

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re Furr's Supermarkets, Inc.,
Debtor

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ALBUQUERQUE, N.M.
No. 11-01-10779 SA

MOTION FOR RELIEF FROM AUTOMATIC STAY

FHK Farmington Partners ("FHK"), Lessor to Furr's on a store located in Farmington, New Mexico, hereby moves the Court for relief from the automatic stay so it may cancel the Lease and as grounds therefore states:

1. FHK Farmington Partners ("FHK") is the Lessor of a Furr's store which Furr's numbers as 811, located at 1700 E. 20th Street in Farmington, New Mexico.
2. Under the terms of the Lease entered into between Furr's and FHK, Furr's is obligated to rent monthly in advance on the first of the month in the amount of \$44,325.42.
3. The rent for August, 2001, has not been paid, and the Debtor does not respond to phone calls.
4. Movant FHK is informed and believes, and upon such information and belief alleges that Furr's intend to close its store No. 811, located at 1700 E. 20th Street in Farmington, New Mexico.
5. It is provided by the terms of the Order previously entered herein which permitted the Lessor to extend the time within which it might move to assume or reject it unexpired leases that if the Debtor failed to perform a post-petition obligation, and a lessor moved for relief from the stay to terminate the lease because of that default, the Debtor shall be deemed to consent to this Court's holding a final hearing on that Motion with 20 days of the filing thereof.



6. Accordingly, FHK requests a final hearing on this Motion for Relief from Stay in order to terminate the Lease within 20 days of the date of the filing hereof on August 10, 2001.

7. Upon consultation, counsel for the Debtor agreed to consult his client to obtain his client's judgment about consent to the Motion. Counsel for the Unsecured Creditors' Committee indicated that it would side with the Debtor if the Debtor wished to keep the lease, and if the Debtor agreed that the lease could be terminated, the Unsecured Creditors' Committee did not anticipate any opposition to the termination. The United States Trustee's office indicated that it had no opposition to the Motion.

WHEREFORE, FHK Farmington Partners moves for an Order lifting the automatic stay and permitting FHK to terminate the Lease on Store No. 811 located at 1700 E. 20th in Farmington, New Mexico, that a final hearing be had within 20 days of the date of the filing of this Motion, and for such other and further relief as to the Court seems just and proper.

Respectfully submitted,

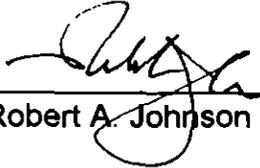
EASTHAM JOHNSON MONNHEIMER & JONTZ, P.C.

By 

Robert A. Johnson

Attorneys for FHK Farmington Partners
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(505) 247-2315

I hereby certify that a true and correct copy of the foregoing pleading was faxed this 13 day of August, 2001 to Robert Jacobvitz, Esq., Richard Levin, Esq., William F. Davis, Esq., and the U.S. Trustee.



Robert A. Johnson

UNITED STATES
U. S. BANKRUPTCY COURT
DISTRICT OF NEW MEXICO
Albuquerque, N.M. 87102

21008945 RE
August 13, 2001

Code	Case #	Rate	Amount
STAY 1.1	01-10779	1%	5.00
			15.00 CR

Judge - James L. Longenecker, Jr. (Judge)
Debtor - FURR'S SUPERMARKETS, INC.

TOTAL => 75.00

FROM: EASTMAN
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