

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

<b>IN RE:</b>	)	<b>CHAPTER 7</b>
	)	
<b>ALPHA PROTECTIVE SERVICES, INC.,</b>	)	<b>CASE NO. 12-70482-JTL</b>
	)	
<b>Debtor.</b>	)	
<hr/>	)	
<b>NEIL C. GORDON,</b>	)	
<b>Trustee for the Estate of Alpha Protective Services, Inc.,</b>	)	<b>CONTESTED MATTER</b>
<b>Movant,</b>	)	
<b>v.</b>	)	
	)	
<b>LAKETREE, INC.,</b>	)	
	)	
<b>Respondents.</b>	)	
<hr/>	)	

**TRUSTEE’S MOTION TO REJECT COMMERCIAL OFFICE LEASE WITH LAKETREE, INC.**

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 Laketree, Inc. (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, and Neil C. Gordon was appointed the interim Chapter 7 trustee.

4. Prior to the Petition Date, the Debtor had entered into the Lease for office space located at 103 Sleepy Drive, Suite E, Spring Lake, NC 28390 (the “Office”).

### **REQUEST FOR RELIEF**

5. 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.

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

7. 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.

8. The Trustee requests that the rejection be as of the filing of this Motion with the Court.

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

This 19<sup>th</sup> day of February, 2013.

ARNALL GOLDEN GREGORY LLP

By: /s/ Neil C. Gordon  
Neil C. Gordon  
Ga. Bar No. 302387  
Direct Phone: (404) 873-8596  
E-mail: neil.gordon@agg.com

171 17<sup>th</sup> Street, N.W., Suite 2100  
Atlanta, Georgia 30363-1031

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 Laketree, Inc.* upon the following parties by United States Mail, postage prepaid.

Fife M. Whiteside  
Fife M. Whiteside, PC  
P.O. Box 5383  
Columbus, GA 31906

Beth E. Rogers, Esq.  
ROGERS LAW OFFICES  
The Equitable Building  
100 Peachtree Street  
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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

Laketree, Inc.  
c/o William S. Wellons Jr., Reg. Agt.  
P.O. Box 766  
Spring Lake, NC 28390

This 19<sup>th</sup> day of February, 2013.

/s/ Neil C. Gordon  
Neil C. Gordon

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

IN RE:	)	CHAPTER 7
	)	
ALPHA PROTECTIVE	)	CASE NO. 12-70482-JTL
SERVICES, INC.,	)	
	)	
Debtor.	)	
_____	)	
	)	
NEIL C. GORDON,	)	
Trustee for the Estate of Alpha	)	
Protective Services, Inc.,	)	CONTESTED MATTER
Movant,	)	
v.	)	
	)	
LAKETREE, INC.,	)	
	)	
Respondent.	)	
_____	)	

NOTICE OF HEARING ON TRUSTEE’S MOTION TO REJECT COMMERCIAL  
REAL ESTATE LEASE WITH LAKETREE, INC.

PLEASE TAKE NOTICE that Neil C. Gordon (the “Trustee”), the Chapter 7 Trustee for the estate of Alpha Protective Services, Inc. (the “Debtor”), has filed the *Trustee’s Motion to Reject Commercial Real Estate Lease with Laketree, Inc.* and related documents with the Court seeking an order terminating a commercial real property lease with Laketree, Inc..

**Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing scheduled to be held on **March 18, 2013, at 2:00 p.m. in the United States Bankruptcy Court located at the in the United States Bankruptcy Court located at the United States Courthouse, 901 Front Avenue, One Arsenal Place, Columbus, Georgia 31902.**

You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail

or deliver your response so that the Clerk receives it at least two business days before the hearing. The address for the Clerk's office is: **Clerk, United States Bankruptcy Court, 901 Front Avenue, One Arsenal Place, Columbus, Georgia 31902** and telephone number is **706.649.7837**. You must also mail a copy of your response to the undersigned at the address stated below.

If you or your attorney does not take these steps, the Court may decide that you do not oppose the relief sought in Motion and enter an order granting the relief.

This Notice of Hearing is sent by the undersigned pursuant to Local Bankruptcy Rule 9004-1(c) and Federal Rule of Bankruptcy Procedure 9013.

This 19<sup>th</sup> day of February 2013

ARNALL GOLDEN GREGORY LLP  
/s/ Neil C. Gordon  
NEIL C. GORDON/State Bar No. 302387  
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Atlanta, Georgia 30363-1031  
(404) 873-8500  
Chapter 7 Trustee of the Estate of Alpha  
Protective Services, Inc.

**CERTIFICATE OF SERVICE**

I, Neil C. Gordon, certify that I am over the age of 18 and that I have this date served a copy of the *Notice of Hearing on Trustee's Motion to Reject Commercial Real Estate Lease with LakeTree, Inc.* upon the following parties by United States Mail, postage prepaid.

Fife M. Whiteside  
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William S. Wellons Jr., Reg. Agt.  
P.O. Box 766  
Spring Lake, NC 28390

This 19<sup>th</sup> day of February, 2013.

/s/ Neil C. Gordon  
Neil C. Gordon