

**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

**EX PARTE MOTION FOR EXPEDITED HEARING ON MOTION OF THE
TRUSTEE PURSUANT TO BANKRUPTCY CODE §365(d)(4)(B)(ii) TO EXTEND
THE PERIOD TO ASSUME OR REJECT LEASES THROUGH AND INCLUDING
SEPTEMBER 23, 2012**

The Trustee hereby moves the Court, ex parte, pursuant to 11 U.S.C. §105(a) and Rule 9013 of the Federal Rules of Bankruptcy Procedure to expedite the hearing on the Trustee’s Expedited Motion Pursuant to Bankruptcy Code §365(d)(4)(B)(ii) to Further Extend The Period to Assume or Reject Leases Through and Including September 23, 2012 (the “Expedited Motion”). In support, the Trustee says as follows:

1. Under 11 U.S.C. §365(d)(4)(A)(ii), the leases described in the Expedited Motion will be automatically deemed rejected on June 26, 2012 unless they are further extended. If the Court does not hear and determine the Expedited Motion on or before June 25, 2012, some courts have held that the Court cannot retroactively extend the assumption/rejection deadline. (See, *In re Tubular Technologies, LLC*, 348 B.R. 699, 710-11 (Bankr. D.S.C.2006); and *In re Damach, Inc.*, 235 B.R. 727, 731-32 (Bankr. D.Conn.1999)).

2. As described in the Expedited Motion, the Trustee is continuing to evaluate the leases, and believes the assumption of at least some if not all of the leases is crucial to the Trustee’s ability to propose and confirm a Chapter 11 liquidating plan. The Trustee intends to file such plan shortly, most likely within the next 45 days.

3. Unless the Expedited Motion is heard before June 25, 2012, the Trustee’s ability to propose and confirm a plan will be seriously hampered, if not impossible.

4. The Trustee submits that hearing the Expedited Motion immediately, will allow for adequate notice to all parties in interest with respect to the Expedited Motion. The Trustee further submits that the short time frame, and what is at stake to the Trustee and the estate, justify cause under Rule 9006(d) to grant this Motion for Expedited Hearing, and set the hearing immediately, but prior to June 25, 2012.

5. The Trustee proposes to serve a copy of this Motion and the Expedited Motion on the Bankruptcy Administrator, counsel for the Official Unsecured Creditors Committee, the 20 Largest Unsecured Creditors, and all lessors who have appeared and requested notice by electronic mail, by filing via ECF or by overnight courier.

WHEREFORE, premises considered, the Trustee respectfully prays that this Court will set an expedited hearing on its Expedited Motion at its earliest convenient date, and at a time prior to June 25, 2012.

DATED this 15th day of June, 2012.

/s/ Daniel D. Sparks
Daniel D. Sparks
Bradley R. Hightower
Attorneys for Trustee

Of Counsel:
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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 15th day of June, 2012:

Teresa R. Jacobs
U.S. Bankruptcy Administrator
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Those Lessors who have requested notice pursuant to Fed. R. Bankr. P. 2002

/s/ Daniel D. Sparks
OF COUNSEL