

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

No. 11-01-10779-SA

Debtor,

**OBJECTION OF FURR'S 4, 5, 7 and 9 LLCs
TO DEBTOR'S AMENDED MOTION FOR APPROVAL OF WIND-DOWN BUDGET**

COME NOW Furr's 4 LLC, Furr's 5 LLC, Furr's 7 LLC and Furr's 9 LLC (collectively, "the Objectors"), by and through their attorneys of record, FAIRFIELD, FARROW, FLOWERS, & STROTZ, P.C. (John E. Farrow) and hereby object to the Debtor's Amended Motion For Approval of Wind-Down Budget (the Amended Motion), and as grounds would show the Court as follows:

1. The Debtor filed a voluntary petition for relief herein on February 8, 2001.

2. At the time of the filing of the petition, the Debtor operated grocery supermarket stores on real property leased in the ordinary course of the Debtor's business from the Objectors (collectively, "the Stores").

3. The Objectors are each Lessors under separate unexpired leases for non-residential real property (collectively, "the Leases") as more particularly described as follows:

Lessor	Store Number	Location
Furr's 4	905	205 Highway 70 W, Ruidoso, New Mexico
Furr's 5	946	6910 N. Mesa, El Paso, Texas
Furr's 7	944	115 Avenue of the Americas, El Paso, Texas
Furr's 9	938	1590 George Dieter, El Paso, Texas

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4. Since the filing of the petition, the Debtor has closed the Stores and has rejected or moved the Court for permission to reject each of the above-described Leases.

5. The Bankruptcy Code provides, in § 503, for payment of administrative expenses as follows:

(b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including -

(1)(A) the actual, necessary costs and expenses of preserving the estate, including wages, salaries or commissions for services rendered after the commencement of the case;

6. Since the filing of the petition and the closing of the Stores, the Debtor has failed to pay post-petition rent on the Leases and has also failed to pay real estate property taxes due and payable with respect to the real estate on which the Stores are located, all as required pursuant to the terms of the Leases.

7. Said post-petition rent and property taxes constitute valid administrative expenses allowable under sections 503(b) and 507(a)(1) of the Code.

8. The Debtor's proposed Wind-Down Budget is represented, at paragraph 5 of the Amended Motion, as "allow[ing] the Debtor to liquidate or otherwise wind down its business and assets in an orderly fashion, maximize the value of the assets, and pay administrative expenses."

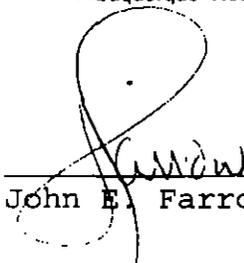
9. Nevertheless, the administrative expenses that are proposed to be paid are apparently limited to post-petition wages, workers' compensation claims, trade credit, unpaid professional fees, management retention fees and other employee-related

I HEREBY CERTIFY that a true ²³ copy of the foregoing pleading was mailed to the following counsel this ~~12~~²³ day of August, 2001:

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