

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: : CASE NO. 10-85541-MGD  
: :  
AMERICAN SHINGLE & SIDING, INC. : CHAPTER 7  
: :  
Debtor. :  
\_\_\_\_\_ :

**APPLICATION FOR APPROVAL OF EMPLOYMENT OF HAYS FINANCIAL CONSULTING, LLC TO MANAGE COLLECTION OF OUTSTANDING ACCOUNTS, LIQUIDATE OFFICE FURNISHINGS, AND MAINTAIN AND ANALYZE COMPUTER AND BUSINESS RECORDS**

**COMES NOW** Jordan E. Lubin in his capacity as Chapter 7 Trustee (“Trustee” or “Applicant”) for the bankruptcy estate (the “Estate”) of American Shingle & Siding, Inc. (the “Debtor”), and hereby files this Application (the “Application”) for Approval of Employment by the Trustee of Hays Financial Consulting, LLC (the “Firm”) to manage collection of outstanding accounts, liquidate office furnishings, and maintain and analyze computer and business records for Trustee. In support of the Application, Trustee shows the following:

1. In order to exercise his rights and perform his duties as Trustee in a proper, efficient, and economical manner, Trustee seeks approval to retain the services of the Firm to provide necessary computer and business records analysis and maintenance:

(a) To review and maintain the books and records of the Debtor and to analyze and verify accounts with regard to the assets, liabilities, financial affairs, and financial obligations of the Estate of the Debtor;

(b) To review, analyze and report to Trustee and legal counsel for Trustee with regard to any financial reports; information or data concerning the administration of the Estate; the liquidation of assets; the collection of accounts receivable owed to the Debtor; 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 Estate;

(c) To advise and assist Trustee and attorneys for Trustee in connection with an investigation of the affairs of the Debtor to assist in the administration of the Estate and liquidation of the assets of the Estate;

(d) To provide assistance and advice with regard to the former business operations of the Debtor, the preservation, maintenance, and management of properties of the Debtor, and the advantageous disposition of any assets of the Debtor;

(e) To advise, assist, and represent Trustee and attorneys for Trustee in connection with the sale or other disposition of any assets of the Estate, including, without limitation, the investigation and analysis of the alternative methods of effecting same; negotiations with prospective purchasers; evaluation of any offers received; and the compilation and analysis of any financial data and other information required in connection with the marketing and disposition of the assets;

(f) To provide support and assistance to Trustee and attorneys for the Trustee with regard to the review of claims against the Debtor, the investigation of amounts properly allowable and the appropriate priority or classification of same, and the prosecution of objections to claims as appropriate;

(g) To manage electronic data discovery, as well as recover and preserve electronic records of the Debtor as Trustee or attorneys for Trustee may request.

(h) To perform any other services that may be required to assist Trustee or attorneys for Trustee in the performance of the duties of Trustee and exercise of rights and powers by Trustee under the Bankruptcy Code, including providing testimony preparing state and local filing, and responding to document requests and subpoenas.

2. Applicant shows that the employees of the Firm have knowledge and experience with regard to the matters in which the Firm is to be engaged and are well qualified to represent Trustee. Attached hereto as **Exhibit "A"** is verification pursuant to Fed. R. Bankr. P. 2014. The Firm's résumé is also attached thereto.

3. To the best of the knowledge of Trustee, the Firm represents no interest adverse to Trustee, the Debtor, creditors, any other party in interest, their respective attorneys, and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or the Estate, in the matter for which the Firm is to be engaged. The Firm is disinterested under 11 U.S.C. § 101(14), with regard to the matters upon which it is to be engaged, and the employment of the Firm is in the best interests of the Estate, the Debtor, creditors of the Estate and other parties in interest. However, the Firm did consult with the debtor, briefly, prior to the Bankruptcy filing. Based upon the limited contact, Counsel for the Debtor has waived any potential claim of conflict.

4. Based upon the need to expedite the Estate's marshalling of assets,

review and preservation of records, the firm commenced activities on behalf of the estate as of September 13, 2010, prior to entry of an order on this Application.

**WHEREFORE**, Applicant prays for authority to retain and employ Hays Financial Consulting, LLC, to manage collection of outstanding accounts, liquidate office furnishings, and maintain and analyze computer and business records for Trustee, nunc pro tunc to September 13, 2010, and for such other and just relief as may be proper under the circumstances.

