

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
OFFICE OF THE CLERK  
OCT 10 PM 2:52  
U.S. DISTRICT COURT  
ALBUQUERQUE, N.M.

In re:

FURR'S SUPERMARKETS, INC.,

No. 11-01-10779-SA

Debtor,

**MOTION TO COMPEL IMMEDIATE PAYMENT  
OF POST-PETITION PACA TRUST CLAIM**

COMES NOW Sun Valley Fruit Company, Inc. (collectively, "Sun Valley"), by and through its attorneys of record, FAIRFIELD, FARROW, FLOWERS, & STROTZ, P.C. (John E. Farrow) and hereby moves this Court for an order pursuant to 11 USC §§ 105 & 541 compelling the Debtor to immediately pay the accrued post-petition claim of Sun Valley under the Perishable Agricultural Commodities Act, 7 USC § 499e(c) ("PACA"), and as grounds would show the Court as follows:

1. Sun Valley is a New Mexico corporation generally engaged in the business of wholesale food distribution with its principal place of business located in Bernalillo County, New Mexico.

2. On or about February 9, 2001, the Court entered an Order Authorizing Payment of Valid PACA and PASA Trust Claims which Order authorizes the Debtor to pay, based on its customary practice in the ordinary course all valid prepetition PACA/PASA Trust Claims as provided therein.

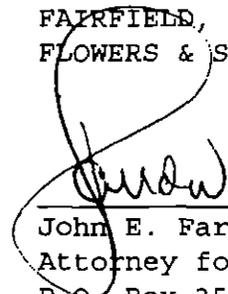
3. On various occasions since the filing of the Petition, the Debtor has placed orders in the ordinary course of its business for food

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and further relief as the Court may deem just and proper.

FAIRFIELD, FARROW,  
FLOWERS & STROTZ, P.C.



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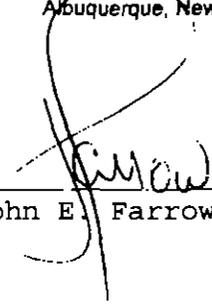
John E. Farrow, Esq.  
Attorney for Sun Valley  
P.O. Box 35400  
Albuquerque, NM 87176  
(505) 881-8300

I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed to  
the following counsel this 9 day of October, 2001:

JACOBVITZ, THUMA & WALKER, P.C.  
Robert H. Jacobvitz, David T. Thuma  
500 Marquette NW, Suite 650  
Albuquerque, New Mexico 87102

SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
Jay M. Goffman, Alan J. Carr  
Four Times Square  
New York, New York 10036-6522

SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
Richard Levin, Peter W. Clapp, Stephen J.  
Lubben  
300 South Grand Avenue, Suite 3400  
Los Angeles, California 90071-3144



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John E. Farrow, Esq.

Furr's Supermarkets Inc  
 4411 The 25 Way NE, Ste 100  
 Albuquerque, NM 87109

Invoice (s) #	Date (s) Shipped	Commodities	Contract Terms	Date (s) Due	Amounts
1701731	08/17/01	Produce	Net 14	08/31/01	269.25
1703764	08/22/01	Produce	Net 14	09/05/01	767.55
1703867	08/22/01	Produce	Net 14	09/05/01	99.75
1705849	08/27/01	Produce	Net 14	09/10/01	610.30
1702861	08/20/01	Produce	Net 14	09/03/01	269.10
1699664	07/19/01	Produce	Net 14	08/02/01	(444.20)
1703525	08/21/01	Produce	Net 14	09/04/01	454.70
1705096	08/24/01	Produce	Net 14	09/07/01	149.00
1705652	08/25/01	Produce	Net 14	09/08/01	384.00
1706106	08/27/01	Produce	Net 14	09/10/01	847.30
cm81030	06/30/01	Produce	Net 14	07/14/01	(10.95)
1703991	08/22/01	Produce	Net 14	09/05/01	174.50
1702913	08/20/01	Produce	Net 14	09/03/01	97.75
1705219	08/24/01	Produce	Net 14	09/07/01	54.25
1705231	08/27/01	Produce	Net 14	09/10/01	197.10
cm85841	08/20/01	Produce	Net 14	09/03/01	(38.85)
1698941	08/11/01	Produce	Net 14	08/25/01	357.00
1703831	08/22/01	Produce	Net 14	09/05/01	87.80
1703956	08/22/01	Produce	Net 14	09/05/01	51.85
1702742	08/20/01	Produce	Net 14	09/03/01	61.95
1697181	08/08/01	Produce	Net 14	08/22/01	143.70
1701673	08/17/01	Produce	Net 14	08/31/01	203.40
1677413	06/26/01	Produce	Net 14	07/10/01	165.50
1691531	07/27/01	Produce	Net 14	08/10/01	309.40
1700105	08/14/01	Produce	Net 14	08/28/01	685.55
1698848	08/11/01	Produce	Net 14	08/25/01	608.15
1698942	08/11/01	Produce	Net 14	08/25/01	63.80
1704945	08/24/01	Produce	Net 14	09/07/01	156.60
1705671	08/25/01	Produce	Net 14	09/08/01	353.05
1706891	08/28/01	Produce	Net 14	09/11/01	668.65
1690614	07/25/01	Produce	Net 14	08/08/01	12.95
276006u	07/30/01	Produce	Net 14	08/13/01	12.95
1703674	08/22/01	Produce	Net 14	09/05/01	147.65
1661354	05/22/01	Produce	Net 14	06/05/01	102.15
1671834	06/14/01	Produce	Net 14	06/28/01	(87.70)
1692273	07/28/01	Produce	Net 14	08/11/01	249.25
1702829	08/20/01	Produce	Net 14	09/03/01	97.25
1703362	08/21/01	Produce	Net 14	09/04/01	509.65
1704063	08/22/01	Produce	Net 14	09/05/01	214.60
1706188	08/23/01	Produce	Net 14	09/06/01	1354.80
1706718	08/27/01	Produce	Net 14	09/10/01	2293.35
279499u	08/29/01	Produce	Net 14	09/12/01	17.75
1693739	08/01/01	Produce	Net 14	08/15/01	153.00
1695542	08/04/01	Produce	Net 14	08/18/01	127.50
1698889	08/11/01	Produce	Net 14	08/25/01	455.90



1699378	08/13/01	Produce	Net 14	08/27/01	348.75
1699897	08/14/01	Produce	Net 14	08/28/01	127.50
1700034	08/14/01	Produce	Net 14	08/28/01	1831.50
1701415	08/17/01	Produce	Net 14	08/31/01	134.60
1701416	08/17/01	Produce	Net 14	08/31/01	102.00

\$16,002.35



# Sun Valley Fruit Company, Inc.

THE OLD RELIABLE

"SINCE 1910"

SUN VALLEY FRUIT COMPANY, INC  
7110 SECOND ST NW  
ALBUQUERQUE, NM 87107

## NOTICE OF INTENT TO PRESERVE TRUST BENEFITS

TO: Furr's Supermarkets Inc  
4411 The 25 Way NE, Ste 100  
Albuquerque, NM 87109

We wish to preserve our Trust benefits on the following unpaid invoice (s) covering load (s) sold to Furr's Supermarkets Inc. Various locations

Total amount past due and unpaid \$ 16,002.35

Written Payment terms: Yes X No       

Payment instrument dishonored (bounced check, e.g.) Yes        No X

A copy of this was Mailed 09-21-01 Faxed 09-21-01 to:  
Furr's Supermarkets Inc., 4411 The 25 Way NE, Ste 100, Albuquerque, NM 87109

