

FILED  
12:00 MIDNIGHT

FEB - 8 2001

DROP BOX  
United States Bankruptcy Court  
Albuquerque, New Mexico

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

**IN RE:  
FURRS SUPERMARKETS, INC.,  
Debtor.**

**NO. 11-01-10779 SA**

**NEW MEXICO LOTTERY'S DEMAND FOR RECLAMATION**

COMES NOW the New Mexico Lottery, by and through its attorneys Keleher & McLeod, P.A. (James C. Jacobsen), and pursuant to 11 U.S.C §546(c) and §55-2-702 N.M.S.A., demands reclamation of all lottery tickets and on-line stock received from it by the Debtor, and as grounds states:

1. Furr's Supermarkets, Inc (the Debtor) filed a petition for relief under Chapter 11 of the Bankruptcy Code on or about February 8, 2001. Upon information and belief the Debtor is a debtor in possession.

2. On or about July 30, 1996, the New Mexico Lottery and the Debtor entered into a Retail Contract for Scratcher/On-line Ticket Sales (the Contract).

3. Under the terms of the Contract, the Debtor was provided, on credit, lottery tickets and on-line stock. Such tickets and stock constitute goods.

4. Upon information and belief, the Debtor was insolvent at all times material

5. Under the provisions of 11 U.S.C. § 546 (c) and §55-2-702, N.M.S.A., NML may reclaim all goods received by the Debtor while insolvent within ten (10) prior to this demand.

6. Demand is hereby made that the Debtor segregate and safeguard all lottery tickets and on-line stock received by it within the last ten days, and collect the same at a central location so that NML may reclaim such goods.

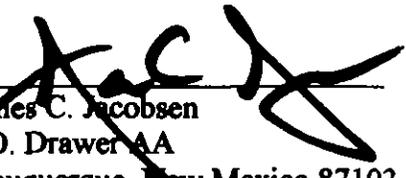
7. The Automatic Stay imposed by 11 U.S.C. § 362 should be modified to permit NML to reclaim its goods delivered to the Debtor while insolvent.

8. NML has made demand for reclamation to Debtor's attorneys. A copy of the Demand Letter is attached hereto as Exhibit A, and incorporated by reference as if set forth in its entirety.

9. Debtor's counsel was not available to return a telephone call made by NML's counsel to determine whether the relief requested would be opposed.

WHEREFORE, the New Mexico Lottery prays the Court enter its order directing the Debtor to segregate and safeguard all lottery tickets and on-line sales stock received by it within ten days prior to February 8, 2001, modify the automatic stay to permit the New Mexico Lottery to reclaim its goods, and grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted,  
Keleher & McLeod, P.A.

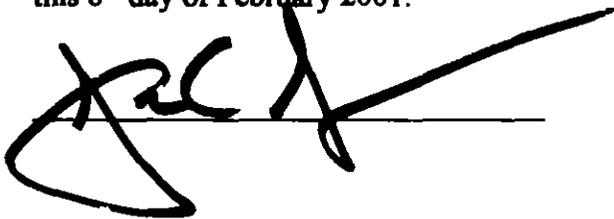
by   
James C. Jacobsen  
P.O. Drawer AA  
Albuquerque, New Mexico 87103  
(505) 346-4646  
Fax No. (505) 346-1370

I certify that I mailed,  
first class postage prepaid,  
a true copy of the foregoing  
Demand to

Robert H. Jacobvitz  
Attorney for Debtor  
500 Marquette NW, #650  
Albuquerque, New Mexico 87102

U.S. Trustee  
P.O. Box 608  
Albuquerque, New Mexico 87103

this 8<sup>th</sup> day of February 2001.

A handwritten signature in black ink, appearing to be "R. H. Jacobvitz", written over a horizontal line.



