

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

FILED
12:00 MIDNIGHT
MAR 08 2002
DROP BOX
United States Bankruptcy Court
Albuquerque, New Mexico

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA
Chapter 7

Debtor.

**DESERT EAGLE'S LIMITED OBJECTION TO
TRUSTEE'S MOTION TO APPROVE SETTLEMENT WITH SECURED LENDERS**

TO THE HONORABLE JAMES S. STARZYNSKI, CHIEF UNITED STATES BANKRUPTCY JUDGE:

Desert Eagle Distributing Company of New Mexico, L.L.P. ("Desert Eagle") hereby objects to the Motion to Approve Settlement with Secured Lenders filed by the Trustee on or about February 8, 2002.

1. Desert Eagle objects to the extent that the proposed settlement purports and/or the order approving the settlement to adjudicate in any way any aspect of any lien priority claims of the Lenders *vis-a-vis* the liquor wholesalers and/or Desert Eagle in particular.

2. Desert Eagle objects to the extent that the settlement and/or the proposed order approving the settlement purports or appears to grant any official *imprimatur* to any "claims against liquor wholesalers based on liens claimed by the Lenders against liquor licenses" or to any claim or contention by the Lenders that they have valid grounds upon which to "commence or continue to prosecute claims against liquor wholesalers based on liens claimed by the Lenders against liquor licenses."

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3. Desert Eagle and the other liquor wholesalers contend that the Lenders have no valid claims against the liquor wholesalers based on liens claimed by the Lenders against liquor licenses of the Debtor.

4. Desert Eagle specifically reserves, and does not waive, any of its rights, liens, claims and defenses, in relation to the Trustee and the Lenders, including, without limitation, any rights, liens, claims and defenses reserved to Desert Eagle, as one of the liquor wholesalers, in that certain Order Regarding Payment of Liquor Wholesalers and Transfers of Liquor Licenses, filed August 31, 2001.

5. Desert Eagle is not a party to the proposed settlement and does not in any way join in or agree to the settlement or waive any of its rights in relation to the liquor licenses or any payments made to Desert Eagle in connection with the sale of liquor licenses. Desert Eagle reserves all of its rights, liens, claims, and defenses in relation to the Debtor's liquor licenses, all payments received from or through the Debtor or the Trustee in relation to the liquor licenses, and any and all monies owed to Desert Eagle by the Debtor or the Trustee in relation to the liquor licenses or otherwise.

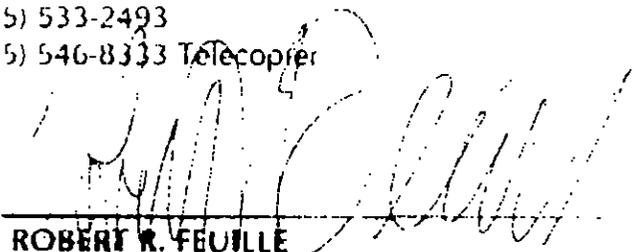
FOR THESE REASONS, Desert Eagle respectfully prays that any order entered by the Court granting the Trustee's Motion to Approve Settlement with Secured Lenders reflect that by approving the settlement, the Court is not authorizing the Lenders to "commence or continue to prosecute claims against liquor wholesalers based on liens claimed by the Lenders against liquor licenses", that the Court is not in any way adjudicating the Lenders' rights in relation to the liquor licenses or the validity of any "claims against liquor wholesalers based on liens claimed by the Lenders against liquor licenses," or any other

matter in relation to any liens claimed by the Lenders against the Debtor's liquor licenses, that the Court is not granting any official imprimatur to any "claims against liquor wholesalers based on liens claimed by the Lenders against liquor licenses," and that all of the liquor wholesalers rights, liens, claims and defenses in relation to the liquor licenses and any payments to the liquor wholesalers from the sale of liquor licenses have been reserved and are preserved. Desert Eagle respectfully prays for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

**SCOTT, HULSE, MARSHALL, FEUILLE,
FINGER & THURMOND, P.C.**

1100 Chase Tower
201 East Main Drive
El Paso, Texas 79901
(915) 533-2493
(915) 546-8333 Telecopier

By: 

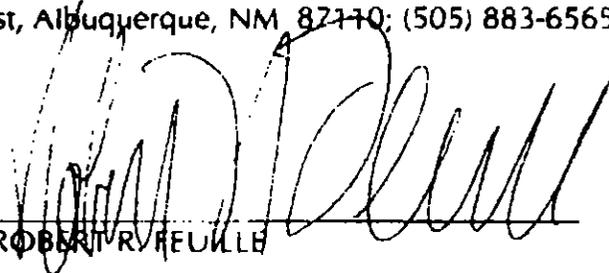
ROBERT R. FEUILLE

State Bar No. 06949100

Attorney for Desert Eagle Distributing
Company of New Mexico, L.L.P.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed and send via facsimile to Mr. Robert H. Jacobvitz, Jacobvitz, Thuma & Walker, P.C., 500 Marquette Avenue, NW, #650, Albuquerque, NM 87102; (505) 766-9287, Paul M. Fish, Modrall, Sperling, Roehl, Harris & Sisk, P.O. Box 2168, Albuquerque, NM 87103; (505) 848-1882 Jennie D. Behles, P.O. Box 849 Albuquerque, NM 87103; (505) 243-7262 and to Gail Cottleib, 6565 Americas Parkway Northeast, Albuquerque, NM 87110; (505) 883-6565, on this the 6 day of March, 2002.



ROBERT R. FEULLE