

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO

In re FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA

Debtor.

FILED  
OFFICE OF THE CLERK  
2001 JUN 19 PM 3:23  
U.S. BANKRUPTCY COURT  
ALBUQUERQUE, N.M.

**OBJECTION TO CURE AMOUNT SET FORTH IN EXHIBIT 2 (LOC. 951) TO  
DEBTOR'S NOTICE OF REVISION OF EXHIBITS TO DEBTOR'S MOTION  
FOR ORDER APPROVING SALE OF SOME OR ALL OF DEBTOR'S ASSETS**

NetCom Management Group, Inc. ("Creditor") objects to the cure amount set forth in Exhibit 2, Loc. 951, for the real property lease on property located at 10765 Kenworthy Drive, El Paso, Texas. As grounds, Creditor states:

1. During the month of October, 2000, Creditor provided labor and materials for a cable project at the Furr's Supermarket located at 10765 Kenworthy Drive, El Paso, Texas.

2. Creditor is owed an unpaid balance of \$28,463.90 for the work performed and/or materials provided for the project. To secure payment of the indebtedness owed by Debtor to Creditor, Creditor filed a mechanic's and materialman's lien against the property located at 10765 Kenworthy Drive, El Paso, Texas, on December 20, 2000, which lien attaches to both the real property and leasehold interest. A copy of the lien is attached hereto as *Exhibit A*.

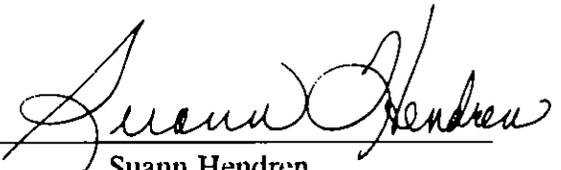
3. On June 13, 2001, Debtor filed its Notice of Revision of Exhibits to Debtor's Motion for Order Approving Sale of Some or All of Debtor's Operating Assets and Granting Related Relief ("Notice")

4. Exhibit 2 to the Notice sets forth the cure amount for the leasehold interest for the real property lease upon the property located at 10765 Kenworthy Drive, El Paso, Texas (Loc. 951). In addition to the rental payments and property taxes due on the real property lease, the cure amount should also include the amount necessary to pay the lien which attaches to the

6/11

leasehold interest. Creditor objects to the cure amount as not including the amount necessary to pay Creditor's lien on the leasehold interest.

SUTIN, THAYER & BROWNE  
A Professional Corporation

By   
Suann Hendren

Attorneys for NetCom Management Group,  
Inc.

P. O. Box 1945

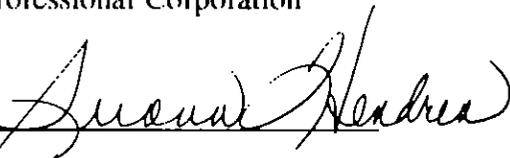
Albuquerque, New Mexico 87103

(505) 883-2500

590261.wpd

We hereby certify and verify under penalty of perjury that we have mailed a copy of the foregoing pleading to counsel for Debtor and the Office of the Assistant U.S. Trustee this 19<sup>th</sup> day of June, 2001.

SUTIN, THAYER & BROWNE  
A Professional Corporation

By 

**MECHANIC'S & MATERIALMAN'S LIEN AFFIDAVIT**

**THE STATE OF TEXAS                   §**  
  **§**  
**COUNTY OF EL PASO                   §**

BEFORE ME, the undersigned authority, on this day appeared Paul Kelm, Vice President of NetCom Management Group, Inc., and stated on oath as follows:

1. "My name is Paul Kelm. I am Vice President of NetCom Management Group, Inc. NetCom Management Group, Inc. is referred to herein as "Claimant." I am a over twenty-one (21) years of age, am of sound mind and competent to make this affidavit. The matters contained in this affidavit are within my personal knowledge and every statement made herein is true and correct."

2. "Pursuant to a contract between Claimant and Furr's Supermarkets, Inc., Claimant performed labor and furnished equipment, material and machinery, and/or incurred expenses for the same, in connection with data cable installation on property owned by Furr's Supermarkets, Inc. A true and correct copy of the invoice pertaining to such work is attached hereto."

3. "The amount of the claim is: \$28,463.90"

4. "The name of the owner or reputed owner of the property is: Furr's Supermarkets, Inc."

5. "The last known address of the owner or reputed owner is: 10765 Kenworthy Dr., El Paso, TX 79924-1717.

Furr's Supermarkets, Inc. also has a P.O. Box address of:  
P.O. Box 10267, Albuquerque, NM 87184

Furr's Supermarkets, Inc. also has an address at:  
1730 Montano Rd N.W., Albuquerque, NM 87107-3224"

6. "General statement of the kind of work done and materials furnished by Claimant: installation of data cable."

7. "Name and last known address of the person by whom Claimant was employed or to whom Claimant furnished the materials or labor: Claimant furnished labor and materials to Furr's Supermarkets, Inc. per Gene Brewster, 10765 Kenworthy Dr., El Paso, TX 79924-1717."

8. "NetCom Management Group, Inc. was the original contractor."

9. "Description, legally sufficient for identification, of property sought to be charged with lien: 6.22 acres at 24 Pleasant Hills #5 ELY PT of 20 (882.39' on St. - 618.12' on S - 596.53' on W - 164.39' on N) (6.2207 AC), also known as 10765 Kenworthy."

10. "Claimant's name, mailing, and physical address:

NetCom Management Group, Inc.  
2809-C Broadbent Pkwy. NE, Albuquerque, NM 87107

or their legal counsel:

Richard Grimes  
Grimes & Fertitta, P.C.  
440 Louisiana, Suite 1325  
Houston, Texas 77002"

11. "Notice of Claim was sent to the owners or reputed owners on December 22, 2000 by NetCom Management Group, Inc."

12. "In addition to all other liens to which Claimant may be entitled, including, without limitation, any lien arising under the Constitution of the State of Texas, Claimant claims, to the full extent of the applicable statutes of the State of Texas, a lien against the Property, all buildings and appurtenances located on the Property, and all material, machinery, and supplies furnished or hauled by Claimant on the Property."

Claimant claims a lien against all the above described land and improvements thereon in the amount shown above pursuant to Chapter 53 of the Property Code of the State of Texas, and makes this sworn statement of claim in support thereof.

Claimant expressly claims a first lien on all removables and claims a Constitutional mechanic's and materialman's lien to the extent that Claimant is deemed an original contractor.



Paul Kalm, Vice President/Authorized Agent  
NetCom Management Group, Inc

SUBSCRIBED AND SWORN TO before me on this 20<sup>th</sup> day of December, 2000.



Notary Public in and for the State of New Mexico  
My Commission Expires: May 12, 2004

AFTER RECORDING RETURN TO:

Richard M. Grimes  
CRIMES & FERTITTA, P.C.  
440 Louisiana, Suite 1325  
Houston, Texas 77002