

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

In Re:)	Case No: 11-12254-WRS-11
)	
SMALL LOANS, INC., et al.)	Chapter 11
)	
Debtors.)	Jointly Administered

**APPLICATION PURSUANT TO FED. R. BANK. P. 2014(a) FOR ENTRY OF AN
ORDER UNDER SECTION 327(a) OF THE BANKRUPTCY CODE AUTHORIZING
EMPLOYMENT AND RETENTION OF HAYS FINANCIAL CONSULTING, LLC AS
ACCOUNTANTS FOR THE CHAPTER 11 TRUSTEE**

**PURSUANT TO LBR 9007-1, THIS APPLICATION WILL BE TAKEN
UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED
UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 21
DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE FILED
WITH THE CLERK AND SERVED UPON THE MOVING PARTY.
RESPONSES MUST FILED ELECTRONICALLY WITH THE CLERK
OR BY U.S. MAIL ADDRESSED TO THE CLERK, U.S. BANKRUPTCY
COURT, ONE CHURCH STREET, MONTGOMERY, ALABAMA 36104**

S. Gregory Hays, the chapter 11 bankruptcy trustee (the "Trustee") appointed in the above captioned case, hereby submits this application (the "Application") for an order pursuant to Sections 327(a) and 328(a) of Title 11 of the United States Code (as amended, the "Bankruptcy Code") and Fed. R. Bank. P. 2014(a), 2016 and 5002 authorizing the employment and retention of Hays Financial Consulting, LLC ("Hays Consulting" or the "Firm") as the Trustee's accountants as of May 1, 2012. In support of this Application, the Trustee respectfully states as follows:

Jurisdiction

1. This Court has jurisdiction over this Application under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A) and (O).

2. Venue of these cases and this Application is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory predicates for the relief requested herein are Sections 327(a) and 328(a) of the Bankruptcy Code.

Background

4. On December 16, 2011 (the "Petition Date"), Small Loans, Inc., The Money Tree, Inc., The Money Tree of Louisiana, Inc., The Money Tree of Florida Inc., and The Money Tree of Georgia Inc. (collectively, the "Debtors") filed voluntary chapter 11 bankruptcy cases in this Court.¹

5. The Debtors' history and the events leading up to their bankruptcy filings have already been set out in numerous pleadings filed with this Court and the Trustee will not retread over the same ground again here.

Appointment of Trustee

6. On April 30, 2012, the Court ordered the appointment of the Trustee pursuant to Section 1104(a) of the Bankruptcy Code. The Trustee now seeks to employ Hays Consulting as the Trustee's accountants .

Relief Requested

7. By this Application, the Trustee seeks to employ and retain Hays Consulting as the Trustee's accountants with regard to the prosecution of the Debtors' chapter 11 cases and all related matters, including the orderly liquidation of the Debtors' assets in order to maximize the

¹ The Money Tree, Inc. filed Case No. 11-12255-WRS-11; The Money Tree of Louisiana, Inc. filed Case No. 11-12256-WRS-11; The Money Tree of Florida Inc. filed Case No. 11-12257-WRS-11; and The Money Tree of Georgia Inc. filed Case No. 11-12258-WRS-11. These cases and the chapter 11 case filed by Small Loans, Inc. are being jointly administered by this Court pursuant to the Order for Joint Administration entered by the Court on January 4, 2012. For purposes of this Application, the Trustee seeks to employ Hays Consulting as the Trustee's accountants and financial advisors with regard to all of the jointly administered cases.

return to creditors. Accordingly, the Trustee respectfully requests the entry of an order pursuant to Section 327(a) of the Bankruptcy Code and Fed. R. Bankr. P. 2014(a) authorizing the Trustee to employ and retain Hays Consulting as the Trustee's accountants to perform the accounting services that will be necessary for the prosecution of the Debtors' chapter 11 cases.

8. The Trustee seeks to retain Hays Consulting as the Trustee's accountants because of the Firm's extensive experience and knowledge with regard to the matters for which Hays Consulting is to be engaged. The Trustee believes that Hays Consulting is both well qualified and uniquely able to represent the Trustee in an efficient and timely manner.

9. Hays Consulting intends to apply for compensation for services rendered in connection with the chapter 11 cases, subject to this Court's approval and in compliance with applicable provisions of the Bankruptcy Code, this Court's local rules and orders of this Court. will request compensation on an hourly basis, plus reimbursement of actual, necessary expenses and other charges the Firm incurs. Hays Consulting will charge hourly rates to the Trustee that are consistent with the rates charged by Hays Consulting in bankruptcy and non-bankruptcy matters of this type. Attached hereto as **Exhibit "A"** is a Firm resume for Hays Consulting describing the Firm and listing the Firm's fee schedule.

