

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

FILED
2001 AUG 10 PM 4:22
U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

In re:

FURR'S SUPERMARKETS, INC.,

Debtor.

No. 11-01-10779-SA

LOS LUNAS SHOPPING CENTER-EAST'S OBJECTION
TO DEBTOR'S PROPOSED CURE AMOUNT FOR STORE 862

Los Lunas Shopping Center-East, a New Mexico Limited Partnership ("Creditor"), through its attorneys Scott & Kienzle, P.A. (Duncan Scott), hereby objects to Debtor's Proposed Cure Amount on the following grounds:

1. Creditor is the landlord for the Los Lunas store (#862).
2. Debtor's Proposed Cure Amount for store 862 is the same incorrect amount that Debtor set forth in its earlier Revision of Exhibits to Debtors Motion for Order Approving Sale of Some or All of Debtor's Operation Assets and Granting Related Relief that it mailed June 13, 2001. In its response to that motion, Creditor provided the correct cure amount which Debtor has ignored in its current pleading.

3. As of August 10, 2001, the correct cure amount is:

\$4,250.00	Pre-petition rent
	Unpaid real and personal property taxes through July 10, 2001 ¹ :
\$22,815.69	Tract F
\$1,293.71	Tract F (personal property tax)
\$1,068.32	Tract B

¹ The tax bills are attached as Exhibit A.

880

\$25,177.72

\$10,719.88

Attorney's fees and costs (pursuant to
Section XVII of the lease)

\$40,147.60

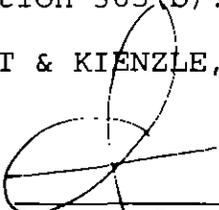
TOTAL

4. Debtor's pleading requires a response with seven days, and states that "Lessors wishing to negotiate a revised cure amount should contact the Debtor directly (Att'n: Carolyn Novis, (505) 761-0931)." However, when undersigned counsel attempted to reach Ms. Novis during the response time, her voice mail stated that she was out of the office during the week of August 6-10, 2001.

5. Pursuant to Section 365(b)(1)(C), prior to assuming the lease, Debtor must provide Creditor with adequate assurances of future performance of the lease.

WHEREFORE Creditor respectfully requests that this Court deny Debtor's motion unless it agrees to pay Creditor the above amounts to cure the lease default and to provide adequate assurances of future performance pursuant to Section 365(b).

SCOTT & KIENZLE, P.A.

By: 

Duncan Scott
Attorney for Los Lunas Shopping
Center-East, a New Mexico
Limited Partnership
Box 587
Albuquerque, NM 87103-0587
505/246-8600; FAX: 246-8682

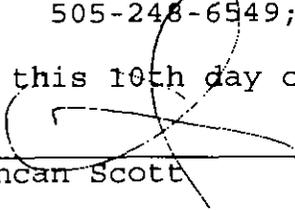
I certify that this pleading
was mailed or faxed to:

Robert H. Jacobvitz, Esq.
David T. Thuma, Esq.
Attorneys for Debtor
500 Marquette NW, #650
Albuquerque, NM 87102
505-766-9272; FAX 766-9287

Stephen J. Lubben
Richard Levin
300 South Grand Avenue
Los Angeles, CA 90071-3144
213-687-5000; FAX 621-5642

U.S. Trustee's Office
P.O. Box 608
Albuquerque, NM 87103-9946
505-248-6549; FAX 248-6558

on this 10th day of August, 2001.



Duncan Scott

Exhibit A: Tax Notices

AUG-10-01 FRI 10:05 AM

P.03

Own# 0118293 Dist LL01 Fin# 000 Bill# 2000 0092466 Late Fee Date 8/10/2001
 LOS LUNAS SHOPPING CENTER EAST RESIDNTL 17631.75 NON-RES
 FURR'S INC C/O BURKE & HICKEL CATTLE SHEEP
 GOATS EQUINES
 DAIRY SWINE
 BISON RATTITS
 MRGCONST MRGMAINT
 MRG-RES 3244.92 MRG-N/R

3336 E 32ND ST SUITE 217
 TULA OK 74135 4498
 Property Code 1010038030250000000
 UNIT BLOCK TRACT - F
 LAND OF TRS 63 64 & 65
 BKREPT 11-01-10779-SA 2/08/01
 4.43 AC B-5-27 1999 REV

