

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

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

Case No. 11-01-10779 SA
Chapter 7

Debtor.

**ORDER GRANTING TRUSTEE'S MOTION TO APPROVE PAYMENTS TO
IRON MOUNTAIN FOR DOCUMENT STORAGE**

This matter came before the Court on the Chapter 7 Trustee's (the "Trustee's") Motion to Approve Payments to Iron Mountain For Document Storage, filed June 6, 2003 and docketed as #2108 (the "Motion") and the Court, being duly advised in the premises and noting that no objections were filed to the Motion, HEREBY FINDS:

A. On February 8, 2001, the Debtor commenced this bankruptcy case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. Pursuant to Bankruptcy Code §§1107(a) and 1108, Debtor has retained possession of its assets, as Debtor in Possession;

B. On December 19, 2001, Furr's Chapter 11 bankruptcy case was converted to a Chapter 7 case. The Trustee was appointed on that date and continues in that capacity;

C. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This

matter is a core proceeding under 28 U.S.C. § 157(b)(2).
Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409;

D. During the Chapter 11, Furr's Supermarkets, Inc. entered into a certain Records Management and Service Agreement with Iron Mountain, a copy of which is attached to the Motion (the "Agreement"). The Agreement provides that Iron Mountain will store certain boxes containing Furr's documents in exchange for the payment of \$0.145 per cubic feet per month. Iron Mountain currently is storing approximately 4500 boxes. The month storage charge is approximately \$2,500;

E. After conversion of the case to Chapter 7, the Trustee has continued to pay the monthly storage charges to Iron Mountain;

F. The boxes of documents stored at Iron Mountain include information important to the estate and its creditors, and it is in the best interests of the estate to continue storing the documents at Iron Mountain and paying the monthly fee, until the estate is fully administered;

G. On June 6, 2003, notice of the Motion (docket #2113) (the "Notice") was mailed by first class United States mail, postage prepaid, to all persons on

the limited mailing matrix maintained in the bankruptcy case, as shown by the certificate of service on the Notice filed with the Court;

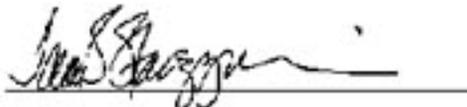
H. The Notice provided for a deadline to object to the Motion of June 29, 2003, which was 23 days after the date of mailing of the Notice. The Notice was sufficient and appropriate in the particular circumstances;

I. The deadline to object to the Motion has expired, and no objections to the Motion were filed;

J. The requirements of the Bankruptcy Code and Rules have been satisfied with respect to the relief granted by this Order; and,

K. Entry of this Order, without further notice or hearing, is appropriate.

It is hereby ORDERED that the Motion is granted, and the Trustee may continue to pay Iron Mountain pursuant to the Agreement until the Trustee, exercising her reasonable business judgment, elects to discontinue Iron Mountain's record storage services.



THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

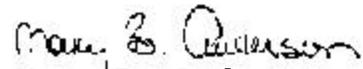
Submitted by:
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Attorneys for the Chapter 7 Trustee

I hereby certify that on July 19, 2004, a true and correct copy of the foregoing was either electronically transmitted, faxed, delivered, or mailed to the listed counsel and parties.


Mary B. Anderson