

NEXT INC/TN  
Form NT 10-K  
February 27, 2009

**OMB APPROVAL**

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**UNITED STATES**

**SECURITIES AND EXCHANGE COMMISSION**

**Washington, D.C. 20549**

SEC FILE NUMBER

**000-25247**

CUSIP NUMBER

**65336T104**

**FORM 12b-25**

**NOTIFICATION OF LATE FILING**

*(Check one):*

Form 10-K     Form 20-F     Form 11-K     Form 10-Q     Form 10-D

Form N-SAR     Form N-CSR

For Period Ended: **November 28, 2008**

- Transition Report on Form 10-K
- Transition Report on Form 20-F
- Transition Report on Form 11-K
- Transition Report on Form 10-Q
- Transition Report on Form N-SAR

For the Transition Period Ended:

If the notification relates to a portion of the filing checked above, identify the item(s) to which the notification relates:

## **PART I REGISTRANT INFORMATION**

**Next, Inc.**

Full Name of Registrant

Former name if applicable:

**7625 Hamilton Park Drive, Suite 12**

Address of Principal Executive Office (*Street and Number*)

**Chattanooga, TN 37421**

City, State and Zip Code

5726967\_2

SEC 1344 (05-06)

**Persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

**PART II RULES 12b-25(b) AND (c)**

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate)

(a)

The reasons described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;

(b)

The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F,  Form 11-K, Form N-SAR or Form N-CSR, or portion thereof, will be filed on or before the fifteenth calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q or distribution report on Form 10-D, or portion thereof, will be filed on or before the fifth calendar day following the prescribed due date; and

(c)

The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

**PART III NARRATIVE**

State below in reasonable detail the reasons why Forms 10-K, 20-F, 11-K, 10-Q, 10-D, N-SAR, N-CSR, or the transition report or portion thereof, could not be filed within the prescribed time period. (Attach extra Sheets if Needed)

The Registrant is unable to file its annual report on Form 10-K for the fiscal year ended November 28, 2008 within the prescribed time period because it has not completed preparation of the financial statements due to the testing required under Section 404 of the Sarbanes-Oxley Act of 2002, which has taken substantially longer than estimated, in its first year of being subject to the reporting requirement. As a result, the Registrant has not yet submitted the testing results to its auditors for their review so that they may make their required report to the Registrant's Audit Committee.

**PART IV OTHER INFORMATION**

(1)

Name and telephone number of person to contact in regard to this notification

David O. Cole

    260

563-2186

(Name)

(Area Code)

(Telephone Number)

(2)

Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If the answer is no, identify report(s).

Yes  No

(3)

Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof?

Yes  No

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

Next, Inc.

(Name of Registrant as Specified in Charter)

has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date:

February 26, 2009

By:

/s/ David O. Cole

David O. Cole

Chief Financial Officer & Secretary

INSTRUCTION. The form may be signed by an executive officer of the registrant or by any other duly authorized representative. The name and title of the person signing the form shall be typed or printed beneath the signature. If the statement is signed on behalf of the registrant by an authorized representative (other than an executive officer), evidence of the representative's authority to sign on behalf of the registrant shall be filed with the form.

**ATTENTION**

**Intentional misstatements or omissions of fact constitute**

**Federal Criminal Violations (See 18 U.S.C. 1001).**

## Endnotes

*Read Instruction (on back page) Before Preparing Form. Please Print or Type.*

**Nothing in this form shall be construed to imply that  
the Commission has verified any information contained herein.**

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2