

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

IN RE:)	CHAPTER 7
)	
ALPHA PROTECTIVE SERVICES, INC.,)	CASE NO. 12-70482-JTL
)	
Debtor.)	
<hr/>)	
NEIL C. GORDON,)	
Trustee for the Estate of Alpha Protective Services, Inc.,)	CONTESTED MATTER
Movant,)	
v.)	
)	
FRED TAYLOR COMPANY, INC. d/b/a INTERSTATE WAREHOUSE SERVICES,)	
)	
Respondents.)	
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TRUSTEE’S MOTION TO REJECT COMMERCIAL OFFICE LEASE WITH FRED TAYLOR COMPANY, INC. d/b/a INTERSTATE WAREHOUSE SERVICES

COMES NOW Neil C. Gordon (the “Trustee”), the Chapter 7 Trustee for the estate of Alpha Protective Services, Inc. (the “Debtor”), and seeks authority to reject the Debtor’s commercial office lease with Fred Taylor Company, Inc. d/b/a Interstate Warehouse Services (the “Lease”) pursuant to 11 U.S.C. § 365 and Rule 6006 of the Federal Rules of Bankruptcy Procedure. In support of this Motion, the Trustee respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409(a).

BACKGROUND

2. On April 12, 2012 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code.

3. On December 20, 2012, the Debtor’s case was converted to one under Chapter 7 of the Bankruptcy Code (the “Conversion Date”), and Neil C. Gordon was appointed the interim Chapter 7 trustee.

4. Prior to the Petition Date, the Debtor entered into a real estate lease contract on March 29, 2010 for office space located at 1701 Colonial Drive, Thomasville, GA 31757 (the “Office”).

5. The term of the Lease was for sixty (60) months beginning the first day of May 1, 2010, and ending April 30, 2015.

REQUEST FOR RELIEF

6. The Trustee seeks to reject the Lease, including any amendments thereto, pursuant to 11 U.S.C. § 365(a) and Rule 6006 of the Federal Rules of Bankruptcy Procedure.

7. As of the date of the Trustee’s appointment, the Debtor was no longer operating out of the Office.

8. The Trustee has concluded that the rejection of the Lease is in the best

interest of the Debtor's bankruptcy estate and will stop the accrual of further administrative claims.

9. The Trustee requests that the rejection be as of the Conversion Date when WHI a/k/a Willowheart, LLC took possession of the space.

WHEREFORE the Trustee requests that the Court enter an Order approving the rejection of the Lease as of the date of this motion.

This 14th day of February, 2013.

ARNALL GOLDEN GREGORY LLP

By: /s/ Neil C. Gordon
Neil C. Gordon
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Attorneys for Chapter 7 Trustee

Certificate of Service

I, Jonathan H. Azoff, certify that I am over the age of 18 and that I have this date served a copy of the *Trustee's Motion to Reject the Commerical Office Lease with Fred Taylor Company, Inc. d/b/a Interstate Warehouse Services* upon the following parties by United States Mail, postage prepaid.

Fred Taylor Company, Inc.
d/b/a Interstate Warehouse Services
c/o Mark F. Taylor
2700 Palmyra Road
Albany, GA 31707

William Douglas Divine
Divine, Finney & Dorough, P.C.
P. O. Box 64
Albany, GA 31702

Fife M. Whiteside
Fife M. Whiteside, PC
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Columbus, GA 31906

Office of the U.S. Trustee
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201

Wesley J. Boyer
Katz, Flatau, Popson and Boyer, LLP
355 Cotton Avenue
Macon, GA 31201

This 14th day of February, 2013.

/s/ Neil C. Gordon
Neil C. Gordon