

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

**FILED**  
12:00 MIDNIGHT  
OCT 03 2001

In re:

FURR'S SUPERMARKETS, INC.

No. 11-01-10779-SA

**DROP BOX**  
United States Bankruptcy Court  
Albuquerque, New Mexico

Debtor.

**LIMITED OBJECTION TO MOTION TO ALLOW OR  
REQUIRE PAYMENT OF ACCRUED HEALTH AND WELFARE  
FUNDS AND NEW MEXICO UNITED FOOD AND COMMERCIAL  
WORKERS' UNION AND EMPLOYERS' HEALTH AND WELFARE  
TRUST FUND FILED WITH THE COURT ON SEPTEMBER 13, 2001**

COMES NOW Met Life by and through its attorneys Jennie Deden Behles of J.D. Behles & Associates, a Commercial Law Firm, P.C., and Ronald J. Silverman of Bingham, Dana, L.L.P. and state:

1. To the extent that any of these obligations are pre-petition obligations, they are not authorized by law to be paid.
2. To the extent that any of these sums represent contributions for the months worked as opposed to contributions for later months based on hours earlier worked, post-petition, it may well be that some claims should be allowed.
3. However, based on the accounting records of the Debtor, it would appear that contributions for all periods worked have been made. The only contributions remaining unpaid are contributions are for months not worked after the shutdown of Furr's that may be based on hours worked in the previous months. To the extent that these claims are allowable out of the general estate funds such as it is determined what those funds are, they should first be paid out of those funds.

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4. An accounting should be required to determined if there is an excess or overpayment in this fund which should either be used to cover valid post-petition claims or which should be rebated.

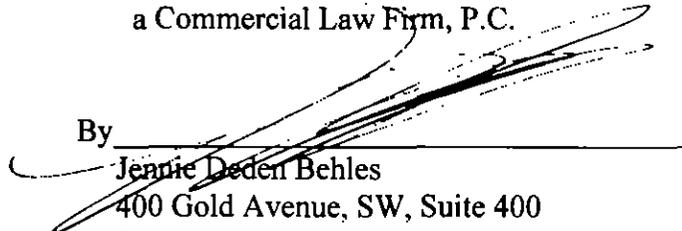
5. The creditor objects to the procedure followed by the Movant in that this is a claim, the claims objection should be filed and noticed for objection on a thirty (30) day notice pursuant to the local rules, which did not occur in this case.

WHEREFORE, Metropolitan Life does request the Court determine the claim as may be appropriately allowed pursuant to the rules of this court and require an accounting of any overpayments made to the fund, and for such other and further relief as the Court be deemed just in the premises.

Respectfully submitted,

J.D. Behles & Associates,  
a Commercial Law Firm, P.C.

By



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I HEREBY CERTIFY that a true and correct copy of the **Limited Objection to Motion to Allow or Require Payment of Accrued Health and Welfare Funds And New Mexico United Food and Commercial Workers' Union and Employers' Health And Welfare Trust Fund Filed With The Court on September 13, 2001** was mailed via U.S. mail, first class, postage prepaid, to:

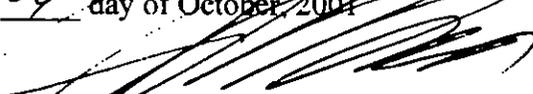
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this  day of October, 2001  
By:   
Jennie Deden Behles

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