

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779 SA
Chapter 11

Debtor.

**ORDER APPROVING SALE OF EQUIPMENT FREE
AND CLEAR OF LIENS TO MAL ENTERPRISES, INC.**

This matter came before the Court on the Debtor's Motion to Approve the Sale of Certain Liquor Licenses and Equipment Free and Clear of Liens, and for an Order Establishing Procedures for the Sale of Liquor Licenses and Payment of Liquor Wholesalers and Certain Taxes, filed September 27, 2001 (the "Motion"). The Court FINDS:

- A. On October 1, 2001, the Court entered an order shortening the period to object to the Motion to eight (8) days.
- B. On September 27, 2001, the Debtor gave notice (the "Notice") of the Motion to all persons on the limited mailing matrix maintained for this chapter 11 case, as shown by the Notice filed October 10, 2001, which contains a proof of service.
- C. The Notice specified a deadline of eight days, plus three days based on service of the Notice by mail, for a total of eleven days, in which to file objections to the Motion.
- D. The Notice was sufficient and appropriate in the particular circumstances.

E. The objection deadline expired on October 9, 2001. The only objections to the Motion were filed by certain liquor wholesalers (*see* Docket Nos. 1160, 1168 and 1169), whose objections were directed solely to the sale of liquor licenses. No objections were filed with respect to the sale of equipment to MAL Enterprises, Inc. (“MAL”), as requested in the Motion and approved by this order.

F. No further notice of the Motion or of this order is necessary in the particular circumstances, prior to entry of this order.

G. The Court has jurisdiction with respect to this Motion and to grant the relief set forth below pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

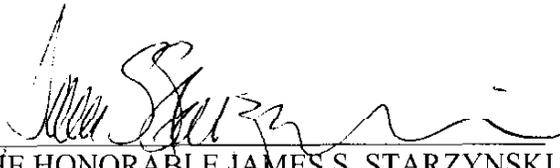
H. Entry of this order is appropriate.

IT IS HEREBY ORDERED:

1. The Debtor is authorized to sell all equipment it owns located at Store 908 (the “Equipment”), 900 W. Second Street in the City of Roswell, New Mexico, to MAL for the sum of \$30,000.00 payable in cash (or a cash equivalent), as is, where is. Such sale of the Equipment will be made free and clear of any lien, claim, interest or encumbrance (collectively, “Interests”) of any entity in the Equipment. Any party asserting an Interest in the Equipment will be protected by having its Interest attach to the net proceeds of the sale, to the same extent and validity, and in the same priority, as such Interests attached to the Equipment, subject to any claims and defenses the Debtor may possess with respect thereto. The Debtor is authorized under 11 U.S.C. § 363(b) to execute an agreement for the purchase and sale of the Equipment, to consummate the sale, and to take any action and

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execute and deliver any additional instrument or documents that may be reasonably necessary, desirable, or appropriate to accomplish the sale.


THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

JACOBVITZ, THUMA & WALKER, P.C.

By: 

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