

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

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U.S. BANKRUPTCY COURT
ALBUQUERQUE N.M.

IN RE: §
§
FURR'S SUPERMARKETS, INC., §
a Delaware Corporation, §
§
Debtor. §

Case No. 11-01-10779-SA

**RIVER OAKS PROPERTIES' OBJECTION TO DEBTOR'S SECOND MOTION
FOR ORDER EXTENDING TIME WITHIN WHICH DEBTOR MAY
ASSUME OR REJECT UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY**

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

River Oaks Properties' (f/k/a Supermarket Properties I, Ltd.) ("River Oaks"), a Lessor, Creditor and Party-in-Interest in the above Chapter 11 case, files its *Objection to Debtor's Second Motion for Order Extending Time Within Which Debtor May Assume or Reject Unexpired Leases of Non-Residential Real Property (the "Objection")*, and in support thereof, would respectfully show the Court as follows:

I. Factual & Procedural

1. The Debtor filed its *Voluntary Petition for Relief* under Chapter 11 of the United States Code on February 8, 2001. Subject to the terms of an *Asset Purchase Agreement* previously approved by this Court, the Debtor continues in possession of its property and operation of its business as a debtor-in-possession under 11 U.S.C. §§1107 and 1108.
2. *River Oaks* is the Lessor under three (3) unexpired leases for non-residential real property (collectively, the "*Leases*") described as follows:

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<i>Store No.</i>	<i>Location</i>
874	13201 Lomas NE, Albuquerque, New Mexico
950	11705 Montwood, El Paso, Texas
952	951 N. Resler Drive, El Paso, Texas

3. On July 6, 2001, the Debtor filed its *Second Motion for Order Extending Time Within Which Debtor May Assume or Reject Unexpired Leases of Nonresidential Real Property* (the "*Second Motion to Extend*"). This instruments seeks an extension of time to assume or reject a number of unexpired leases of non-residential real property, including the *Leases*, until December 12, 2001.
4. For the reasons to be shown at trial, *River Oaks* objects to the *Second Motion for Extension* and believes that no further extensions under §365(d)(4) should be granted.

WHEREFORE, PREMISES CONSIDERED, *River Oaks Properties*' respectfully prays that the Court enter an order denying the Debtor's *Second Motion for Order Extending Time Within Which Debtor May Assume or Reject Unexpired Leases of Non-Residential Real Property*, and grant such further relief as is just.

Respectfully submitted,

KRAFSUR GORDON MOTT P.C.

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By: _____



CARLOS A. MIRANDA

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CERTIFICATE OF SERVICE

This is to certify that on the 27th day of July, 2001, a true and correct copy of the foregoing *Objection* was mailed via certified mail, return receipt requested to the parties on the attached list.



CARLOS A. MIRANDA

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