

UNITED STATES BANKRUPTCY COURT

02/07/23 PM 12:16

DISTRICT OF NEW MEXICO

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779 SA

Chapter 7

Debtor.

**MOTION TO ADD NEW MEXICO LIQUOR LICENSE 882 TO ORDER
ESTABLISHING PROCEDURES FOR THE SALE OF LIQUOR LICENSES**

Yvette G. Gonzales, Chapter 7 Trustee (the "Trustee"), moves the Court for an order adding New Mexico Liquor License No. 882 ("License No. 882") to the definition of "License" under the Order Approving Agreement Regarding Sale Of Liquor Licenses, And Establishing Procedures For The Sale Of Liquor Licenses Free And Clear Of Liens And Payment Of Liquor Wholesalers And Certain Taxes, filed April 5, 2002 (the "Liquor License Sale Order").

As grounds, the Trustee states:

1. The Liquor License Sale Order established a procedure for the sale of all New Mexico Liquor Licenses that were not under contract for sale prior to conversion of this bankruptcy case to chapter 7 pursuant to an order entered in the chapter 11 case authorizing sales.

2. After the Liquor License Sale Order was entered, the sale of one of the liquor licenses under contract for sale prior to conversion of this bankruptcy case to chapter 7, License No. 882, failed to close. As a result, that license became available for sale by the Trustee. License No. 882 is now under contract to a new buyer, in compliance with the procedure and requirements of the Liquor License Sale Order. However, it is not included in

1851

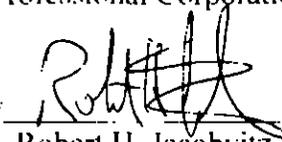
the definition of "License" under that order, as the Trustee did not anticipate when the Liquor License Sale Order was entered that she would have License No. 882 available for sale.

3. License No. 882 should be added to the definition of "License" under the Liquor License Sale Order, so the Trustee may consummate the sale of License No. 882 pursuant to the terms of the Liquor License Sale Order.

WHEREFORE, the Trustee requests that the Court enter an order adding License No. 882 to the definition of "License" under the Liquor License Sale Order.

JACOBVITZ THUMA & WALKER
a Professional Corporation

By



Robert H. Jacobvitz
500 Marquette N.W., Suite 650
Albuquerque, New Mexico 87102
(505) 766-9272
(505) 766-9287 (fax)

Attorneys for the Chapter 7 Trustee

This certified that a copy of the foregoing Motion was served by mail on::

Mr. Ronald E. Andazola
Assistant United States Trustee
P.O. Box 608
Albuquerque, New Mexico 87103

William F. Davis
Davis & Pierce, P.C.
P.O. Box 6
Albuquerque, New Mexico 87103-0003

David S. Heller
Latham & Watkins
233 South Wacker Drive
Sears Tower, Suite 5800
Chicago, Illinois 60606-6401

Paul M. Fish
Modrall Sperling Rochl Harris & Sisk, P.A.
500 4th St., N.W., #1000
Albuquerque, New Mexico 87103-2168

Ronald J. Silverman
Bingham Dana I.L.P
399 Park Avenue
New York, New York 10022-4689

J. D. Behles & Associates, P.C.
Jennie Deden Behles
P.O. Box 849
Albuquerque, New Mexico 87103

Robert Feuille
Scott, Hulse, Marshall, Feuille,
Finger & Thurmond, P.C.
201 East Main, 11th Floor Chase Tower
El Paso, Texas 79901

Mike Cadigan
Hisey & Cadigan
6400 Uptown Blvd. NE, Suite 570-W
Albuquerque, New Mexico 87110

Gail Gottlieb
Sutin, Thayer & Browne P.C.
P.O. Box 1945
Albuquerque, New Mexico 87103

Attention: Bankruptcy Counsel
New Mexico Taxation & Revenue Department
P.O. Box 8485
Albuquerque, New Mexico 87198-8485

Phillip L. Marchiondo
429 Santa Monica Blvd, #550
Santa Monica, California 90401-3439

Kim Middlebrooks
Marchiondo, Vigil & Associates, P.C.
315 Fifth Street
Albuquerque, New Mexico 87102

this 23rd day of September, 2002.

