

IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

FILED  
OFFICE OF THE CLERK  
02 MAR -5 AM 9:59  
U.S. BANKRUPTCY COURT  
ALBUQUERQUE, N.M.

FURR'S SUPERMARKETS, INC.	)	
	)	
Debtor,	)	Case No. 7-01-10779-SA
	)	
TRINIDAD GALVAN,	)	Chapter 7
	)	
Movant,	)	
	)	
FURR'S SUPERMARKETS, INC.	)	
	)	
Respondent.	)	

**MOTION FOR RELIEF FROM STAY**

COMES NOW, TRINIDAD GALVAN, hereinafter called Movants, seeking modification of the automatic stay in this case in order to exercise any and all rights Movants may have and for cause would show the Court the following:

**I.**

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION AND REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN TWENTY (20) DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.**

**II.**

1. On or about February 8, 2001, Furr's Supermarkets, Inc. ("Debtor") filed for relief under chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330.

2. On December 20, 2001 the Chapter 11 bankruptcy case was converted to Chapter 7.

1588, 1589

3. The Bankruptcy Court has jurisdiction over this proceeding pursuant to Rule 28 U.S.C. Section 147 and 7 U.S.C. Section 362.

4. By the provision of 7 U.S.C. Section 362 Section 362, all persons are enjoined and stayed from commencing or continuing a suit against the Debtor

5. At the time Debtor filed bankruptcy there was a claim pending to which the Debtor is a Defendant

6. Movant moves this Honorable Court to grant relief from automatic stay to authorize and permit Movant to prosecute its claim against Debtor and Debtor's insurance, Furr's GL Claims Department, Store #954, in accordance with 7 U.S.C. 524(e).

7. Further, if the State Court proceedings result in Judgment against the Debtor that the automatic stay and discharge of the Debtor shall not effect the Movant's right against the Debtor for the insurance policy proceeds.

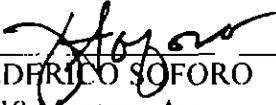
8. Movant is prejudiced if not permitted to proceed.

9. The continuation of the State Court suit will not hinder, burden, delay or be inconsistent with this case.

WHEREFORE, Movant prays that the stay afforded by 7 U.S.C. Section 362 be modified so as to permit Movant to continue the aforementioned claim and collect judgment

against the Debtor's insurance carrier in accordance with 7 U.S.C. 524(c) now pending in the State Court action, and for such other and further relief as may be proper.

Respectfully submitted,

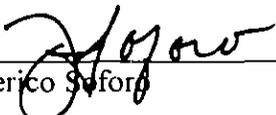
  
\_\_\_\_\_  
FEDERICO SOFORO  
1418 Montana Ave.  
El Paso, Texas 79902  
State Bar No. 18822300  
915-532-4949  
(fax) 915-532-4962

**CERTIFICATE OF SERVICE**

This is to certify that on February 11<sup>th</sup>, 2001, a true and correct copy of the above and foregoing document was delivered to the following:

Jacobitz, Thuma & Walker, P.C.  
500 Marquette Avenue NW, Ste. 650  
Albuquerque, NM 87102-5309

Yvette J. Gonzalez  
Chapter 7 Trustee  
P.O. Box 1037  
Placitas, NM 87043-1037

  
\_\_\_\_\_  
Federico Soforo

UNITED STATES  
U. S. BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
Baltimore, Maryland

# 2204247  
MORRIS S. [unclear]

Case # [unclear]  
[unclear] [unclear]  
Judge - James [unclear]  
Deputy - [unclear]

TOTAL → [unclear]

FROM: SUDOKO  
CB 4615