

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

FILED
2001 APR 17 PM 3:51

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 01-10779-SA

COURT
DOE, N.M.

Debtor.

Chapter 11

**OBJECTION BY HELLER FINANCIAL, INC. AS AGENT
TO KENNETH CROW'S MOTION FOR RELIEF FROM STAY**

Heller Financial, Inc., as Agent for Fleet Capital Corporation, Bank of America, N.A., Heller Financial, Inc. and Metropolitan Life Insurance Company, ("Heller") secured creditors in the referenced case objects to Kenneth Crow's Motion for Relief from Stay filed on or about March 21, 2001. As grounds for this objection, Heller states:

1. Heller admits Paragraph 1.
2. Heller is without sufficient information to form a belief as to the truth of the averments contained in Paragraphs 2 and 3.
3. Heller admits Paragraph 4.
4. Heller denies Paragraphs 5, 6, 7, 8 9 and 10.
5. *The Motion for Relief from Stay is premature. Any judgment obtained by Mr. Crow would be unsecured. Furr's would incur administrative expenses in defending such claim. The financing orders in effect in this case require that the Debtor file a proposed reorganization plan within six months of the petition date. It appears likely that the plan will provide for the sale of the Debtor. Once the Plan has been filed, the Court, the Debtor and Claimants will be able to determine whether there will be funds sufficient to pay claims such as Mr. Crow's. It would be a waste of the Debtor's resources to*

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determine the amount of such claims if there will not be any funds available to satisfy them.

6. Additionally, if claim adjudication is necessary, it would be much more cost effective and efficient for this Court to make such determination through a claims estimation process, an alternative dispute resolution process or other similar means.

WHEREFORE, Heller Financial, Inc. as Agent for Fleet Capital Corporation, Bank of America, N.A., Heller Financial, Inc. and Metropolitan Life Insurance Company, respectfully requests that the Motion be denied and for such further relief as the Court deems appropriate.

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and

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By 

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WE HEREBY CERTIFY that
the foregoing pleading was
mailed to

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United States Trustec
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this 17th day of April, 2001.

MODRALL, SPERLING, ROEHL,
HARRIS & SISK, P.A.

By 
Paul M. Fish
William R. Keleher