

**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 NOTICE THAT NON-RESIDENTIAL REAL PROPERTY
LEASE FOR PROPERTY LOCATED AT
208 SOUTH BROAD STREET, BAINBRIDGE, GEORGIA 39817
IS REJECTED BY OPERATION OF LAW**

**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 gives notice that the Lease Agreement between The Money Tree, Inc. ("Money Tree") as lessee and Martin Family Group, L.L.L.P. ("Martin Family Group"), as lessor, dated November 30, 2009, for certain non-residential real property located at 208 South Broad Street, Bainbridge, Georgia 39817 (the "Leased Property") is rejected by operation of law. A true and correct copy of the Lease Agreement is attached hereto as **Exhibit "A."**

Pursuant to Section 365(d)(4), a trustee must assume or reject unexpired leases of non-residential real property within 120 days following the petition date. *See* 11 U.S.C. § 365(d)(4)(A). The 120 day deadline be may extended once at the trustee's request for up to 90 additional days. *See* 11 U.S.C. § 365(d)(4)(B).

In this case, the original deadline to assume or reject unexpired leases of real property was April 14, 2012. On April 10, 2012, however, the Court entered an Order Authorizing the Expedited Motion of the Debtors and Debtors-In-Possession Pursuant to Bankruptcy Code

[1]

Section 365(d)(4)(B)(i) to Extend the Period to Assume or Reject Leases Through and Including June 25, 2012 [Docket No. 268] (the "Order") extending the deadline to reject leases from April 14, 2012 to June 25, 2012.

The Trustee is not going to assume the Lease Agreement between Money Tree and Martin Family; therefore, the Lease Agreement will be rejected by operation of law as of June 25, 2012.

WHEREFORE, the Chapter 11 bankruptcy trustee, S. Gregory Hays, gives notice to Martin Family Group, L.L.L.P. that the Lease Agreement is rejected by operation of law and requests such other and further relief as the Court deems 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

Bankruptcy Trustee

OF COUNSEL:

CHRISTIAN & SMALL LLP

505 North 20th 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 12th day of June, 2012:

Martin Family Group, L.L.L.P.
216 South Broad Street
Bainbridge, Georgia 39817

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

EXHIBIT A

LEASE AGREEMENT

GEORGIA, DECATUR COUNTY

THIS AGREEMENT made and entered into between Martin Family Group, L.L.L.P. of Decatur County, Georgia, hereinafter called Lessor

AND

The Money Tree, Inc., of Decatur County, Georgia hereinafter called Lessee.

WITNESSETH

For and in consideration of the rents to be paid as hereinafter stipulated, Lessor rents, lets and leases to Lessee the following described property to-wit:

Building located at 208 S. Broad St., Bainbridge, GA 39817, (Bankruptcy Department) hereinafter called "premises".

Upon the following terms and conditions:

TERM

For a term of five (5) years beginning December 1, 2009 and ending, November 30, 2014.

RENT

Rent shall be on the first day of each month at a rate of \$1800.00 per month.

INSURANCE

The Lessee shall carry insurance on the building in an amount equal to the appraisal or market value of said property. Insurance must be sufficient to insure Lessor against any financial loss. Said insurance premiums shall be paid by the Lessee. Lessee shall be liable for and shall hold Lessor harmless in respect of damage or injury to the leased property, or the person or property of Lessee, or the person or property of Lessee's other guests, family members, licensees, customers or anyone else, if due to act or neglect of Lessee or anyone in Lessee's control.

TAXES

All taxes are to be paid by the Lessee.

IMPROVEMENTS

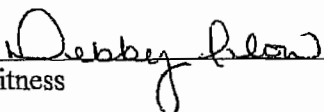
Lessee shall not make improvements or alterations upon premises without written authorization of Lessor. Lessee shall be responsible for all repairs to the premises.

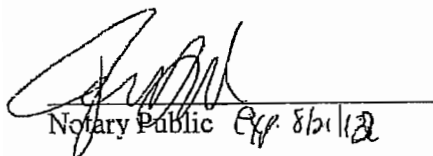
PARTIES

This Agreement shall bind the heirs, administrators, executors, and assigns of both parties.

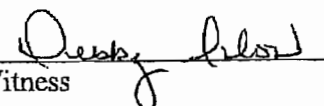
WITNESS THIS DAY, the parties signed below have caused this Agreement to be executed on this 30th day of November 2009.

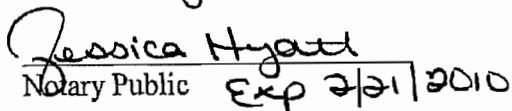
Signed, sealed and delivered
in the presence of:


Witness

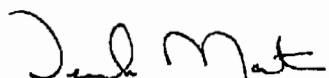

Notary Public Exp. 8/21/12

Signed, sealed and delivered
in the presence of:



Witness


Notary Public Exp. 2/21/2010

MARTIN FAMILY GROUP,
L.L.P.


Derek Martin – President
Martin Investments, Inc.
Managing General Partner

THE MONEY TREE INC.


Brad Bellville
President