

**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 PURSUANT TO FED. R. BANKR. P. 2002 FOR  
ENTRY OF AN ORDER UNDER 28 U.S.C. § 156(c) AND SECTION 105(a) OF THE  
BANKRUPTCY CODE TERMINATING THE EMPLOYMENT OF KURTZMAN  
CARSON CONSULTANTS AS NOTICING AND CLAIMS AGENT**

**AND**

**MOTION PURSUANT TO FED. R. BANKR. P. 3003(c)(3) FOR ENTRY OF AN ORDER  
UNDER SECTIONS 105(a) AND 1111(a) OF THE BANKRUPTCY CODE EXTENDING  
THE BAR DATE FOR CERTAIN CREDITORS WHO WERE NOT LISTED IN THE  
DEBTORS' SCHEDULES AND WHO FAILED TO RECEIVE NOTICE OF THE  
CLAIMS BAR DATE FROM THE DEBTORS**

S. Gregory Hays, the chapter 11 bankruptcy trustee (the "Trustee") appointed in the above captioned cases, hereby moves the Court pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure for entry of an order under 28 U.S.C. § 156(c) and Section 105(a) of Title 11 of the United States Code (as amended, the "Bankruptcy Code") terminating the employment of Kurtzman Carson Consultants ("KCC") as Noticing and Claims Agent for the Debtors. The Trustee further moves the Court pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure for entry of an order under Sections 105(a) and 1111(a) of the Bankruptcy Code extending the bar date for certain creditors who were not listed in the Debtors' schedules and who failed to receive notice of the claims bar date from the Debtors. In support of these requests, 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 bases for the relief requested herein are 28 U.S.C. § 156(c) and Sections 1111(a) and 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**

6. The Trustee is requesting authority from the Court to take two (2) separate actions in this matter. The first is to terminate the employment of KCC as Noticing and Claims Agent

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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.

for the Debtors; the second is to extend the bar date for certain creditors who were not listed in the Debtors' schedules and who failed to receive notice of the claims bar date from the Debtors.

*Termination of KCC's Employment and New Notice Procedures*

7. The Trustee is terminating KCC's employment because the services provided by KCC are either no longer needed or may be performed by the Trustee, through coordination with the Clerk of Court, in a manner that will reduce the costs incurred by the Debtors' estates. KCC was charged with processing the claims filed against the Debtors. This service is no longer needed because both the May 15, 2012 claims bar date and the June 13, 2012 governmental claims bar date have now passed.

8. The Trustee and KCC negotiated a reduction of KCC's fees in the amount of \$19,580. KCC has now been paid in full at the reduced amount negotiated by the Trustee.

9. While certain late filed claims and administrative claims may still be received, the volume of these claims should be small and the Trustee should be able to process any such claims without the need of a claims agent.

10. Moreover, the Trustee, through coordination with the Clerk of Court, will give notice to creditors and parties in interest in the manner required by the Order Limiting Notice, Establishing Additional Notice Procedures and Approving Alternate Form of Notice Via Website [ECF Docket No. 91] (the "Notice Order"), which will include posting all General Notices on a website established by the Trustee that may be accessed by creditors and parties in interest at the website address [www.haysconsulting.net/the-money-tree-inc](http://www.haysconsulting.net/the-money-tree-inc).

*Extension of the Bar Date for Certain Trade Creditors*

11. The Trustee is requesting authority to extend the bar date for approximately fifty (50) trade creditors (the "Trade Creditors") because the Trade Creditors were not listed in the

Debtors' schedules and, as a result, they did not receive notice of the claims bar date from the Debtors. The Trade Creditors are identified by name, address, and approximate debt amount on the attached **Exhibit "A."** The Trustee and/or the Clerk of Court will process any claims filed by the Trade Creditors against the Debtors.

### **REQUEST FOR RELIEF**

12. The Trustee requests, pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure, 28 U.S.C. § 156(c), and Section 105(a) of the Bankruptcy Code that the Court enter an order terminating the employment of KCC as Noticing and Claims Agent for the Debtors. KCC's employment is no longer needed for the reasons stated above and the Trustee has already given notice to KCC that its employment has been terminated.

13. The Trustee further requests, pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure and Sections 105(a) and 1111(a) of the Bankruptcy Code, that the Court enter an order extending the claims bar date for the Trade Creditors because these creditors were not listed in the Debtors' schedules and they did not receive notice of the claims bar date from the Debtors.

14. The Trustee will file amended schedules for the Debtors to schedule the debts owed to the Trade Creditors. To the extent that the Trade Creditors disagree with the debt amounts that are listed in **Exhibit "A,"** disagree with the debt amounts listed in the amended schedules to be filed by the Trustee,<sup>2</sup> or otherwise determine that they should file claims against the Debtors, the Trustee requests that the claims bar date be extended through and including September 30, 2012 for the Trade Creditors to file their claims. The Trustee will cause a claim

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<sup>2</sup> The amended schedules to be filed by the Trustee will incorporate the same debt amounts for the Trade Creditors that are listed in **Exhibit "A."**

form to be issued to the Trade Creditors specifying the September 30, 2012 claims bar date that is applicable to their claims.

