

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,
a Delaware corporation,

Case No. 01-11-10079
Chapter 11

Debtor.

ORDER ESTABLISHING BAR DATE FOR ADMINISTRATIVE CLAIMS

This matter came before the Court upon the oral motion of the Debtor to fix a bar date for the filing of administrative claims, made in open court on October 26, 2001. The motion was heard on October 29, 2001 at 11:00 a.m. The Court having considered the motion, FINDS:

A. The United Food and Commercial Workers Union Locals 540 and 1564 (the "Unions"); the Debtor; the United States Trustee; Heller Financial, Inc. (as agent for Fleet Capital Corporation, Bank of America N.A., Heller Financial, Inc. and Metropolitan Life Insurance Company); and Metropolitan Life Insurance Company concur that the relief requested by the Motion should be granted and have approved this Order;

B. The Official Committee of Unsecured Creditors was given notice of the hearing on approval of the relief granted in this Order, and did not appear at the hearing; and

C. The relief set forth below is in the best interests of the estate and its creditors; and other good cause appearing therefor; it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Except as set forth in paragraph 2 below, all administrative claims must be filed by November 23, 2001 (the "Administrative Claim Bar Date"), or the claims will be

disallowed and barred; provided that for each calendar date by which the mailing of the Bar Date Notice (defined below) is delayed beyond October 31, 2001, the Administrative Claim Bar Date correspondingly shall be extended for a like number of days. The Bar Date Notice shall specify the Administrative Claim Bar Date (as extended, if applicable).

2. No former employee of Furr's need file an administrative claim by the Administrative Claim Bar Date if (a) the former employee was represented by the Union, (b) the claim is for severance benefits, vacation pay, health and medical benefits, and/or unpaid wages under a collective bargaining agreement or health and welfare trust (together,

outcome of any litigation by the Union with respect to such claim. The Administrative Claim Bar Date applies to any and all other administrative claims by former Furr's employees. In addition, the Administrative Claim Bar Date does not apply to reclamation claims (that bar date was fixed by prior order), professional fee claims, administrative claims arising after October 31, 2001, claims under executory contracts or unexpired leases assumed with Court approval, or claims already filed. If the Court were to determine that the Union does not have the right to file administrative claims for the Union Employee Claims, the former Union employees will be given a further opportunity, after notice, to file Union Employee Claims.

3. Former Union employees have the right to file their own Union Employee Claims by the Administrative Claims Bar Date, as well as other claims, and to retain their own counsel.

4. Any creditor that is required to, but that does not, file a motion or other request for allowance of administrative claim by the Administrative Claim Bar Date shall be forever barred from receiving any distribution from the Debtor's bankruptcy estate,

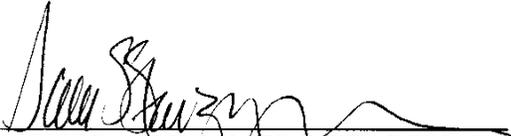
whether in chapter 11 or chapter 7, or under any plan confirmed in the case.

5. An administrative bar date notice (“Bar Date Notice”), substantially in the form attached hereto as Exhibit A, is hereby approved.

6. The Debtor is hereby directed to arrange for the mailing of the Bar Date Notice at the expense of the estate to all persons on the mailing list maintained in connection with this case.

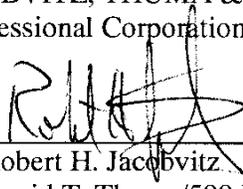
7. Each recipient of the Bar Date Notice and their respective agents and attorneys have an affirmative duty to review the Bar Date Notice and timely file any administrative claim on or before the Administrative Claim Bar Date if such bar date applies to the claim.

8. If the Union files administrative claims by the Administrative Claim Bar Date for medical expenses arising under the collective bargaining agreement between the Debtor and United Food and Commercial Workers Union Local 540 (pursuant to which employees participated in the Debtor’s self-insured medical plan), containing such information as reasonably feasible after exercising reasonable diligence, given the availability of information to Local 540, but which fails to provide information normally set forth in a claim (such as the identity of each claimant and the amount of each claim), the Court will grant Local 540 an appropriate extension of the Administrative Claim Bar Date, upon a motion filed before such date, to supplement such claims for medical expenses.


THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted and approved by:

JACOBVITZ, THUMA & WALKER,
a Professional Corporation

By: 

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APPROVED:

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS

By October 29, 2001

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BRENDA MOODY WHINERY
United States Trustee

By: October 29, 2001

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J. D. BEHLES & ASSOCIATES, P.C.

By October 29, 2001

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Attorneys for Heller Financial, Inc., as agent for Fleet
Capital Corporation, Bank of America N.A., Heller
Financial, Inc. and Metropolitan Life Insurance Company

I hereby certify that a true and correct copy
of the foregoing was either electronically
transmitted, faxed, delivered or mailed to
the listed counsel and parties on:

OCT 29 2001

Mary B. Anderson

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:
FURR'S SUPERMARKETS, INC.,
Debtor

Case No. 01-11-10079
Chapter 11

NOTICE OF DEADLINE TO FILE ADMINISTRATIVE CLAIMS

1. Administrative Claims Must be Filed by November 23, 2001. The United States Bankruptcy Court in this chapter 11 case has entered an Order providing that, except as set forth below, all administrative claims must be filed by November 23, 2001 (the "Admin. Claim Bar Date"), or the claims will be disallowed and barred. Any claim arising post-petition (the petition date is February 8, 2001) may be an administrative claim. Examples include claims for goods or services provided to Furr's Supermarkets, Inc. ("Furr's") post-petition, and post-petition claims for personal injury, other torts, rent, taxes, severance benefits, vacation pay, wages, and health and medical benefits. Such claims may or may not be entitled to an administrative priority.

2. Exceptions to the Admin. Claim Bar Date. No former employee of Furr's need file an administrative claim by the Admin. Claim Bar Date if (a) the former employee was represented by United Food and Commercial Workers Union Local 540 or Local 1564 (the "Union"), (b) the claim is for severance benefits, vacation pay, health and medical benefits, and/or unpaid wages under a collective bargaining agreement or health and welfare trust, and (c) the former employee agrees to be bound by the outcome of any litigation by the Union with respect to such claim. **Former Union employees have the right to file their own claims and retain their own counsel.** The Admin. Claim Bar Date applies to any and all other administrative claims by former Furr's employees. In addition, the Admin. Claim Bar Date does not apply to reclamation claims (that bar date was fixed by prior order), professional fee claims, administrative claims arising after October 31, 2001, claims under contracts or leases assumed with Court approval, or claims already filed.

3. Claims Must Be Filed by the Bar Date. All administrative claims required to be filed by the Admin Claim Bar Date must be actually received by the Clerk of this Court on or before that date. The address for filing is Office of the Clerk of the Court, United States Bankruptcy Court, Third Floor, 421 Gold Ave. S.W., Albuquerque, N.M. 87102 (or P.O. Box 546, Albuquerque, N.M. 87103). You should use the claim form attached below to file your claim. You may submit this entire page when you file your claim.

4. This is Not A Pre-Petition Unsecured Claim Bar Date. This notice does not apply to pre-petition unsecured claims against Furr's. No bar date has yet been set for filing pre-petition unsecured claims. If it appears that there may be sufficient funds available to pay a dividend to pre-petition unsecured creditors, a separate notice of bar date will be sent.

5. Inquiries About This Notice. Former Union employees who have questions about this notice may call Greg Frazier (Local 1564) 505-262-1986 or Nick Sanchez (Local 540) 800-282-0714.

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500 Marquette N.W., Suite 650
Albuquerque, N.M. 87102
Attorneys for the Debtor in Possession

APPLICATION FOR ALLOWANCE OF ADMINISTRATIVE CLAIM

The undersigned claims that Furr's owes the undersigned for goods, services, and/or labor sold or rendered by the undersigned to Furr's after February 8, 2001, or asserts any other post-petition claim for which the undersigned requests an administrative priority as follows (please print or type; attach invoices, contracts, or other supporting documents if applicable; attach additional sheets if necessary):

1. Legal Name of Claimant: _____

2. Address: _____

3. Telephone number: _____

4. Description of services rendered or goods sold or other basis for claim: _____

4. Date(s) services were rendered or goods were sold or claim arose: _____

5. Total amount claimed: \$ _____

EXHIBIT

A

Signature and title

Return for filing to: Clerk of Court, United States Bankruptcy Court, Third Floor, 421 Gold Ave. S.W., Albuquerque, N.M. 87102 (or P.O. Box 546, Albuquerque, N.M. 87103).