)	CHAPTER 7
	)	
PIKE NURSERY HOLDING LLC,	)	CASE NUMBER: 07-79129-mgd
	)	
Debtor.	)	
	)	

ORDER ESTABLISHING NOTICE PROCEDURES

On October 21, 2009, Marcus A. Watson, Sr., the Chapter 7 Trustee of Pike Nursery Holding LLC, filed the Trustee's Motion for Approval of Limited Notice for Motions Seeking Approval of Preference Settlements and Attorney's Fees and Expenses Related to Preference Settlements ("Motion") seeking leave to limit notice with respect to motions seeking approval of settlements of preference claims and payment of attorney's fees and expenses related to the preference settlements.

A hearing on the Motion was held on November 19, 2009. For good cause shown in the Motion, it is hereby:

ORDERED that the Motion is GRANTED. The Trustee is only required to serve the parties on the Master Service List and the party against whom the preference is asserted with any motion brought pursuant to Bankruptcy Rule 9019 seeking the approval of a settlement and compromise of a preference claim and payment of the related attorney's fees and expenses and is only required to serve Orders related to the settlement motions on Trustee's counsel, the United States Trustee and the parties specifically impacted by the Order in question.

It is further ORDERED that the Trustee is directed to serve a copy of this Order on the Master Service List and all creditors in this case within five (5) days of the entry of this Order and file a certificate of service confirming the same.

[end of document]

Prepared and Presented by:

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within and foregoing Trustee's Motion for Approve of Notice Procedures for Motions Seeking Approval of Preference Settlements and Attorney's Fees and Expenses related to Preference Settlements was served via the ECF system where indicated or by first class United States mail in properly addressed envelopes with sufficient postage affixed thereon, to insure delivery upon the parties listed on the Master Service List which is attached hereto as **Exhibit "A"**.

This 21st day of October, 2009.

\s\ J. Carole Thompson Hord
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CHAPTER 7 MASTER SERVICE LIST

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