This 23<sup>rd</sup> day of September, 2010.

Lubin Law, P.C.  
8325 Dunwoody Place, Building 2  
Atlanta, Georgia 30350  
770.424.8281  
jordan.lubin@laslawgroup.com

/s/ Jordan E. Lubin  
Jordan E. Lubin  
Chapter 7 Trustee  
Georgia Bar No. 460639

**EXHIBIT "A"**

**RULE 2014 VERIFICATION WITH REGARD TO EMPLOYMENT OF  
HAYS FINANCIAL CONSULTING, LLC**

The undersigned hereby declares under penalty of perjury:

My name is S. Gregory Hays. I am the Managing Principal of the firm of Hays Financial Consulting, LLC, 3343 Peachtree Road, Suite 200, Atlanta, Georgia 30326 (the "Firm"). I make this Affidavit from my personal knowledge and I am competent to do so.

The Firm has been asked to represent Jordan E. Lubin, in his capacity as Chapter 7 Trustee (the "Trustee") for the bankruptcy Estate (the "Estate") of American Shingle & Siding, Inc. (the "Debtor"). The Firm represents no interest, which would be adverse to the Estate of the Debtor in connection with the matters upon which the Firm is to be engaged. To the best of my knowledge, the Firm has no professional, business, or other connection with the aforementioned Debtor, its attorneys, creditors, or any party-in-interest in this case, except as follows: In early August 2010, I met with the principals of the Debtor in anticipation of filing a bankruptcy case and generally discussed issues the company was facing. No engagement letter was sent and the Firm was never employed by the Debtor. Counsel for the Debtor has stated that the Debtor has no objections to the Firm representing the Trustee. Further, the Firm has served in a similar capacity for this Trustee in other cases. The Firm represents no interest which would be adverse to the Estate in connection with the matters upon which the Firm is to be engaged.


The Firm has not received and will not receive any payments from any source and has not been promised any payment except from the funds of this Estate upon proper application to the Court. No understanding or agreement exists between the Firm or any other entity for the sharing of the compensation to be received for services rendered in connection with this case.

The intention of the Firm is to represent the Trustee in the areas as described in detail in the Application to which this Affidavit is attached.

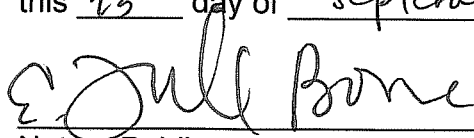
The Firm résumé, including the job descriptions of the employees of the Firm, their credentials, and hourly rates is attached hereto as Exhibit "1." In addition to seeking payment at the hourly rate of each employee, the Firm will also seek reimbursement for actual, reasonable and necessary expenses.

I have read the Application by the Trustee to which this Affidavit is attached. The statements set forth therein are true and correct to the best of my knowledge, information and belief.

Dated this 23 day of September, 2010.

  
\_\_\_\_\_  
S. Gregory Hays

Sworn to and subscribed before me  
this 23 day of September, 2010.

  
\_\_\_\_\_  
Notary Public  
My commission expires:

E. TRIMBLE BOONE  
NOTARY PUBLIC  
DeKALB County  
State of Georgia  
My Comm. Expires Sept. 30, 2013

**Hays Financial Consulting, LLC**

Atlanta Financial Center  
3343 Peachtree Road, N.E.  
East Tower, Suite 200  
Atlanta, GA 30326-1420

(404) 926-0060

www.hayconsulting.net

Fax: (404) 926-0055

**Profile of Hays Financial Consulting, LLC**

Hays Financial Consulting, LLC is a corporate financial consulting and accounting firm that specializes in bankruptcy and receivership management, asset recovery, forensic accounting and litigation support. The firm or its Managing Principal, S. Gregory Hays, has been active in bankruptcy, receivership and litigation cases for the past eighteen years. The firm includes a team of professionals in finance, accounting, tax, operations, technology, asset recovery and human resources to provide a wide array of professional services in bankruptcy, receiver and litigation cases. Following are brief summaries of the firm's key practice areas:

**Fiduciary Services**

Hays Financial Consulting, LLC or S. Gregory Hays serve in a fiduciary capacity as trustee, receiver, assignee, examiner, disbursing agent or liquidating agent. Mr. Hays serves as a Chapter 11 trustee and was appointed by the United States Trustee to serve as a Chapter 7 panel trustee. Mr. Hays currently serves as a Receiver in United States District Court and State Courts in Georgia, Florida, Texas and South Carolina.

