

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

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U.S. Bankruptcy Court
ALBUQUERQUE, NM

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA
Chapter 7

Debtor.

**OBJECTION TO EQUITY DEVELOPMENT CORPORATION'S FIRST AMENDED
MOTION TO REQUIRE PAYMENT OF ADMINISTRATIVE EXPENSES**

Yvette J. Gonzales, the Chapter 7 trustee (the "Trustee"), objects to Equity Development Corporation's ("Equity Development's") First Amended Motion to Require Payment of Administrative Expenses, filed on or about October 30, 2002 and docketed as #1927 (the "Motion"), and states:

1. The Trustee objects to the Motion to the extent it seeks allowance of a chapter 7 or chapter 11 administrative expense for rental or storage charges after August 31, 2002. Such charges are not allowable because, inter alia, (i) there was little or no actual benefit to the estate; (ii) the charges claimed are greatly in excess of any benefit to the estate; (iii) Equity Development took no action to have the in-store equipment removed, which it could have easily done, but instead waited until the equipment was sold at auction, and then sought to burden the estate with exorbitant charges; (iv) no court order was ever entered allowing Equity Development to charge such amounts to the estate; (v) Equity Development's claims are barred by the equitable doctrines of estoppel, laches, or unclean hands; and (vi) Equity Development benefited by keeping the equipment in the former store, because if a suitable grocery store tenant could have been found, such a tenant would have paid higher rent because of the installed store equipment.

2. The trustee also objects to the claim of \$5,000 for cleaning the premises. Any

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such claim would be a claim under the lease, which was rejected, and would therefore be a pre-petition claim, not an administrative claim. Furthermore, the Trustee disputes the basis for the claim, and asserts that the Trustee and her auctioneer left the store in an acceptable condition.

WHEREFORE, the Trustee prays that the Motion be denied, and for all other just and proper relief.

JACOBVITZ THUMA & WALKER
A Professional Corporation

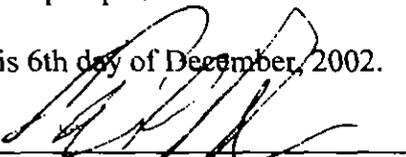
By: 
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Counsel for the Chapter 7 Trustee

The undersigned hereby certifies that a copy of the foregoing was mailed and e-mailed to:

Nancy S. Cusack
Hinkle, Hensley, Shanor & Martin, LLP
P.O. Box 2068
Santa Fe, NM 87504

U.S. Trustee
P.O. Box 608
Albuquerque, NM 87103

this 6th day of December, 2002.


David T. Thuma