

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

IN RE:)
)
FURR'S SUPERMARKET, INC.,) NO. 01-10779-SA
)
) Chapter 7
Debtor.)

**ORDER APPROVING STIPULATION BETWEEN THE DEBTOR
AND CREDITOR, GENERAL ELECTRIC CAPITAL CORPORATION,
REJECTING LEASE AND GRANTING RELIEF FROM THE AUTOMATIC STAY**

Came on for consideration the Motion Pursuant to Fed. R. Bankr. P. 4001(d) for an Order (i) Approving a Stipulation Rejecting the Lease Between the Debtor and General Electric Capital Corporation and (ii) Granting General Electric Capital Corporation Relief From the Automatic Stay ("Motion") filed by General Electric Capital Corporation ("GE Capital"). In its Motion GE Capital seeks approval of the attached Stipulation between GE Capital and Furr's Supermarket, Inc., the Debtor, by its attorney David T. Thuma.

The Motion was filed with the Court on December 27, 2001. Notice of the Motion was mailed to all parties entitled to notice on December 21, 2001, which Notice described a deadline of fifteen days from the date of mailing of the notice to object to the agreement herein, and no objections were filed and the deadline to object has expired. Based on the foregoing and for good cause shown:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Stipulation and each of its provisions are hereby approved.
2. The Debtor and GE Capital are authorized to do any and all acts necessary and/or proper to effectuate the terms of the Stipulation and/or this Order.

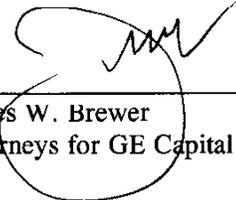
3. The automatic stay of 11 U.S.C. Section 362 is hereby terminated as to GE Capital and GE Capital may take all actions authorized in the Stipulation.

DATED: _____


UNITED STATES BANKRUPTCY JUDGE

Submitted By:

KEMP SMITH, P.C.
P.O. Drawer 2800
El Paso, Texas 79999-2800
(915) 533-4424
(915) 546-5360 (FAX)

By: 
James W. Brewer
Attorneys for GE Capital

Agreed to and Approved By:

Telephonically Approved on January 28, 2002

YVETTE J. GONZALES
Chapter 7 Trustee
P.O. Box 1037
Placitas, NM 87043-1037

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:

FEB 19 2002

Mary B. Anderson

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO
(ALBUQUERQUE)**

	x	
)	Chapter 11
In re:)	
)	
FURR'S SUPERMARKET, INC.,)	
)	Case No. 01-10779 SA
)	
Debtor.)	
	x	

**STIPULATION REJECTING THE LEASE BETWEEN THE DEBTOR
AND GENERAL ELECTRIC CAPITAL CORPORATION AND
GRANTING RELIEF FROM THE AUTOMATIC STAY**

General Electric Capital Corporation ("GE Capital") by its attorneys, Pitney Hardin Kipp & Szuch LLP and Furr's Supermarket, Inc. ("Furr's") by its attorney David T. Thuma stipulate as follows:

- A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b).
- B. Pre-petition, on or about May 18, 1999, the debtor entered into an Master Lease Agreement (the "Lease") with GE Capital whereby GE Capital, as lessor, leased Computer Software (the "Equipment"), more particularly described in the Lease, to the Debtor, as lessee. A copy of the Lease is attached hereto as Exhibit "A" and incorporated by reference, herein, as though set forth in full.
- C. The Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 8, 2001 in the United States Bankruptcy Court for the District of New Mexico and an Order for Relief was entered on that date.
- D. The Debtor has not assumed the Lease.

E. The Debtor agrees to return the Equipment to GE Capital no later than December 10, 2001.

F. The Debtor agrees to reject the Lease and the parties agree to the entry of an Order approving the rejection of the Lease and this Stipulation. As such, the Lease between GE Capital and the Debtor is hereby deemed rejected.

G. The automatic stay is terminated with respect to GE Capital to permit GE Capital

in the Lease and as provided by applicable law, all without further notice, hearing or order of the Court, including but not limited to taking possession of the Equipment, selling or otherwise disposing of the Equipment, and filing a request for payment of super-priority administrative expenses and/or a proof of claim.

[INTENTIONALLY LEFT BLANK]

G. The Equipment is to be returned to GE Capital no later than November 26, 2001.

PITNEY HARDIN KIPP & SZUCH LLP
Attorneys for General Electric Capital Corporation

December 18, 2001

By: Karen Elizabeth Nethersole
Karen Elizabeth Nethersole
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FURR'S SUPERMARKET, INC.

December 11, 2001

By: David T. Thuma
David T. Thuma, Esq.
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