IT IS ORDERED as set forth below:

Date: March 25, 2010

Mary Grace Diehl

Mary Grace Diehl
U.S. Bankruptcy Court Judge

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

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

ORDER GRANTING MOTION FOR AUTHORITY TO COMPROMISE AND SETTLE PREFERENCE CLAIM AGAINST (1) 3 A.M., INC., (2) BENNETT THRASHER PC, (3) FLOWERWOOD NURSERY, INC., (4) HELENA CHEMICAL COMPANY, (5) MOBLEY PLANT FARM, INC., (6) OFFICE DEPOT, INC., AND (7) SHANNON HILL STONE COMPANY

On February 25, 2010, Marcus A. Watson, Sr., Chapter 7 Trustee (the Trustee") for the Estate of Pike Nursery Holding, LLC (the "Debtor") filed his Motion for Authority to Compromise and Settle Preference Claims against (1) 3 a.m., Inc., (2) Bennett Thrasher PC, (3) Flowerwood Nursery, Inc., (4) Helena Chemical Company, (5) Mobley Plant Farm, Inc., (6) Office Depot, Inc., and (7)

Shannon Hill Stone Company (the "Motion"). On March 3, 2010, the Trustee filed an Amendment to the Motion to clarify the settlement with Flowerwood Nursery, Inc. On March 25, 2010 the Motion as amended came on for hearing before this court upon notice. A copy of the Motion and the notice of hearing were duly served and no objection to the Motion was filed or made at the hearing. The Court having considered the Motion and the record in this case, it is hereby,

ORDERED, ADJUDGED and DECREED that the Motion as amended is GRANTED. The Trustee is authorized to compromise and settle the claims against (1) 3 a.m., Inc., (2) Bennett Thrasher PC, (3) Flowerwood Nursery, Inc., (4) Helena Chemical Company, (5) Mobley Plant Farm, Inc., (6) Office Depot, Inc., and (7) Shannon Hill Stone Company on the following terms:

1) 3 a.m., Inc. shall pay to and the Trustee shall accept $9,000.00 ("Settlement Amount") in full satisfaction of the Trustee's preference claims against 3 a.m., Inc. 3 a.m., Inc. shall pay the Settlement Amount in seven increments ("Scheduled Payments"):

   i. $3,000.00 on March 1, 2010;

   ii. $1,000.00 on April 1, 2010;

   iii. $1,000.00 on May 1, 2010;

   iv. $1,000.00 on June 1, 2010;

v. $1,000.00 on July 1, 2010;

vi. $1,000.00 on August 1, 2010; and

vii. $1,000.00 on September 1, 2010;

Should 3 a.m., Inc. fail to make one of the Scheduled Payments, the Trustee is entitled to request an ex parte judgment in the full amount of $18,065.25 less any payments received;

2) Bennett Thrasher PC provided tax services to the Bankruptcy Estate, for which it is entitled to Chapter 7 Administrative Fees pursuant to 11 U.S.C. § 503 in the amount of $6,100 ("Chapter 7 Fee"). Bennett Thrasher PC's claim for the Chapter 7 Fee is waived. Furthermore, Bennett Thrasher PC shall disgorge any sums it received associated therewith in full satisfaction of the Trustee's preference claims against Bennett Thrasher PC;

3) On January 3, 2008, Flowerwood Nursery, Inc. filed a Motion for Allowance of an Administrative Claim under 11 U.S.C. § 503(b)(9) in the amount of $40,166.33, which is reflected in the Register of Proofs of Claim as Claim No. 245 ("Motion"). In addition, on February 19, 2008 Flowerwood Nursery, Inc. filed a proof of claim for $246,137.86 [Claim No. 281], asserting that $40,166.33 of such amount was

entitled to Chapter 11 administrative priority under 11 U.S.C. 503(b)(9). The $40,166.33 administrative portion of Flowerwood Nursery, Inc.'s Proof of Claim No. 281 is disallowed as duplicative. In addition, Flowerwood Nursery, Inc.'s Chapter 11 administrative Claim Number 245 set forth in its Motion is reduced to and allowed as an administrative expense in the amount of $22,166.33. Flowerwood Nursery, Inc. waives any other or further administrative or priority claims in the Pike Nursery Holding, LLC Bankruptcy Case No. 07-79129 in full satisfaction of the Trustee's preference claims against Flowerwood Nursery, Inc. The Trustee reserves his right to object to the remaining claim set forth in Claim No. 281;

4) On May 12, 2008, Helena Chemical Company filed a Chapter 11 administrative proof of claim for $27,557.59 [Claim No. 421]. Helena Chemical Company shall pay to the Trustee $4,000.00 and Helena Chemical Company's Chapter 11 administrative Claim Number 421 is disallowed in full satisfaction of the Trustee's preference claims against Helena Chemical Company;

5) On February 19, 2008, Mobley Plant Farm, Inc. filed a Motion for Allowance of an Administrative Claim in the amount of $13,963.74,

which is reflected in the Register of Proofs of Claim as Claim Number 292. Subsequently, on April 29, 2008, Mobley Plant Farm, Inc. filed an Amendment to its Motion increasing the amount of the Administrative Claim to $19,366.60 (the Motion for Allowance and its Amendment are collectively referred to as the "Motion"). On April 1, 2008, Mobley Plant Farm, Inc. filed a proof of claim for $80,190.76, stating that $19,366.60 was entitled to priority [Claim No. 329]. On May 12, 2008, Mobley Plant Farm, Inc. filed an administrative proof of claim for $19,366.60 [Claim No. 422]. Mobley Plant Farm, Inc.'s Motion is denied. Furthermore, Mobley Plant Farm, Inc.'s Claim No. 329 is for a general unsecured claim and is not entitled to any administrative priority. In addition, Mobley Plant Farm, Inc.'s Chapter 11 administrative Claim Number 422 is reduced to and allowed in the amount of $5,366.60 in full satisfaction of the Trustee's preference claims against Mobley Plant Farm, Inc.;

6) Office Depot, Inc. shall pay to and the Trustee shall accept $1,262.00 in full satisfaction of the Trustee's preference claims against Office Depot, Inc.; and

7) Shannon Hill Stone Company shall pay to and the Trustee shall accept $7,328.17 in full satisfaction of the Trustee's preference claims against Shannon Hill Stone Company.

END OF DOCUMENT.

Prepared and presented by:

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