10. The professional services that Hays Consulting will render to the Trustee may include, but are not limited to, the following:

- (a) To advise and assist Trustee and Trustee's attorneys in connection with an investigation of the affairs of Debtors;
- (b) To advise and assist Trustee and Trustee's attorneys with the accounting and operational issues in connection with on-going business operations.
- (c) To advise and assist the Trustee and other professionals employed by Trustee with regard to the preparation and filing of any and all tax returns which may be required;²

² The Trustee may employ a Bainbridge tax accountant, Dowdy & Whittaker, who has previously been employed by the Debtors for the purposes of finalizing the preparation and filing of certain tax returns for tax year 2011. The Trustee is currently working to identify what work has already been completed for the returns due on June 15, 2012.

- (d) To provide support and assistance with regard to the proper receipt, disbursement and accounting for funds and other property of the estate;
- (e) To review, analyze and report to Applicant and Applicant's legal counsel with regard to any financial reports; information or data concerning the administration of this case; the liquidation of assets; the collection of accounts receivable owed to the Debtors; and the enforcement and collection of any claims, including, without limitation, claims for preferences, fraudulent conveyances, and other transfers avoidable under the Bankruptcy Code, improper disposal of assets, and other claims of recovery granted to the Debtors' estates;
- (f) To provide assistance and advice with regard to the preservation, maintenance, and management of assets of the Debtors, and the advantageous disposition of any assets of Debtors;
- (g) To perform any other services that may be required as accountants for Trustee to assist Trustee's attorneys in the performance of Trustee's duties and exercise of Trustee's rights and powers under the Bankruptcy Code.

11. To the best of Trustee's knowledge, and except as disclosed in the attached affidavit of S. Gregory Hays filed in connection herewith as **Exhibit "B"** pursuant to Fed. R. Bankr. P. 2014 (the "Affidavit"), Hays Consulting has not represented the Debtors' creditors, equity security holders, or any other parties in interest, or their respective attorneys and accountants, the Bankruptcy Administrator or any person employed in the Office of the Bankruptcy Administrator in any matters relating to the Debtors or their estates.

12. To the best of the Trustee's knowledge, Hays Consulting is a "disinterested person" as that phrase is defined in Section 101(14) of the Bankruptcy Code, and Hays Consulting's employment is necessary to assist the Trustee in carrying out the Trustee's duties under Title 11.

Notice

13. Notice of this Application has been given to (a) the Bankruptcy Administrator, Teresa R. Jacobs, (b) counsel for the Debtor, (c) counsel for the Official Committee of Unsecured Creditors, (d) the Limited Service List described in the Order Limiting Notice,

If Dowdy & Whittaker is employed, Hays Consulting will only advise the accountant with regard to these tax returns, but will not prepare or file the tax returns. There will not be any duplication of services between Hays Consulting and Dowdy & Whittaker.

Establishing Additional Notice Procedures and Approving Alternative Form of Notice Via Website [ECF Docket No. 91], and (e) those persons who have requested notice pursuant to Fed. R. Bankr. P. 2002. Notice will also be given on the Noticing Website. The Trustee submits that, in light of the relief requested, no other or further notice need to be given.

No Prior Request

14. No prior application for the relief requested herein has been made to this or any other court.

WHEREFORE, the Trustee, S. Gregory Hays, respectfully requests that the Court enter an order authorizing the Trustee to employ Hays Financial Consulting, LLC as the Trustee's accountants as of May 1, 2012 and granting such further relief as is just and proper.

Dated: 5-9-2012



S. Gregory Hays, Chapter 11 Bankruptcy Trustee

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing pleading upon the following via the ECF system or by placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 9th day of May, 2012:

Teresa R. Jacobs
U.S. Bankruptcy Administrator
Frank M. Johnson, Jr. Federal Building
One Church Street, Suite 103
Montgomery, Alabama 36104

Bill D. Bensinger
Max A. Mosley
Baker, Donelson, Bearman, Caldwell & Berkowitz
1600 Wells Fargo Tower
420 20th Street North
Birmingham, Alabama 35203

Jan M. Hayden
Baker, Donelson, Bearman, Caldwell & Berkowitz
201 St. Charles Avenue
New Orleans, Louisiana 70170

John D. Elrod
R. Kyle Woods
Greenberg Traurig, LLP
The Forum – Suite 400
3290 Northside Parkway, NW
Atlanta, Georgia 30327

Those persons who have requested notice pursuant to Fed. R. Bankr. P. 2002

/s/ Bradley R. Hightower
OF COUNSEL