

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

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

**CHAPTER 11 TRUSTEE'S MOTION FOR EXPEDITED HEARING**

S. Gregory Hays, the chapter 11 trustee (the "Trustee") appointed in the above captioned cases, hereby moves the Court pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure for entry of an order under Section 105(a) of Title 11 of the United States Code (as amended, the "Bankruptcy Code") scheduling an expedited hearing on the Trustee's motion for authorization to sell certain assets pursuant to Section 363 of the Bankruptcy Code filed on September 7, 2012 [ECF Docket No. 544] (the "363 Sale Motion"). In support of this motion, the Trustee respectfully states as follows:

**Jurisdiction**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. The statutory basis for the relief requested herein is Section 105(a) of the Bankruptcy Code.

**Background**

3. 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.<sup>1</sup>

4. 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**

5. On April 30, 2012, the Court ordered the appointment of the Trustee pursuant to Section 1104(a) of the Bankruptcy Code.

#### **Summary of Request for Relief and Reasons for Requesting Expedited Hearing**

6. The Trustee filed the 363 Sale Motion on September 7, 2012.

7. The Court scheduled a hearing (the "Sale Hearing") on the 363 Sale Motion for October 16, 2012.

8. The Trustee wants the Sale Hearing to be expedited and heard prior to October 16, 2012 for several reasons. First, the assets that the Trustee is selling comprise almost everything that the Debtors own and the Debtors' employees are becoming aware of this fact. They understand that a sale of the company may result in their jobs being lost or consolidated. This may make it difficult for the Debtors to retain their employees between now and October 16, 2012. Second, the Debtors' accounts receivable, which is their primary asset, may become harder to collect and thereby lose value to interested buyers as time goes by. For these reasons, the Trustee desires to go ahead and sell the accounts receivable as soon as possible.

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<sup>1</sup> 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.

9. The Trustee requests that the twenty one (21) day notice period provided by Rule 2002(a)(2) of the Federal Rules of Bankruptcy Procedure that is normally applicable to the 363 Sale Motion be reduced so that the Sale Hearing may be rescheduled for an earlier date. Specifically, the Trustee requests that the Sale Hearing be rescheduled to September 27, 2012 or September 28, 2012. If those dates are not available, the Trustee requests that the Sale Hearing be rescheduled to September 25, 2012.

### **REQUEST FOR RELIEF**

10. The Trustee requests, pursuant to Bankruptcy Rule 9006(c), that the Court grant the Trustee's motion for expedited hearing and take the following additional actions:

- A. Order the consumer privacy ombudsman previously appointed by the Court to examine the 363 Sale Motion and report to the Court if the ombudsman has any privacy concerns regarding the sale.
- B. Reschedule the Sale Hearing to September 27, 2012 or September 28, 2012, or if those dates are not available, reschedule the Sale Hearing to September 25, 2012.

11. The relief requested by the Trustee is specifically permitted by Rule 2002(a)(2) of the Federal Rules of Bankruptcy Procedure, which states that:

(a) Except as provided in subdivisions (h), (i), (l), (p), and (q) of this rule, the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days' notice by mail of:

...

(2) a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice.

Fed. R. Bankr. P. 2002(a)(2) (emphasis added).

**Notice**

12. Notice of this motion has been given to (a) the Bankruptcy Administrator, Teresa R. Jacobs, (b) counsel for the Omnibus Official Committee of Unsecured Creditors, (c) the Limited Service List described in the Order Limiting Notice, Establishing Additional Notice Procedures and Approving Alternative Form of Notice Via Website [ECF Docket No. 91], and (d) those persons who have requested notice pursuant to Fed. R. Bankr. P. 2002. The Trustee submits that, in light of the relief requested, no other or further notice need to be given.

**No Prior Request**

13. No prior request for the relief demanded herein has been made to this or any other court.

WHEREFORE, the Trustee, S. Gregory Hays, respectfully requests that the Court (1) enter an order granting the Trustee's motion for expedited hearing; (2) order the consumer privacy ombudsman to examine the 363 Sale Motion and report back to the Court regarding any privacy concerns that the ombudsman has with the sale; (3) reschedule the Sale Hearing from October 16, 2012 to one of the dates in late September 2012 set out above; (4) and grant such further relief as is just and proper.

Respectfully submitted,

/s/ Bradley R. Hightower

Daniel D. Sparks

Eric J. Breithaupt

Bradley R. Hightower

Attorneys for S. Gregory Hays, Chapter 11 Trustee

**OF COUNSEL:**

CHRISTIAN & SMALL LLP  
505 North 20<sup>th</sup> Street, Suite 1800  
Birmingham, Alabama 35203  
Phone: (205) 795-6588  
Fax: (205) 328-7234

**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 12 day of September, 2012:

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

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