

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

FILED
2003 APR 23 AM 11:19

U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

IN RE:

FURR'S SUPERMARKETS, INC.,
a Delaware corporation,

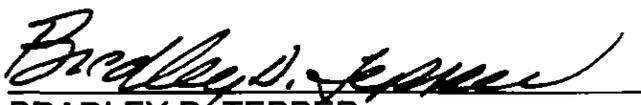
Case No. 7-01-10779
Chapter 7

DEBTOR.

**NOTICE OF FILING OF PARTIAL
ASSIGNMENT OF CLAIMS**

Notice is hereby given by STATE STREET BANK AND TRUST COMPANY ("State Street"), in its capacity as Trustee for the Registered Certificateholders of J.P. Morgan Commercial Mortgage Finance Corp., Mortgage Pass-Through Certificates, Series 1999-C8, acting through its agent, ARCap Servicing, Inc. that it is filing herewith the Partial Assignment of Claims by Floho Partners to State Street regarding that certain Administrative Claim filed November 26, 2001 filed herein. A copy of the Partial Assignment of Claims is attached hereto as Exhibit A.

MILLER STRATVERT P.A.

By 
BRADLEY D. TEPPER

Attorneys for STATE STREET BANK AND TRUST COMPANY ("State Street"), in its capacity as Trustee for the Registered Certificateholders of J.P. Morgan Commercial Mortgage Finance Corp., Mortgage Pass-Through Certificates,

2079

Series 1999-C8, acting through its agent,
ARCap Servicing, Inc.
P.O. Box 25687
Albuquerque, NM 87125-0687
(505) 842-1950

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing pleading was mailed to:

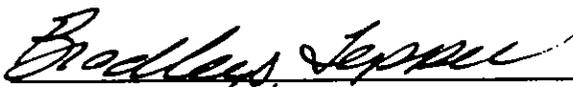
Yvette Gonzales, Esq.
P.O. Box 1037
Placitas, NM 87043-1037
Chapter 7 Trustee

Robert H. Jacobvitz, Esq.
David T. Thuma, Esq.
Jacobvitz, Thuma & Walker, P.C.
500 Marquette NW
Suite 650
Albuquerque, NM 87102-5309

Secured Creditors Committee
c/o William P. Davis, Esq.
P.O. Box 6
Albuquerque, NM 87103

US Trustee
421 Gold Ave. SW, 1st Floor,
Albuquerque, NM 87102

this 23rd day of April, 2003.



BRADLEY D. TEPPER

P:\9107\28835\pleadings\notice of filing assignment of claims.doc

PARTIAL ASSIGNMENT OF CLAIMS

FLOHO PARTNERS, a New Mexico General Partnership ("Assignor"), whose address is 722 Camino Ocaso del Sol, Santa Fe, New Mexico 87501, in consideration for the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby partially assigns its right, title and interest, without warranty except warranty of title, in that certain Administrative Claim filed November 26, 2001 ("Claims"), in the case captioned Furr's Supermarkets, Inc. Bankruptcy No. 7-01-10779-SA (Bankr. N.M.) (a copy of which is attached hereto as Exhibit A), as such claim relates to the real property located in Bernalillo County, New Mexico, which is more particularly described on Exhibit B attached hereto and also known as Furr's Store #866, to STATE STREET BANK AND TRUST COMPANY ("State Street"), in its capacity as Trustee for the Registered Certificateholders of J.P. Morgan Commercial Mortgage Finance Corp., Mortgage Pass-Through Certificates, Series 1999-C8, acting through its agent, ARCap Servicing, Inc. ("Assignee"). Assignor hereby appoints Assignee, and its assigns, its true and lawful attorney-in-fact, with power of substitution and revocation, for its own use, to collect the

Claims assigned hereby and take whatever other steps are necessary to enforce and collect such Claims.

Dated: 3/27, 2003.

FLOHO PARTNERS, a New Mexico general partnership

By: SEVILLE EAST, an Arizona general partnership, its General Partner

By [Signature]
John Tucker, Partner

By: SPIEGEL FAMILY LIMITED PARTNERSHIP, an Arizona limited partnership, its General Partner

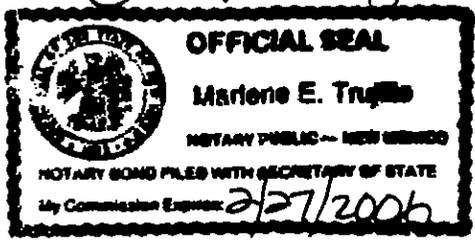
By [Signature]
Saul Spiegel, General Partner

STATE OF New Mexico)
) ss.
COUNTY OF Santa Fe)

This instrument was acknowledged before me on the 27th day of March, 2003, by John Tucker, as Partner of Seville East, an Arizona general partnership, General Partner of Floho Partners, a New Mexico general partnership.

