

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
OF THE CLERK
2003 FEB 12 AM 11:01
BANKRUPTCY COURT
ALBUQUERQUE, N.M.

IN RE:

FURR'S SUPERMARKETS, INC.

Debtor,

MANUEL PEREZ and PATRICIA PEREZ,
Individually and as Parents and Next Friends
and ADMINISTRATORS OF THE ESTATE
of VICTOR PEREZ, Deceased and as Legal
Guardians of DESTINY PEREZ, A Minor,
ROSA MARIA SOTO, Individually and as
Parent and Next Friend and as
ADMINISTRATRIX OF THE ESTATE OF
CYNTHIA SOTO, Deceased, and as Legal
Guardian of DESTINY PEREZ, A Minor,

Movants,

No.: 11-01-10779 SA
Chapter 7 Proceeding

MOTION FOR RELIEF FROM STAY

COMES NOW MANUEL PEREZ, PATRICIA PEREZ and ROSA MARIA SOTO, et al,
hereinafter called Movants, seeking modification of the automatic stay in this case in order to
exercise any and all rights Movants may have and for cause would show the Court as follows:

I.

NOTICE

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION
AND REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN
TWENTY (20) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE. ANY**

2008

SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

II.

WAIVER OF THIRTY DAY REQUIREMENT

MOVANTS DESIRE TO WAIVE THE REQUIREMENT OF A HEARING THIRTY (30) DAYS UNDER §362E AND REQUESTS A HEARING AT THE NEXT AVAILABLE DATE.

This Motion is brought pursuant to 11 U.S.C. Section 362(d) and in accordance with Rule 9014 of the Bankruptcy Rules.

III.

On or about February 8, 2001 FURR'S SUPERMARKETS, INC.. ("Debtor") filed for relief under Chapter 11 of the United States Bankruptcy Code and on December 19, 2001 FURR'S SUPERMARKETS, INC. (the Debtor") converted its Chapter 11 bankruptcy case, to a Chapter 7 bankruptcy case.

IV.

The Bankruptcy Court has jurisdiction over this adversary proceeding pursuant to Rule 28 U.S.C. Section 147 and 11 U.S.C. Section 362.

V.

By the provisions of 11 U.S.C. Section 362, all persons are enjoined and stayed from commencing or continuing a suit against the Debtor.

VI.

The Movants filed suit against Debtor in Cause No. 2001-2810 pending in the 34TH Judicial District, of El Paso County, El Paso, Texas to recover damages for personal injuries sustained by Movants as a result of the actions or omissions of Debtor/Defendant.

VII.

It is the belief of Movants that the above debtor is insured by a third party insurance company and its attorney is defending the claim of Movants, Plaintiffs and they seek from Debtor, Defendant, to pay all sums, not exceeding the limits of the policy which the Debtor should become liable to pay as damages imposed on it by law.

VIII.

Movants moves this Honorable Court to grant relief from automatic stay to authorize and permit Movants to prosecute their claims against Debtor to final Judgment and if Judgment is in excess of insurance limits, Movants will make no claims against debtor beyond the stated policy limits of debtor's insurance policy.

IX.

Movants are prejudiced if not permitted to proceed and Debtors are not prejudiced if Movants are permitted to proceed.

X.

The continuation of the State Court suit will not hinder, burden, delay or be inconsistent with this case .

XI.

Movants waive the thirty (30) day notice requirement.

WHEREFORE, Movants pray that the stay afforded by 11 U.S.C. Section 362 be

modified so as to permit Movants to continue the aforementioned suit and collect judgment against the Debtor now through their insurance carrier, pending in the State Court action, and for such other and further relief as may be proper.

Respectfully submitted,

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SAM J. LEGATE
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2003, a true and correct copy of the foregoing was DELIVERED to:

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SAM J. LEGATE

The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also the various expenses incurred in the course of business. It is essential to ensure that every receipt is properly filed and that the books are balanced regularly.

In addition, the document emphasizes the need for transparency and honesty in all financial dealings. It is important to disclose any potential conflicts of interest and to provide clear and concise information to all stakeholders. This helps to build trust and ensures that the business is operated in a fair and ethical manner.

Finally, the document provides a detailed overview of the company's financial performance over the past year. This includes a breakdown of revenue, expenses, and net income, as well as a comparison to the previous year. The information is presented in a clear and accessible format, making it easy for anyone to understand the company's financial health.