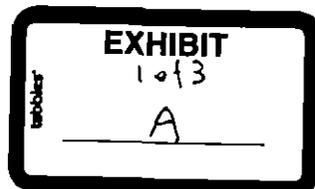
NON-REND ADM-FEE
 20876.67 ORIG-TAX 20837.50 PRNC-BAL

Last Paid on 1999/12/10 Rcpt# 2000 0011694 and late fees paid thru 1999/12/10

22815.69 2000

	First Half	SecondHalf	Change Late	
Half tax	10399.17	10438.33	Fees_By_Amt	Selected 1 bill(s)
Interest	831.93	313.15		Full Amount Due (F) 22815.69
Penalty	519.96	313.15		1ST Half Amt Due (H) 11751.06
Cost				-or-Enter Other Amt (O)
Total due	11751.06	11064.63		Pymt Type=F,H,O & F1 to pay

Flagged as BANKRUPT---Check Late Fees COUNTER
 F1=Accept Payment, F8=Review, F9=Cancel Payment, F12=Return for more Tax Bills
 21-78 SA MW KS IM II S1 KB



AUG-10-01 FRI 10:04 AM

Own# 0314363 Dist LL01 Fin# 000 Bill# 2000 0053731 Late Fee Date 8/10/2001
FURR'S SUPERMARKETS INC #862 RESIDNTL 2440.98 NON-RES
BURKE & NICKEL CATTLE SHEEP

3336 E 32ND ST #217
TULSA OK 74135
Property Code 1009038999999314363
SEC 28,T07N,R02E EQUIPMENT & SUPP

GOATS EQUINES
DAIRY SWINE
BISON RATTITS
MRGCONST MRGMINT
MRG-RES MRG-N/R

BKRPT 11-01-10779-SA 2-08-01
FURR'S SUPERMARKETS, INC. #862
701 EAST MAIN SE

NON-REND ADM-FEE
2440.98 ORIG-TAX 1220.49 PRNC-BAL

Last Paid on 2000/12/10 Rcpt# 2000 0085696M and late fees paid thru 2000/12/10

1293.71 2000

	First_Half	SecondHalf	Change	Late	
Half tax		1220.49	Fees_By_Amt		Selected 1 bill(s)
Interest		36.61			Full Amount Due (F) 1293.71
Penalty		36.61			2ND Half Amt Due (H) 1293.71
Cost					-or-Enter Other Amt (O)
Total due		1293.71			Pymt Type=F,H,O & F1 to pay

Flagged as BANKRUPT---Check Late Fees COUNTER
F1=Accept Payment, F8=Review, F9=Cancel Payment, F12=Return for more Tax Bills
21-78 SA MW KS IM II S1 KB IX

THOMAS E FROM VALENTIA P. - 5/11/01

AUG-10-01 FRI 10:05 AM

P.02

1X

Own# 0343611 Dist LL01 Fin# 000 Bill# 2000 0092467 Late Fee Date 8/10/2001
LOS LUNAS SHOPPING CENTER EAST RESIDNTL 823.99 NON-RES
FURR'S INC C/O BURKE & HICKEL CATTLE SHEEP
GOATS EQUINES
3336 E 32ND ST. SUITE 217 DAIRY SWINE
TULSA OK 74135 4498 BISON RATTITS
Property Code 1010038032270000000 MRGCONST MRGMANT
UNIT BLOCK TRACT - B MRG-RES 151.65 MRG-N/R
LAND OF TRS 63 64 & 65
BKRPT 11-01-10779-SA 2/08/01
.46 AC B-5-27 1999 REV
NON-REND ADM-FEE
975.64 ORIG-TAX 975.64 PRNC-BAL

1068.32 2000

	First Half	SecondHalf	Change	Late		
Half tax	487.82	487.82	Fees_By_Amt		Selected	1 bill(s)
Interest	39.03	14.63			Full Amount Due (F)	1068.32
Penalty	24.39	14.63			1ST Half Amt Due (H)	551.24
Cost					-or-Enter Other Amt (O)	
Total due	551.24	517.08			Pymt Type=F,H,O & F1 to pay	

Flagged as BANKRUPT---Check Late Fees COUNTER
F1=Accept Payment, F8=Review, F9=Cancel Payment, F12=Return for more Tax Bills
21-78 SA MW KS IM II S1 KB 1X

