

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:)	
)	Chapter 11
PREMIER KINGS, INC., <i>et al.</i> , ¹)	
FEIN: xx-xxx3932,)	Case No.: 23-02871-TOM11
)	
Debtor.)	(Jointly Administered)
_____)	

**CONDITIONAL OBJECTION TO THE APPROVAL
OF ASSUMPTION AND ASSIGNMENT OF UNEXPIRED LEASES**

COME NOW, South Coast Enterprises, Inc., and Rave Enterprises, LLC (hereinafter, jointly “Lessors”), and file their conditional objection to the proposed assumption and assignment by the Debtor of certain unexpired commercial leases and say:

1. Pre-petition, the Debtor entered into five (5) commercial leases with South Coast Enterprises, located in Jacksonville, Florida, and surrounding areas from which the Debtor operated its business.
2. Also, pre-petition the Debtor entered into a commercial lease with Rave Enterprises located in Okatie, South Carolina, from which the Debtor operated its business. Hereinafter, the commercial leases with South Coast, Rave Enterprises, and the Debtor are referred to as “Commercial Leases”.
3. On November 20, 2023, this Court entered an Order requiring any objections to the assumption and assignment of unexpired leases to be filed by 5:00 pm on December 6, 2023 (“Order”) [Doc 232].
4. Prior to December 6, 2023, Debtor provided the Cure Notice to the Lessors as required by

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: Premier Kings, Inc. (3932); Premier Kings of Georgia, Inc. (9797); and Premier Kings of North Alabama, LLC (9282). The Debtors’ address is 7078 Peachtree Industrial Blvd., Suite #800, Peachtree Corners, GA 30071.



the Order. That Cure Notice indicated that RRG of Jacksonville, LLC (“RRG”) had expressed the intent to assume the Commercial Leases with the Lessors and provided certain information regarding RRG and its ability to perform under the Commercial Leases.

5. On December 6, 2023, Debtor filed a Notice of Potential Excluded Contracts Under Asset Purchase Agreement by and Between Debtor and RRG of Jacksonville, LLC [Doc. 301]. In this Notice, Debtor states that RRG’s assumption of the Commercial Leases with the Lessors is “subject to [further] negotiations with the applicable landlords for execution of lease amendments in form and substance satisfactory to RRG. In the event those negotiations do not result in a mutually acceptable lease amendment, RRG has stated that it does not intend to assume” the Commercial Leases.
6. The Lessors conditionally object to the assumption and assignment of the Commercial Leases under §§ 363 and 365 of the Bankruptcy Code, in as much as RRG has not provided any information to Lessors as to what RRG seeks to amend under the Commercial Lease(s), nor has the Debtor provided such information. Moreover, the limited information the Lessors have been provided regarding RRG, only casts further doubt as to the adequate assurance of future performance under the Commercial Leases, especially in light of RRG’s stated intention to renegotiate all or portions of the Commercial Leases.
7. Thus, until such time as Lessors know what RRG’s intends to re-negotiate, they reserve all objections to determine whether there is adequate assurance of future performance.
8. The Lessors also join any limited objections filed by other creditors similarly situated to the extent that grounds for such an objection is consistent with those stated herein.

WHEREFORE, PREMISES CONSIDERED, Lessors respectfully request that this Court enter an order sustaining this limited objection for the reasons stated herein and grant them such further and additional relief as to which they are justly entitled.

Respectfully submitted on this the 6th day of December, 2023.

/s/ Kevin D. Heard

KEVIN D. HEARD

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2023, I served a copy of the foregoing **Conditional Objection to the Approval of Assumption and Assignment of Unexpired Leases** on all parties in interest via either United States Mail, postage prepaid and properly addressed, electronic mail, or by CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a “Notice of Electronic Filing” pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court’s Administrative Procedures as indicated below:

Notice will be electronically mailed to:

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Notice to Creditor Committee, via US Mail, will be sent to:

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/s/ Kevin D. Heard
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