

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

In re:

FILED
OFFICE OF THE CLERK

FURR'S SUPERMARKETS, INC.,)
a Delaware corporation)
Tax I.D. No. 75-2364418 (Federal;)
02-159595-0 (New Mexico))
)
Debtor.)
_____)

2001 DEC 17 AM 10: 52
No. 11-01-10779-SA
BANKRUPTCY COURT
ALBUQUERQUE, N.M.

**AMENDED NOTICE OF DEADLINE FOR FILING OBJECTIONS
TO AGREED ORDER FOR RELIEF FROM STAY**

On December 17, 2001, The CIT Group/Equipment Financing, Inc. ("Creditor") by and through its attorneys of record Sutin, Thayer & Browne, P.C. (Suann Hendren) and Furr's Supermarkets, Inc. ("Debtor") by and through its attorneys of record Jacobvita, Thuma & Walker, PC (David Thuma) entered into an Agreed Order for Relief From Stay ("Agreed Order"). The Agreed Order provides that Debtor desires to voluntarily surrender the Equipment listed on Exhibit A attached to the Motion for Relief From Stay filed October 4, 2001. A copy of the Agreed Order is attached to this Notice.

Any party who objects to the Agreed Order must file its objections with the Clerk of the Bankruptcy Court, Federal Building and United States Courthouse, 421 Gold Avenue S.W., Third Floor, Albuquerque, New Mexico (or P.O. Box 546, Albuquerque, New Mexico 87103-0546), WITHIN FIFTEEN (15) DAYS OF THE DATE OF MAILING OF THIS NOTICE, and serve a copy of the objection on Suann Hendren, Sutin, Thayer & Browne A Professional Corporation, P.O. Box 1945, Albuquerque, New Mexico 87103.

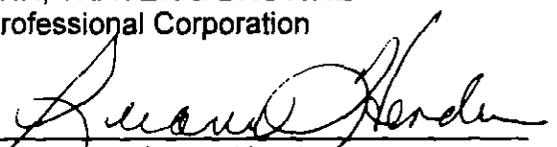
If no objections are timely filed, the Court will enter the Agreed Order **WITHOUT** a hearing or further notice.

I certify that a copy of this amended notice **AND** the Agreed Order for Relief From Stay, was mailed by first class United States mail, postage prepaid, to all persons listed below:

- David Thuma, 500 Marquette NW, Suite 650, Albuquerque, NM 87102
- Richard Levin, 300 South Grand Ave., Suite 3400, Los Angeles, CA 90071-3144
- Office of the Assistant U.S. Trustee, P.O. Box 608, Albuquerque, NM 87103
- William E. Davis, attorney for unsecured creditors' committee, P.O. Box 6, Albuquerque, NM 87103-0003

Date of Mailing: December 17, 2001

SUTIN, THAYER & BROWNE
A Professional Corporation

By 
Suann Hendren

Attorneys for Creditor
P. O. Box 1945
Albuquerque, New Mexico 87103
(505) 883-2500
608036.wpd

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

In re:

FURR'S SUPERMARKETS, INC.,)	
a Delaware corporation)	No. 11-01-10779-SA
Tax I.D. No. 75-2364418 (Federal;)	
02-159595-0 (New Mexico))	
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Debtor.)	
<hr/>		

AGREED ORDER FOR RELIEF FROM STAY

This matter came before the Court upon agreement between The CIT Group/Equipment Financing, Inc. ("Creditor"), represented by Sutin, Thayer & Browne, P.C. (Suann Hendren) and Furr's Supermarkets, Inc. ("Debtor"), represented by Jacobvitz, Thuma and Walker, PC (David Thuma).

THE PARTIES STIPULATE AND THE COURT FINDS:

1. For good consideration, Debtor entered into a Master Lease Agreement with Creditor, dated March 26, 1999, for the lease of certain equipment (the "Equipment"). A copy of the Master Lease Agreement and its attached Schedule A, listing the Equipment, is attached to the Motion for Relief From Stay filed with the Court on October 4, 2001. Pursuant to the 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, Debtor has classified the Master Lease Agreement as a "secured financing contract." The Master Lease Agreement is hereinafter referred to as "Contract." Under the Contract, Creditor retains a security interest in the Equipment.

2. Debtor desires to voluntarily surrendered the Equipment to Creditor and Debtor's counsel concurs.

3. Debtor has no equity in the Equipment and the Equipment is not necessary for an effective reorganization as no reorganization is contemplated.

4. On December 11, 2001, Creditor mailed by first class mail a Notice of Deadline for Filing Objections to Agreed Order Relief From Stay (the "Notice") to debtor, debtor's attorney, Office of the Assistant U. S. Trustee and to attorney for the unsecured creditors' committee in accordance with Rule 4001(d). As of January 2, 2002, no objections have been filed with the Court.

THE COURT ORDERS:

1. The automatic stay provided by 11 U.S.C. § 362 is modified only to the extent to allow the Creditor to foreclose and sell the Collateral in accordance with non-bankruptcy law and the Contract; and to fix the pre-petition amount of the unsecured deficiency claim, if any. Otherwise, the automatic stay remains in full force and effect until modified by applicable bankruptcy law or further order of the Court. The Creditor shall provide an accounting to Debtor's counsel of the results of the sale of the Equipment.

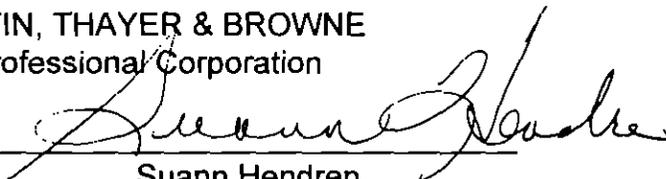
2. To the extent, if any, the Contract represents an unexpired lease, or executory contract, the Contract is hereby deemed rejected as of December 1, 2001.

UNITED STATES BANKRUPTCY JUDGE

AGREED TO AND SUBMITTED BY:

SUTIN, THAYER & BROWNE
A Professional Corporation

By



Suann Hendren

Attorneys for Creditor
P. O. Box 1945
Albuquerque, New Mexico 87103
(505) 883-2500
608034

AGREED TO:

JACOBVITZ, THUMA & WALKER, PC

Telephonic approval 11/14/01

David Thuma
Attorneys for Debtor
500 Marquette NW, Suite 650
Albuquerque, NM 87102
(505) 766-9272

All parties entitled to notice:

David Thuma
Attorneys for Debtor
500 Marquette NW, Suite 650
Albuquerque, NM 87102

Suann Hendren
Sutin, Thayer & Browne, PC
P.O. Box 1945
Albuquerque, NM 87103

Office of the U. S. Trustee
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William E. Davis
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