

UNITED STATES BANKRUPTCY COURT -
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,
SA

Debtor.

FILED
Case No. 11-01-10779-
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Chapter 11
U.S. BANKRUPTCY COURT
ALBUQUERQUE, NM

NOTICE OF PRESENTMENT HEARING
ON ORDER GRANTING MOTION TO REJECT CERTAIN EXECUTORY
CONTRACTS AND UNEXPIRED LEASES FILED ON JUNE 29, 2001

A presentment hearing will be held on **August 30, 2001, at 9:00 a.m.** before the Honorable United States Bankruptcy Judge James S. Starzynski, 421 Gold Ave. SW., Second Floor, Albuquerque, N.M. 87102, on Debtor's proposed "Order Granting Motion to Reject Certain Executory Contracts and Unexpired Leases Filed on June 29, 2001," (the "Proposed Order"). A copy of the Proposed Order is attached to the original of this Notice and the copies sent to counsel involved in this matter.

JACOBVITZ, THUMA & WALKER, P.C.

By: 
Thomas D. Walker
500 Marquette Avenue, NW, #650
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(505) 766-9272
Attorneys for the Debtor

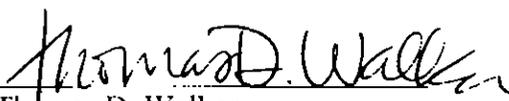
I hereby certify that on August 22, 2001, a copy of the foregoing Notice, with a copy of the Proposed Order, was mailed by first class United States mail, postage prepaid, and was transmitted by facsimile to the following persons:

Linda S. Bloom
P.O. Box 218
Albuquerque, New Mexico 87103
243-2332 Fax

United States Trustee
P.O. Box 608
Albuquerque, NM 87103
248-6558 Fax

James A. Askew
P. O. Box 1888
Albuquerque, NM 87103
768-7395 Fax

William F. Davis
P.O. Box 6
Albuquerque, NM 87103
247-3185 Fax


Thomas D. Walker

238

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA
Chapter 11

Debtor.

**ORDER GRANTING MOTION TO REJECT CERTAIN EXECUTORY
CONTRACTS AND UNEXPIRED LEASES FILED ON JUNE 29, 2001**

THIS MATTER came before the Court on the debtor Furr's Supermarkets, Inc.'s (the "Debtor's") Motion to Reject Certain Executory Contracts and Unexpired Leases filed on June 29, 2001 (Doc. No. 698) (the "Motion"), the objection thereto filed by Pinnacle Logistics, Inc. ("Pinnacle") and Countrywide Logistics, Inc. ("Countrywide") (Doc. No. 746), and the stipulation set forth in this Order by and between Debtor and Millard Refrigerated Services, Inc. ("Millard"). Having reviewed the Motion, the objection thereto and the stipulation between the Debtor and Millard, and being otherwise advised in the matter, *THE COURT FINDS:*

A. Debtor commenced this case by filing a voluntary petition on February 8, 2001 in this Court under chapter 11 of title 11 of the United States Bankruptcy Code. The Debtor continues to operate its business and manage its properties as debtor-in-possession under Bankruptcy Code §§ 1107(a) and 1108;

B. The Debtor filed the Motion on June 29 2001;

C. On June 29, 2001, Debtor filed its Motion to Shorten Deadline to Eight Days to Object to the Motion;

D. On June 29, 2001, the Court entered an Order Shortening Time to Object to

the Motion, approving an objection deadline of eight (8) days, plus three (3) days for mailing from the date notice of the Motion was mailed:

E. On July 3, 2001, Notice of the Motion (the "Notice") was mailed by first class United States mail, postage prepaid, to all persons listed on Exhibit A to the Notice, a copy of which is attached to the original of the Notice filed with the Clerk of the Bankruptcy Court, as shown by the certificate of service on the Notice filed with the Court;

F. The Notice provided for a deadline to object to the Motion of July 16, 2001, as shortened by order of the Court;

G. A timely objection to the Motion was filed by Pinnacle and Countrywide (the "Objection");

H. *The Notice was sufficient and appropriate in the particular circumstances:*

1. The deadline to object to the Motion expired on July 16, 2001, and other than the Objection, no other timely objections to the Motion were filed;

J. Millard has agreed and stipulated to the terms of this Order;

L. The requirements of Bankruptcy Code §365 have been satisfied with respect to the relief granted by this Order; and,

M. Entry of this Order, without further notice, is appropriate.

THEREFORE, THE COURT ORDERS:

1. As used in this Order, the terms Pinnacle Agreement, Countrywide Agreement, and Millard Agreement have the meanings set forth in the Motion.

2. The Debtor's rejection of the Pinnacle Agreement is hereby approved, effective as of July 21, 2001.

3. The Debtor's rejection of the Countrywide Agreement is hereby approved, effective as of July 21, 2001.

4. The Debtor's rejection of the Millard Agreement is hereby approved, effective as of June 29, 2001.

JAMES S. STARZYNSKI
U.S. Bankruptcy Judge

Agreed to and submitted by:

JACOBVITZ, THUMA & WALKER, P.C.

By: _____

David T. Thuma
500 Marquette, NW
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Albuquerque, NM 87102
(505) 766-9272

and

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Richard Levin
300 South Grand Avenue, Suite 3400
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(213) 687-5000

Attorneys for Debtor

Agreed:

LINDA S. BLOOM, P.A.

By: _____

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817 Gold SA\W
Albuquerque NM 87103-0218
(505) 764-9600

Attorney for Millard Refrigerated Services, Inc.

Approved as to form:

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: _____

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Albuquerque, New Mexico 87103-1888
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Attorneys for Pinnacle Logistics, Inc.
and Countrywide Logistics, Inc.