[Signature]
Notary Public

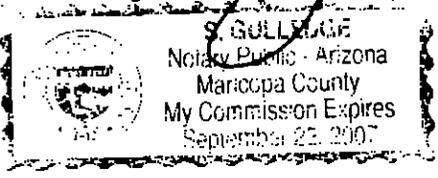
My commission expires:
2/27/2006



STATE OF ARIZONA)
) ss.
COUNTY OF maricopa)

This instrument was acknowledged before me on the 9th day of APRIL, 2003, by Saul Spiegel, as General Partner of Spiegel Family Limited Partnership, an Arizona limited partnership, General Partner of Floho Partners, a New Mexico general partnership.

My commission expires:
Sept. 22, 2007

S. Gullerage
Notary Public


In re:
FURR'S SUPERMARKETS, INC.,
Debtor

2001-11-26-11-10701
Chapter 11
U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

NOTICE OF DEADLINE TO FILE ADMINISTRATIVE CLAIMS

1. **Administrative Claims Must be Filed by November 23, 2001.** The United States Bankruptcy Court in this chapter 11 case has entered an Order providing that, except as set forth below, all administrative claims must be filed by November 23, 2001 (the "Admin. Claim Bar Date"), or the claims will be disallowed and barred. Any claim arising post-petition (the petition date is February 8, 2001) may be an administrative claim. Examples include claims for goods or services provided to Furr's Supermarkets, Inc. ("Furr's") post-petition, and post-petition claims for personal injury, other torts, rent, taxes, severance benefits, vacation pay, wages, and health and medical benefits. Such claims may or may not be entitled to an administrative priority.

2. **Exceptions to the Admin. Claim Bar Date.** No former employee of Furr's need file an administrative claim by the Admin. Claim Bar Date if (a) the former employee was represented by United Food and Commercial Workers Union Local 540 or Local 1564 (the "Union"), (b) the claim is for severance benefits, vacation pay, health and medical benefits, and/or unpaid wages under a collective bargaining agreement or health and welfare trust, and (c) the former employee agrees to be bound by the outcome of any litigation by the Union with respect to such claim. Former Union employees have the right to file their own claims and retain their own counsel. The Admin. Claim Bar Date applies to any and all other administrative claims by former Furr's employees. In addition, the Admin. Claim Bar Date does not apply to reclamation claims (that bar date was fixed by prior order), professional fee claims, administrative claims arising after October 31, 2001, claims under contracts or leases assumed with Court approval, or claims already filed.

3. **Claims Must Be Filed by the Bar Date.** All administrative claims required to be filed by the Admin Claim Bar Date must be actually received by the Clerk of this Court on or before that date. The address for filing is Office of the Clerk of the Court, United States Bankruptcy Court, Third Floor, 421 Gold Ave. S.W., Albuquerque, N.M. 87102 (or P.O. Box 546, Albuquerque, N.M. 87103). You should use the claim form attached below to file your claim. You may submit this entire page when you file your claim.

4. **This is Not A Pre-Petition Unsecured Claim Bar Date.** This notice does not apply to pre-petition unsecured claims against Furr's. No bar date has yet been set for filing pre-petition unsecured claims. If it appears that there may be sufficient funds available to pay a dividend to pre-petition unsecured creditors, a separate notice of bar date will be sent.

5. **Inquiries About This Notice.** Former Union employees who have questions about this notice may call Greg Frazier (Local 1564) 505-262-1986 or Nick Sanchez (Local 540) 800-282-0714.

Robert H. Jacobvitz/David T. Thuma
JACOBVITZ, THUMA & WALKER P.C.
500 Marquette N.W., Suite 650
Albuquerque, N.M. 87102
Attorneys for the Debtor in Possession

APPLICATION FOR ALLOWANCE OF ADMINISTRATIVE CLAIM

The undersigned claims that Furr's owes the undersigned for goods, services, and/or labor sold or rendered by the undersigned to Furr's after February 8, 2001, or asserts any other post-petition claim for which the undersigned requests an administrative priority as follows (please print or type; attach invoices, contracts, or other supporting documents if applicable; attach additional sheets if necessary):

- 1. Legal Name of Claimant: Floho Partners
- 2. Address: 722 OCASO DEL SOL, Santa Fe, NM 87505
- 3. Telephone number: 505 989 8758
- 4. Description of services rendered or goods sold or other basis for claim: Landlord - provided land & building for store
- 5. Date(s) services were rendered or goods were sold or claim arose: Lease extant from 9/95
- 6. Total amount claimed: \$312,400.10

Signature and title John Tucker
Partner

Return for filing to: Clerk of Court, United States Bankruptcy Court, Third Floor, 421 Gold Ave. S.W., Albuquerque, N.M. 87102 (or P.O. Box 546, Albuquerque, N.M. 87103).