**Bankruptcy and Receiver Services**

The firm has extensive experience in all phases of bankruptcy and receivership management, administration, and accounting. Consultants provide interim management and serve as CEO or CRO so that quick and effective results may be obtained. Financial consultants and accountants are placed on the debtor's premises to administer the estate. Consultants take control of a debtor, secure the assets and records, and provide management services during the period of reorganization or liquidation. Financial Consultants also assist debtors in possession with financial reporting and operations and/or provide advice to committees, trustees or receivers.

**Forensic Accounting**

Hays Financial Consulting, LLC has extensive experience in investigating and recovering funds from fraudulent activity. Financial consultants investigate fraud through various techniques including funds tracing and asset searches. Documents and records are researched using both internal and external sources to unravel the fraud. Once the fraud is identified, consultants work closely with legal counsel and provide litigation support and recover assets. The firm has four Certified Fraud Examiners.

**Litigation Support / Expert Witness**

The firm provides litigation support services and is involved in investigating all aspects of the pending litigation. The firm provides assistance to counsel in discovery including preparation of schedules for document production and assistance in preparing interrogatories and review of documents. The firm researches claims, investigates issues, attends depositions, develops strategies, prepares analyses and interviews witnesses.

**Tax Return Preparation**

The firm provides corporate tax preparation services and specializes in filing applications to recover taxes for bankrupt or insolvent entities. The firm prepares the current year returns, completes the

carry back claims, examines state and local taxes for potential refunds, analyzes sales taxes and calculates the refund for sales taxes due to bad debt write-offs. Mr. Robert Meehan manages the tax group and has forty years of tax experience.

#### **Asset Recovery and Collection Services**

The firm has an asset recovery and collection department that specializes in identifying and recovering assets. The firm uses a variety of methods to identify hidden assets including computer searches and other asset tracing methodologies. In addition, the firm has an accounts receivable collection group and is engaged as collection agent to fiduciaries or employed directly by financial institutions. The group is available to work on a contingency basis or will manage accounts receivable functions on an hourly basis. When deemed appropriate, the firm engages and manages external collection agencies and collection attorneys. Mr. Richard Hunter manages the asset recovery and collection department with twenty-five years of experience in accounts receivable collections.

#### **Asset Disposition Services**

The firm is experienced in liquidating a wide variety of assets and employs auctioneers, real estate brokers and other liquidation professionals as deemed appropriate. Consultants investigate the value of assets and arrange for appropriate means to liquidate the assets. Richard Hunter manages the firm's asset disposition efforts.

#### **Employee Benefits Plan Termination Services**

The firm has a Human Resources department to resolve employee matters and efficiently terminate employee benefits plans. Ms. Kathryn Malek manages the firm's Human Resources group and is responsible for terminating benefits plans, preparing employee tax returns and resolving employee issues.

### **Representative Bankruptcy and Receiver Cases**

Hays Financial Consulting, LLC or its Managing Principal, S. Gregory Hays, has served as trustee, receiver, assignee, financial or turnaround consultant, CEO or accountant to the trustee or receiver for a wide variety of insolvent businesses. Hays Financial Consulting, LLC or Mr. Hays, in his role as Executive Vice President of William G. Hays & Associates, Inc. has held a leading role in the cases listed below. The cases where Mr. Hays also served as fiduciary are designated with a **(T)** for **Trustee**, **(R)** for **Receiver** or **(A)** for **Assignee**. Other engagements are identified with the firm's role in the case.

