

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:

**Furrs Supermarkets, Inc.**

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

Debtor(s).

**OBJECTION OF NNYDES PROPERTIES SMV LTD. CO. (STORE 889) TO DEBTOR'S  
PROPOSED ASSIGNMENT OF UNEXPIRED LEASE TO LESSEE PAY AND SAVE**

Creditor Nydes Properties SMV Ltd. Co. ("Nydes") through Daniel J. Behles, its counsel, hereby objects to the Debtor's proposed assignment of unexpired lease on store #889 (St. Michael's Village, Santa Fe, New Mexico) to proposed lessee pay and Save, Inc., on the ground that adequate assurance of future performance has not been provided, and states:

1. Debtor has had only a few days to analyze the information provided and to have its accountants analyze the information provided. The time period allowed is unreasonably short and does not provide Nydes with sufficient time to make a reasonable investigation. Nydes requests additional time to interview proposed lessee and its principals, to examine other properties operated by proposed lessee, and to obtain references about proposed lessee.

2. Based on the tax returns provided, in the last two years proposed lessee's net profits were unreasonably small. Upon information and belief proposed lessee intends to assume more than 1 lease from the debtor, in areas outside its traditional trade territory, and the expenses of such an undertaking could easily threaten proposed lessee's profitability.

3. Proposed lessee's projected income for year \$2000 is nominal, at best, and in the last year proposed Lessee's debt has increased significantly.

4. Proposed lessee's financial statements have not been certified or audited, and therefore Nydes requires additional time to investigate the financial ability of proposed lessee.

WHEREFORE Nydes requests that the Court determine that Debtor has not provided adequate assurance of future performance by its proposed assignee, or in the alternative provide

Nydes a reasonable period (not less than 60 days) to properly investigate the financial ability of the proposed lessee.

Respectfully Submitted

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I certify that on August 3, 2001 I mailed and telefaxed a true copy of the foregoing pleading to:

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Daniel J. Behles