

FILED  
12:00 MIDNIGHT  
OCT 05 2001  
DROP BOX  
United States Bankruptcy Court  
Albuquerque, New Mexico

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

IN RE: )  
)  
FURR'S SUPERMARKETS, INC. )  
a Delaware Corporation, )  
)  
Debtor. )  
)

Case No. 11-01-10779-SA

**DESERT EAGLE'S LIMITED OBJECTION  
TO DEBTOR'S MOTION TO APPROVE SALE OF CERTAIN LIQUOR LICENSES  
AND EQUIPMENT FREE AND CLEAR OF LIENS, AND FOR ORDER  
ESTABLISHING PROCEDURES FOR THE SALE OF LIQUOR LICENSES  
AND PAYMENT OF LIQUOR WHOLESALERS AND CERTAIN TAXES**

TO THE HONORABLE JAMES C. STARZYNSKI, CHIEF UNITED STATES BANKRUPTCY JUDGE:

Desert Eagle Distributing Company of New Mexico, L.L.C. ("Desert Eagle"), as a secured creditor and liquor wholesaler, although generally in favor of the proposed sale(s), objects to the following aspects of the Debtor's Motion To Approve Sale Of Certain Liquor Licenses, And Equipment Free And Clear Of Liens, And For Order Establishing Procedures For The Sale Of Liquor Licenses And Payment Of Liquor Wholesalers And Certain Taxes as follows:

1. Desert Eagle joins in the limited objection filed by Premier Distributing Company.
2. Desert Eagle objects to the Debtor's motion to the extent that the Debtor proposes to sell liquor licenses under contracts and procedures which do not afford the liquor wholesalers the protections or status granted them under the provisions of New Mexico Liquor Control Act, especially NMSA § 60-6B-3, and under this Court's earlier orders in this case addressing the liquor wholesaler's rights at the time of sale or transfer of the Debtor's liquor licenses. Desert Eagle

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especially (but not exclusively) objects to the lease and the escrow clauses of the sale contracts proposed by the Debtor in that, in practice, such clauses may result in transfer of liquor licenses or operation under leases of the licenses, free of the burdens imposed by the Liquor Control Act and without satisfaction of the unpaid liquor wholesaler invoices related to such licenses.

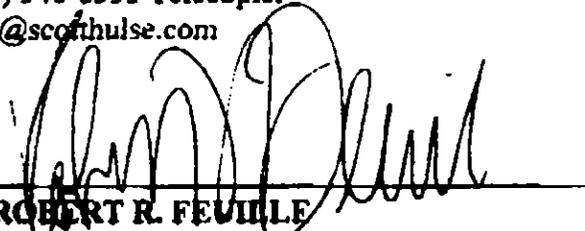
3. Furthermore, the proposed procedure for sale of remaining licenses does not afford the liquor wholesalers an opportunity to object a proposed sale or a proposed contract, notwithstanding the fact that the liquor wholesalers are the holders of first-priority liens upon the licenses.

For these reasons, Desert Eagle respectfully prays that the Debtor's motion be approved only if the foregoing objections are satisfactorily addressed, the proposed contracts modified to assure timely payment of the wholesalers' unpaid invoices and protect the interests of the liquor wholesalers, and the proposed procedure for future sales modified to protect the rights and interests of the liquor wholesalers. Desert Eagle prays for such other and further protection to which it may show itself justly entitled.

Respectfully submitted,

**SCOTT, HULSE, MARSHALL, FEUILLE,  
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By: 

**ROBERT R. FEUILLE**  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on the Debtor's counsel and on the persons identified in the attached mailing list by facsimile and by first-class mail on the 8 day of October, 2001.

  
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