119

El Paso Furr's

September Rent	\$14,408.33
October Rent	\$14,408.33
November Rent	\$14,408.33
Property Tax	\$44,254.80
Insurance (est.)	\$20,000.00
Misc. Fees/Repairs	\$650.00
Utilities	\$4,387.26

Carlsbad #949

September Rent	\$13,300.00
October Rent	\$13,300.00
November Rent	\$13,300.00
Property Tax	\$9,940.28
Insurance (est.)	\$20,000.00
Misc. Fees/Repairs	\$435.00
Utilities	\$5,482.03

Albuquerque #866

September Rent	\$18,641.17
October Rent	\$18,641.17
November Rent	\$18,641.17
Property Tax	\$27,952.59
Misc. Fees/Repairs	\$275.00
Utilities	\$847.00 est.

total: \$273,272.46

Floho Partners Administrative Costs

Date	Check #	Payee	
5/2/01	1322	Eddy County Treasurer	Prop Tax:Carlsbad/Carlsbad#949 -4,970.14
5/2/01	1324	First National Bank-El Paso Furr's	Prop Tax:El Paso/El Paso#927 -44,254.80
5/7/01	1323	Santa Fe County Treasurer	Prop Tax:Santa Fe/Santa Fe#891 28,023.95
10/11/01	1331	pnm	-64.00
10/11/01	1332	El Paso Electric	Utilities:Gas & Electric/Carlsbad#949 -452.18
10/11/01	1333	John Tucker	Utilities:Gas & Electric/El Paso#927 -106.31
10/22/01	1335	Faith Construction	Miscellaneous/Carlsbad#949 repairs/El Paso#927 -130.00
10/26/01	1336	El Paso Security	Prof Fees/El Paso#927 (security) -100.00
11/20/01	1336	Southern Union Gas	Utilities/El Paso#927 -127.42
11/20/01	1337	El Paso Electric	Utilities:Gas & Electric/El Paso#927 -1,314.23
11/20/01	1338	El Paso Electric	Utilities:Gas & Electric/El Paso#927 -2,493.43
11/20/01	1339	Southern Union Gas	Utilities/Carlsbad#949 -5,417.97
al 1/1/01 - 11/20/01			-87,454.45

Albuquerque property tax paid directly by Lender. Additional costs on Albuquerque paid by property managers

Misc. Repairs on Carlsbad and El Paso stores paid by checks and credit cards not yet cleared.

1 012 056 293 221
 CITY ADDRESS AND DESCRIPTION 1720 BRIDGE BLV SW

BILL NUMBER 2001-052773

TRACT 169A MRGCD MAP 42 EXC A NLY PORT OUT
 TO R/W OF BRIDGE BLVD CONT 7.6239 AC +-



ALEX A. ABEYTA, JR.
TREASURER

BERNALILLO COUNTY
 PO BOX 627
 ALBUQUERQUE, N.M. 87103-0627
 (505) 768-4031
<http://www.bernco.gov/treasurer/>
 e-mail: treas@bernco.gov

AFC MRGB

PR

2150MM 10/22/01 18:32 010070 102401 BRNHW28 BERN-NM 1 012056293221



1 012 056 293 221 41305
 FLOHO PARTNERS
 722 CAMINO OCASA DEL SOL
 SANTA FE NM 87505-6604

2001-052773

Furns 866

**2001
 TAX BILL**

THIS TAX BILL IS THE ONLY NOTICE
 YOU WILL RECEIVE FOR PAYMENT OF
 BOTH INSTALLMENTS OF YOUR 2001
 PROPERTY TAX

ALAM TAX DISTRICT

PROPERTY	CODE	VALUE	AGENCIES	TAX RATE	NET TAXABLE VALUE	AMOUNT DUE
ASSESSED VALUE LAND		277,100	STATE	1.765	637,069	1,124.43
ASSESSED VALUE IMPROVEMENTS		1,634,300	COUNTY	11.793	637,069	7,512.36
ASSESSED VALUE PERS PROP			ALBUQ	11.520	637,069	7,339.04
			SCHOOL AFS	9.004	637,069	5,736.17
			TVI	3.550	637,069	2,261.60
ABLE VALUE LAND		92,357	UNMH	6.500	637,069	4,140.95
ABLE VALUE IMPROVEMENTS		544,712	AMAFCA	1.116	637,069	710.97
ABLE VALUE PERS PROPERTY			MRGCD	6.300	637,069	4,013.52
AL VALUATION		637,069				
ATORY EXEMPTION						
ERAN EXEMPTION						
TAXABLE VALUE	N	637,069				
TOTAL RATE				51.548	2001 TAX	32,839.64

