

**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

CHAPTER 11 TRUSTEE'S MOTION FOR EXPEDITED HEARING

S. Gregory Hays, the chapter 11 bankruptcy 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 and the Trustee's motion for appointment of a privacy ombudsman. 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.¹

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 reason for this motion is that the Trustee is seeking authority to sell certain assets owned by the Debtors free and clear of liens pursuant to Section 363(f) of the Bankruptcy Code and the appointment of a consumer privacy ombudsman pursuant to Sections 363(b) and 332 of the Bankruptcy Code.

7. The assets that the Trustee wants to sell are consumer accounts for loans made by the Debtors and the Debtors' subsidiary, Best Buy Autos of Bainbridge, Inc., to their respective customers. Certain information that must be transferred to the buyer as part of the sale contains data that falls within the definition of "personally identifiable information" under Section 101(41A) of the Bankruptcy Code.

8. The Trustee needs the Court to appoint a consumer privacy ombudsman to review the Debtors' privacy policy and make recommendations to the Court regarding how the sale of these assets may impact the privacy of the Debtors' customers.

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.

9. Section 332(a) of the Bankruptcy Code provides that a consumer privacy ombudsman should be appointed not less than seven (7) days prior to the hearing on the Trustee's sale motion.

10. The sale motion should ordinarily be set for hearing such that creditors and parties in interest receive twenty one (21) days notice of the hearing. However, because the accounts that the Trustee is selling quickly lose value as time goes by (the value of the accounts drop as they age and remain unpaid), the Trustee wants to obtain approval to sell the accounts on an expedited basis by giving seven (7) days notice to creditors and parties and interest regarding the asset sale. This will allow the consumer privacy ombudsman a sufficient amount of time to determine how the sale will impact the privacy of the Debtors' customers and it will permit the Trustee to sell the accounts before they lose any more value.

REQUEST FOR RELIEF

11. 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. Grant the Trustee's request for the appointment of a consumer privacy ombudsman without a hearing.
- B. Beginning with the date that is seven (7) days after the date that the Court orders the appointment of a consumer privacy ombudsman, schedule a hearing on the Trustee's motion to sell certain assets of the Debtors for the earliest available date on the Court's docket.

12. 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

13. Notice of this motion has been given to (a) the Bankruptcy Administrator, Teresa R. Jacobs, (b) counsel for the Debtors, (c) counsel for the Omnibus Official Committee of Unsecured Creditors, (d) 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 (e) 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

14. 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 enter an order granting the Trustee's motion for expedited hearing; enter an order appointing a consumer privacy ombudsman; schedule an expedited hearing on the Trustee's motion to sell assets of the Debtors as described herein; and grant such further relief as is just and proper.

Respectfully submitted,

/s/ Bradley R. Hightower

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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 26th day of July, 2012:

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

/s/ Bradley R. Hightower

OF COUNSEL