#### **Bankruptcy Cases**

DBSI, Inc. (**Financial Advisor to the Examiner**) – real estate ownership and management  
Nukote International, Inc. (**Financial Advisor to Committee**) – printing industry  
Catalyst Natural Gas, LLC (**Accountants to the Trustee**) – natural gas distribution  
Powder Coating, Inc. (**Accountants to the Trustee**) – manufacturing company  
Georgia Floors, Inc. (**Accountants to Trustee**) – flooring installer  
Westminster Ceramics (**Financial Advisor to Debtor**) – \$60 million tile manuf. and distributor  
Atlantis Plastics (**Financial Advisor to Debtor**) – plastics manufacturing company  
Verso Technologies (**Financial Advisor to Committee**) – public technology company  
C.M. Vaughn, LLC (**Accountants to Trustee**) - \$13 million securities fraud  
Cornerstone Ministries (**Financial Advisor to Committee**) – \$180 million real estate investment  
VyTech Industries, Inc. (**Accountant to Trustee**) – RV materials manufacturing co in SC.  
Aerosol Packaging, LLC (**Financial Advisor to Unsecured Creditors**) – packaging company.  
Fibrex Cordage, LLC (**Liquidating Director**) - a manufacturer of cordage products.  
FirstLine Corporation (**Financial Advisor to Unsecured Creditors**) – manufacturing company.  
Brookstone Fine Wood Products (**T**) – a home product supply company.  
Maxxis Group, Inc. (**T**) – an operating telephone service and dietary supplement supplier.



Allied Holdings, Inc. (**Administrative Compliance Consultants**) – vehicle transport company.  
Bramlett Plumbing, Inc. (**Turnaround Consultants**) – plumbing supply company.  
Aero Plastics, Inc. – (**CEO**) – a plastics manufacturing company with sales of \$60 million.  
Apyron Technologies, Inc. (**T**) – an advanced materials science company.  
Galey & Lord, Inc. et al (**T**) – a leading global manufacturer of textiles for sportswear.  
Battle Builders, Inc. et al. (**T**) – a developer of residential homes.  
Retailer Z, LLC (**T**) – an operating retail chain of textile stores with operations in 5 states.  
PNI Technologies, Inc. (**T**) – an operating paging business with operations in two states.  
Integra Holdings (**T**) – a holding company with over \$7 million in claims.  
Stewart Finance Company (**T**) – an operating finance company with operations in 4 states.  
Eriah Farms (**T**) - a 6,000-acre peanut and cotton farming operation in South Georgia.  
Specialty Equipment Rental, Inc (**T**) – a heavy equipment and machine rental company.  
Eagle Acquisition Corp – (**collection agent**) collected receivables for secured creditor.  
Custom Insurance Services, Inc. (**T**) – an agency with \$20 million in-force coverage in 4 states.  
IMS Group, Inc. (**T**) – a motor distributor with \$25 million in sales and offices in 5 states.  
QOS Networks, Inc. (**T**) – a global networking company that raised \$100 million.  
Associated Distributors, Inc. (**T**) – a building materials retailer with \$300 million in sales.  
McLain Building Materials, Inc. (**T**) – a building materials retailer with \$26 million in sales.  
Film Fabricators, Inc. (**T**) - a plastics manufacturing company with \$30 million in sales.  
Leisure Time Casinos & Resorts – a manufacturer and operator of gaming equipment.

#### **Receivership, Special Master, Assignment & Other Cases**

The EPI Companies, LLC (**R**) – commercial printing company  
Mandeville Mills Lofts (**R**) – loft-style apartment complex  
Echelon Development Company, LLC (**R**) – real estate development and golf course  
Atlanta Hyundai (**R**) – a used car dealership  
Nationwide Furniture (**R**) – a furniture retailer in Georgia  
LaTour Partners (**R**) – a condominium conversion project in Georgia  
Bonaparte Partners (**R**) – a condominium conversion project in Florida  
Parish Economics (**R**) - \$130 million securities offering.  
AppForge, Inc (**A**) – liquidating intellectual property for software company.  
Cornerstone Capital Management, LLC (**R**) – a \$3 million hedge fund fraud case.  
Pinnacle Development Partners, LLC (**R**) – a \$62 million securities offering in real estate.  
Trico VII Petroleum (**R**) – rent Receiver for eleven convenience stores.  
DMK Management (**R**) – managing liquidation of properties.  
Travis Correll et al (**R**) – high yield investment scheme that sold over \$400 million in investments  
Lake Dow Capital, LLC (**R**) – hedge fund that raised over \$25 million.  
Mobile Billboards of America et al. (**R**) – a mobile billboards company that raised \$66 million.  
J. Scott Eskind – (**Special Master**) for a \$3 million securities investment fraud case.  
IIS Liquidation Corp. (**Assignee**) – a dot-com formerly known as Net Certainty.  
All Star Service, Inc. (**R**) – a chain of 5 convenience stores in Minnesota.  
Bongini-Davis Hair Studio, Inc. (**R**) – a high profile hair salon with sales of \$1.5 million.