VIA FACSIMILE and U.S. POSTAL SERVICE

February 8, 2001

Robert H. Jacobvitz  
Jacobvitz, Thuma & Matthews P.C.  
500 Marquette NW #650  
Albuquerque, New Mexico 87102

Re: *In Re Furr's Supermarkets, Inc.*, No. 11-01-10779 SA, United States Bankruptcy  
Court, District of New Mexico

**DEMAND FOR RECLAMATION OF GOODS**

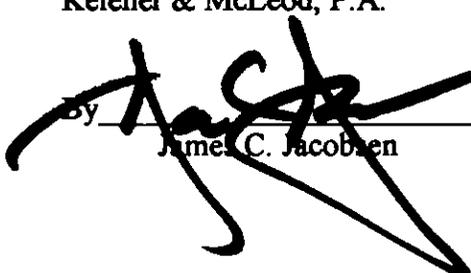
Dear Mr. Jacobvitz:

This Firm represents the New Mexico Lottery (NML). NML provided Furr's Supermarkets, Inc. lottery tickets and on-line ticket stock on a credit basis. Demand is hereby made, pursuant to 11 U.S.C. §546(c) and §55-2-702, N.M.S.A. for reclamation of all lottery tickets and on line ticket stock received by Furr's Supermarkets within the previous ten (10) days. A list of such lottery tickets and on-line ticket stock received by Furr's Supermarkets is attached hereto. We believe this list is accurate, but we reserve the right to supplement it if and when circumstances warrant.

Please ask your client to segregate and safeguard the lottery tickets and on-line ticket stock, and collect it in a central location until mutually convenient arrangements can be made for the physical transfer of possession.

Please do not hesitate to contact me should you have any questions or comments.

Yours truly,  
Keleher & McLeod, P.A.

By   
James C. Jacobsen

W. A. Keleher (1886-1972)  
A.H. McLeod (1902-1976)

Mailing Address  
PO Drawer AA  
Albuquerque NM 87103

Main Phone  
505-346-4646

Street Address  
Albuquerque Plaza  
201 Third NW, 12th floor  
Albuquerque NM 87102  
Fax: 505-346-1370

414 Silver SW, 12th floor  
Albuquerque NM 87102  
Fax: 505-346-1345

Member, Commercial Law  
Affiliates, the world's largest  
affiliation of independent law firms

Running Horses © Gray Mercer 1989.  
provided for the City of Albuquerque  
Public Art Collection in 1991.

Enclosure  
cc: New Mexico Lottery  
JCJ/vl  
jej0036.doc

EXHIBIT     A



Home

NML

Admin | Executive | Marketing | MIS | Sales | Security | In/Out Status | Retailer Shipped List

Retailer 588001 thru 588999

Shipped from 20010128 thru 20010208

Retailer	Game	Description	Pack #	Shipped
588801	163	BONUS CROSSWORD	17408	20010129
588801	179	WILD BILLS	6054	20010205
588801	185	ROAD HOGS	5152	20010205
588801	189	MONEY GAME	6927	20010205
588811	163	BONUS CROSSWORD	17699	20010201
588811	163	BONUS CROSSWORD	17710	20010201
588811	167	BLACK GOLD DOUBLER	1807	20010131
588811	167	BLACK GOLD DOUBLER	2788	20010201
588811	167	BLACK GOLD DOUBLER	2789	20010201
588811	168	BREAK THE BANK	5122	20010201
588811	168	BREAK THE BANK	5123	20010201
588811	175	FREE SPOT BINGO	7310	20010131

588866	192	RED HOT 7'S	4775	20010131
588866	167	BLACK GOLD DOUBLER	2827	20010206
588866	167	BLACK GOLD DOUBLER	2957	20010206
588866	168	BREAK THE BANK	5169	20010206
588866	178	\$5,000 CLOB	7381	20010206
588866	179	WILD BILLS	6166	20010206
588866	183	MONOPOLY RED	6770	20010206
588866	185	ROAD HOGS	5118	20010206
588866	187	DOLLARS AND SCENTS	4749	20010206

