

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779 SA
Chapter 7

Debtor.

**TRUSTEE'S OBJECTION TO THE SUIT
MOTION FOR RELIEF FROM STAY**

Yvette J. Gonzales, Chapter 7 Trustee, by counsel, objects to the Motion for Relief From Stay (the "Motion") filed by Sucon, Inc. d/b/a Suitt Contractors (the "Movant"), as follows:

1. Movant admits that it commenced an action in 2003, and named the Trustee as a defendant without first seeking or obtaining relief from the stay. Movant contends it did not thereby violate the stay, because it sought no relief against the Trustee or estate. The Trustee reserves the right to assert that Movant violated the stay.

2. Movant seeks to amend the complaint, in the action commenced against the Trustee, and others, in the year 2003 with no stay relief having been obtained, to assert a pre-petition, unsecured non-priority claim against the estate. Cause does not exist to grant such relief from the stay.

WHEREFORE, the Court should deny Movant's motion for relief from stay.

JACOBVITZ THUMA & WALKER
A Professional Corporation

By: /s/ Robert H. Jacobvitz
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This certifies that a copy of the
foregoing was mailed to:

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this 18th day of March 2003.

/s/ Robert H. Jacobvitz