#### **Memberships in Professional Associations**

Consultants in the firm are members of the following professional organizations and serve in the capacities identified:

American Bankruptcy Institute  
American Institute of Certified Public Accountants  
Association of Certified Fraud Examiners  
Association of Credit and Collection Professionals  
Association of Insolvency & Restructuring Advisors –Greg Hays serves on Board of Directors

California Receiver's Forum  
Georgia Chapter, Certified Fraud Examiners – Greg Hays served on the Board of Directors  
Georgia Collector's Association  
Georgia Society of Certified Public Accountants  
National Association of Bankruptcy Trustees  
National Funding Association  
Institute of Management Accountants  
Society for Human Resource Management – Kathy Malek served as Membership Chairperson  
Tax Executives Institute – Bob Meehan served on the international Board of Directors as Vice-Chairman of the State & Local Tax Committee and as President of the Georgia Chapter  
Turnaround Management Association

### **Billing Information**

The firm charges reasonable hourly fees taking into account the time and value of services rendered. The firm maintains detailed descriptions and time is recorded in tenths of hours. The hourly rates of the firm's professionals by position are as follows:

Managing Principal	\$400.00
Managing Director	\$275.00-\$375.00
Director	\$170.00-\$275.00
Manager	\$130.00-\$200.00
Sr. Associates / Associates	\$100.00-\$175.00

Hourly fees are subject to periodic adjustment in accordance with economic conditions. The firm will employ additional consultants or associates whose hourly rates will be determined in accordance with their qualifications. Travel time during regular business hours of 8:30 am to 6:00 pm is billed at standard hourly rates. Efforts are made to travel during non-business hours and this time is billed at one-half of the firm's standard hourly rates.

### **Expense Description**

Out-of-pocket expenses incurred in connection with the provision of consulting services are charged to the client for reimbursement of the amount expended. These charges typically include: parking costs, record search fees by independent services, copy services, travel expenses, courier charges, overnight charges, and postage. The firm also charges for the following:

Photocopies – billed at \$0.15 per page  
Faxes – billed at \$0.25 per page sent or received  
Travel – billed at \$0.505 per mile  
On Line Research – billed at actual cost

### **Additional Information**

Additional information on the cases listed above and copies of key documents are available on the Hays Financial Consulting, LLC web site at [www.haysconsulting.net](http://www.haysconsulting.net).

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**CERTIFICATE OF SERVICE**

I, Jordan E. Lubin, certify that I am over 18 years of age and I have this day served the foregoing **Trustee’s Application for Authorization to Employ Attorney** upon the following:

Office of the United States Trustee  
Room 362 Russell Federal Building  
75 Spring Street, S. W.  
Atlanta, Georgia 30303

American Shingle & Siding, Inc.  
200 Ashford Center North, Suite 150  
Atlanta, Georgia 30338

George M. Geeslin, Esq.  
Eight Piedmont Center  
Suite 550  
3525 Piedmont Road, NE  
Atlanta, Georgia 30305  
Attorney for Debtor

Mr. S. Gregory Hays  
Hays Financial Consulting, LLC  
Atlanta Financial Center  
3343 Peachtree Road, NE  
Suite 200  
Atlanta, Georgia 30326

by depositing copies of the same in the United States First Class Mail in envelopes, properly addressed, with sufficient postage prepaid to assure delivery.

This 23<sup>rd</sup> day of September, 2010.

/s/ Jordan E. Lubin  
Jordan E. Lubin  
Chapter 7 Trustee  
Georgia Bar No.: 460639

Lubin Law, P.C.  
8325 Dunwoody Place, Building 2  
Atlanta, Georgia 30350  
770.424.8281  
jordan.lubin@laslawgroup.com