588878	198	CAESARS PALACE	4941	20010205
588879	163	BONUS CROSSWORD	18168	20010206
588879	167	BLACK GOLD DOUBLER	2941	20010206
588879	187	DOLLARS AND SCENTS	4206	20010130
588880	167	BLACK GOLD DOUBLER	2181	20010201
588880	187	DOLLARS AND SCENTS	4339	20010201
588881	191	ACES HIGH	3499	20010205
588882	187	DOLLARS AND SCENTS	4197	20010130
588884	167	BLACK GOLD DOUBLER	2483	20010131
588884	167	BLACK GOLD DOUBLER	2484	20010131
588884	175	FREE SPOT BINGO	8160	20010131
588884	178	\$3,000 CLUB	7543	20010131
588884	179	WILD BILLS	6106	20010131
588884	185	ROAD HOGS	5211	20010131
588884	189	MONEY GAME	6945	20010131
588884	192	RED HOT 7'S	4779	20010131
588884	198	CAESARS PALACE	4534	20010131
588884	198	CAESARS PALACE	4535	20010131
588885	167	BLACK GOLD DOUBLER	2421	20010201
588885	167	BLACK GOLD DOUBLER	2422	20010201
588885	191	ACES HIGH	3236	20010201
588885	191	ACES HIGH	3237	20010201
588886	163	BONUS CROSSWORD	17527	20010130
588886	168	BREAK THE BANK	5063	20010130
588886	189	MONEY GAME	6988	20010130
588886	191	ACES HIGH	3723	20010206
588886	192	RED HOT 7'S	4906	20010130
588886	198	CAESARS PALACE	4334	20010130
588886	198	CAESARS PALACE	4443	20010130
588888	167	BLACK GOLD DOUBLER	2981	20010206
588888	191	ACES HIGH	3721	20010206
588889	167	BLACK GOLD DOUBLER	3124	20010206
588889	179	WILD BILLS	6327	20010206
588889	187	DOLLARS AND SCENTS	4880	20010206
588889	191	ACES HIGH	3792	20010206
588891	179	WILD BILLS	5897	20010129
588891	179	WILD BILLS	6053	20010201
588891	185	ROAD HOGS	4999	20010129

588894	198	CAESARS PALACE	4854	20010205
588896	167	BLACK GOLD DOUBLER	2247	20010201
588896	191	ACES HIGH	3155	20010201
588898	191	ACES HIGH	3094	20010201
588898	198	CAESARS PALACE	4751	20010206
588899	163	BONUS CROSSWORD	17424	20010130
588899	167	BLACK GOLD DOUBLER	2938	20010206
588899	187	DOLLARS AND SCENTS	4211	20010130
588899	187	DOLLARS AND SCENTS	4735	20010206
588899	191	ACES HIGH	3734	20010206
588899	198	CAESARS PALACE	4456	20010130
588899	198	CAESARS PALACE	4620	20010206
588901	163	BONUS CROSSWORD	18159	20010206
588901	167	BLACK GOLD DOUBLER	2925	20010206
588901	175	FREE SPOT BINGO	8525	20010130
588901	185	ROAD HOGS	5256	20010206
588901	187	DOLLARS AND SCENTS	4733	20010206
588901	191	ACES HIGH	3730	20010206
588903	178	\$3,000 CLUB	7566	20010205
588903	179	WILD BILLS	6261	20010205
588903	183	MONOPOLY RED	6965	20010129
588903	185	ROAD HOGS	5162	20010205
588905	167	BLACK GOLD DOUBLER	2845	20010206
588905	198	CAESARS PALACE	4690	20010206
588907	167	BLACK GOLD DOUBLER	3133	20010206
588907	191	ACES HIGH	3805	20010206
588908	163	BONUS CROSSWORD	17996	20010202
588908	175	FREE SPOT BINGO	8428	20010202
588908	198	CAESARS PALACE	4868	20010205
588909	167	BLACK GOLD DOUBLER	2516	20010201
588909	191	ACES HIGH	3795	20010206
588911	163	BONUS CROSSWORD	18211	20010205
588911	167	BLACK GOLD DOUBLER	2523	20010201
588911	175	FREE SPOT BINGO	3888	20010202
588911	183	MONOPOLY RED	7174	20010205
588911	191	ACES HIGH	3369	20010201
588913	167	BLACK GOLD DOUBLER	2949	20010206
588913	187	DOLLARS AND SCENTS	4729	20010206
588913	191	ACES HIGH	3745	20010206
588913	198	CAESARS PALACE	4613	20010206
588916	187	DOLLARS AND SCENTS	4354	20010131
588917	167	BLACK GOLD DOUBLER	2193	20010201
588917	191	ACES HIGH	3116	20010201
588918	167	BLACK GOLD DOUBLER	2950	20010206

588918	189	MONEY GAME	7123	20010206
588918	191	ACES HIGH	3736	20010206
588918	198	CAESARS PALACE	4612	20010206
588949	167	BLACK GOLD DOUBLER	2795	20010206
588949	191	ACES HIGH	3604	20010206
		Total Packs Shipped	171	

All information contained in this website is considered confidential and proprietary to the New Mexico Lottery.

Unauthorized access, copying or distribution of information contained on this website is strictly prohibited without the expressed written consent of the Chief Executive Officer of the New Mexico Lottery. Failure to comply with the statements above could subject you to company disciplinary action, in addition to any violation of state and/or federal law.