YEAR	TAX	INTEREST	PENALTY	ADM	AMOUNT DUE

PLEASE RETAIN THIS PORTION FOR YOUR RECORDS

DETACH AND RETURN THIS PORTION WITH YOUR 2ND HALF PAYMENT

PRINT THIS BILL
 NO. ON YOUR CHECK

2001-052773

2nd HALF COUPON

AMOUNT	16,419.82	DATE	05-10-02
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1 012 056 293 221 41305
 FLOHO PARTNERS

TO AVOID INTEREST AND PENALTY
 CHARGES, PAYMENT MUST BE
 POSTMARKED BY: **MAY 10, 2002**

PLEASE MAKE YOUR CHECK PAYABLE TO THE
 BERNALILLO COUNTY TREASURER AND MAIL TO:
 ALEX A. ABEYTA, JR. TREASURER
 P.O. BOX 269
 ALBUQUERQUE, NM 87103-0269

1322

FLOHO PARTNERS
722 CAMINO OCASO DEL SOL
SANTA FE, NM 87501

95-44/1070

DATE 5/3/01

PAY TO THE ORDER OF

Eddy County Treasurer

\$ 4,970.¹⁴/₁₀₀

Forty nine hundred seventy & ¹⁴/₁₀₀

DOLLARS

First National Bank
Post Office Box 909 • (505) 964-7400
Santa Fe, New Mexico 87504-0609

Floho Partners
Cashed

FOR 2nd 1/2 Bill # 2000-0008629

⑈001322⑈ ⑆107000440⑆ 186016529⑈

1323

FLOHO PARTNERS
722 CAMINO OCASO DEL SOL
SANTA FE, NM 87501

95-44/1070

DATE 5/3/01

PAY TO THE ORDER OF

Santa Fe County Treasurer

\$ 28,023.⁹⁵/₁₀₀

Twenty eight thousand twenty three & ⁹⁵/₁₀₀

DOLLARS

First National Bank
Post Office Box 909 • (505) 964-7400
Santa Fe, New Mexico 87504-0609

Furr's Emporium
Poebeco-Santa Fe

FOR 185-024-77

⑈001323⑈ ⑆107000440⑆ 186016529⑈

1324

FLOHO PARTNERS
722 CAMINO OCASO DEL SOL
SANTA FE, NM 87501

95-44/1070

DATE 5/3/01

PAY TO THE ORDER OF

1st National Bank

\$ 44,254.⁸⁰/₁₀₀

Forty Four thousand two hundred fifty four & ⁸⁰/₁₀₀

DOLLARS

First National Bank
Post Office Box 909 • (505) 964-7400
Santa Fe, New Mexico 87504-0609

Cashier check for
El Paso Furr's

FOR prop tax N57999900609000

⑈001324⑈ ⑆107000440⑆ 186016529⑈

ATTN: Mike Kelly

Floho Partners Prop Tax Payments

EXHIBIT B

A certain tract of land situated within Bernalillo County, New Mexico, being "Goff's Commercial Area", as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico, on July 14, 1960, in Volume C5, Folio 17, excluding therefrom 0.345 acres in the northeast corner, said tract being further described by metes and bounds as follows:

Beginning at a point on the West right-of-way of Goff Road S.W. (a found P.K. Nail with Washer NMPS No. 5953), from whence an Albuquerque Control System Monument "17-L12" bears N. 17°48'45" E., 131.18 feet; thence, S. 13°40'32" E., 80.34 feet to a found 1" rod tagged by NMPS No. 5953; thence, S. 32°07'13" W., 413.23 feet to a set P.K. Nail with Washer NMPS No. 5953; thence, N. 85°33'01" W., 584.96 feet to a found No. 4 rebar with cap NMPS No. 5953; thence, N. 30°05'25" E., 614.55 feet to a found No. 4 rebar with cap NMPS No. 5953; thence, S. 86°34'05" E., 325.00 feet to a found No. 4 rebar with cap NMPS No. 5953; thence, S. 12°17'35" E., 125.00 feet to a found cross in concrete curb; thence, S. 86°34'05" E., 125.00 feet to the point and place of beginning.