**Notice**

15. Notice of this pleading 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], (e) those persons who have requested notice pursuant to Fed. R. Bankr. P. 2002, and (f) the Trade Creditors. The Trustee submits that, in light of the relief requested, no other or further notice need to be given.

**No Prior Request**

16. 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 terminating the employment of KCC as Noticing and Claims Agent for the Debtors, (2) enter an order extending the claims bar date for the Trade Creditors through and including September 30, 2012, and (3) 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

Bankruptcy 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 6<sup>th</sup> day of August, 2012:

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 20<sup>th</sup> 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

**Trade Creditors listed on Exhibit "A"**

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

/s/ Bradley R. Hightower  
OF COUNSEL

# **EXHIBIT A**

## EXHIBIT A

Creditor Name	Debt Amount	Street Address	City	State	Zip Code
Bainbridge Media, LLC	1,651.00	P.O. Box 277	Bainbridge	GA	39818
Brunswick News	672.64	P.O. Box 1557	Brunswick	GA	31521
Cartersville Newspapers	490.75	P.O. Box 70	Cartersville	GA	30120
Cherokee Tribune	572.60	P.O. Box 449	Marietta	GA	30061
Cook Publishing Company, Inc.	931.50	P.O. Box 1500	Adel	GA	31620
Donalsonville News	378.00	P.O. Box 338	Donalsonville	GA	39845
Early County News, Inc.	795.30	P.O. Box 748	Blakely	GA	39823
Effingham Herald	368.10	586 S. Columbia Ave. #13	Rincon	GA	31326
Gray Publishing	996.44	P.O. Box 368	Jonesboro	GA	30237
Heartland Publications/LaGrange	455.78	P.O. Box 281758	Atlanta	GA	30384
Houston Home Journal	1,636.98	P.O. Box 1910	Perry	GA	31069
Russell Outdoor Advertising	50.00	190 Old 84	Cairo	GA	39827
Ledger-Enquirer	2,304.96	P.O. Box 711	Columbus	GA	31902
Mainstreet Newspapers	331.29	P.O. Box 908	Jefferson	GA	30549
Messenger Publishing Co., Inc.	848.10	P.O. Box 30	Cairo	GA	39829
Miller County Liberal, Inc.	492.50	P.O. Box 37	Colquitt	GA	31737
Morris Publishing Group, LLC - 10	3,516.96	P.O. Box 1486	Augusta	GA	30903
Morris Publishing Group, LLC - 10	2,116.80	P.O. Box 1486	Augusta	GA	30903
News Publishing Company, Inc.	2,458.72	P.O. Box 1633	Rome	GA	30162
North Georgia Newspaper Group	709.60	308 S. Thornton Ave.	Dalton	GA	30720
Rockdale Citizon	796.00	P.O. Box 1286	Lawrenceville	GA	30046
Smith Communications, Inc.	1,108.61	P.O. Box 4027	Eatonton	GA	31024
South Georgia Media Group - 900	670.10	P.O. Box 968	Valdosta	GA	31603
South Georgia Media Group - 906	516.38	P.O. Box 968	Valdosta	GA	31603
South Georgia Media Group - 108	557.53	P.O. Box 968	Valdosta	GA	31603
South Georgia Media Group - 912	670.10	P.O. Box 968	Valdosta	GA	31603
Statesboro Herald	790.49	P.O. Box 888	Statesboro	GA	30459
The Albany Herald	1,170.00	P.O. Box 48	Albany	GA	31702
The Claxton Enterprise, Inc.	264.00	P.O. Box 218	Claxton	GA	30417
The Islander	398.08	P.O. Box 20539	St. Simons Island	GA	31522
The Jones County News	274.82	P.O. Box 1538	Gray	GA	31032
The Metter Advertiser	702.00	15 South Roundtree St.	Metter	GA	30439
The Newnan Times-Herald	600.71	P.O. Box 1052	Newnan	GA	30264
The Newspapers of West Georgia	1,015.56	P.O. Box 1400	Paducah	KY	42002
The Telegraph	4,101.12	P.O. Box 4167	Macon	GA	31208
The Times	425.28	P.O. Box 100003	Gainesville	GA	30503
The Toccoa Record	1,781.95	P.O. Drawer 1069	Toccoa	GA	30577
The Union-Recorder	449.29	P.O. Box 520	Milledgeville	GA	31059
Times-Courier Publishing Co., Inc.	278.07	P.O. Box 1076	Ellijay	GA	30540