

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,
Debtor.

Case No. 11-01-10779-SA
Chapter 11

ORDER GRANTING DEBTOR'S SECOND MOTION FOR ORDER EXTENDING
TIME WITHIN WHICH DEBTOR MAY ASSUME
OR REJECT UNEXPIRED LEASES
OF NONRESIDENTIAL REAL PROPERTY

THIS MATTER came before the Court (a) on the Second Motion for Order Extending Time within Which Debtor May Assume or Reject Unexpired Leases of Nonresidential Real Property (Doc. No. 722) (the "Motion") filed by the debtor and debtor in possession Furr's Supermarkets, Inc. ("Debtor"), represented by Skadden, Arps, Slate, Meagher & Flom, LLP and Jacobvitz, Thuma & Walker, P.C. (Thomas D. Walker), (b) on the objection to the Motion filed by River Oaks Properties (f/k/a Supermarket Properties I, Ltd.) ("River Oaks"), represented by Krafzur Gordon Mott P.C. (Carlos A. Miranda), and (c) upon the stipulation set forth in this Order by and between Debtor and River Oaks.

Having reviewed the Motion and the objection, and based upon the stipulation of the parties hereto, and being otherwise advised in the matter, THE COURT FINDS: (a) Debtor commenced this case by filing a voluntary petition on February 8, 2001 in this Court under chapter 11 of title 11 of the United States Bankruptcy Code; (b) the Debtor continues to operate its business and manage its properties as debtor-in-possession under Bankruptcy Code §§ 1107(a) and 1108; (c) on April 6, 2001, the Court entered its Order Extending Time Within Which Debtor May Assume or Reject Unexpired Leases of Nonresidential Real Property, in

which the Court extended the time within which Debtor must assume or reject the unexpired lease of nonresidential real property (the "Unexpired Leases") through August 10, 2001; (d) Debtor filed the Motion on July 6, 2001; (e) on July 7, 2001, Notice of the Motion (the "Notice") was mailed by first class United States mail, postage prepaid, to counsel for the Unsecured Creditors Committee, the Debtor's secured creditors, the DIP Lenders, the landlords under the Unexpired Leases, and all parties who filed requests for inclusion on the limited mailing list in the case as of the date of mailing, as shown by the certificate of service of the Motion and the Notice filed with the Court on July 9, 2001; (f) the Notice provided for a deadline to object to the Motion of twenty days plus three for mailing for a total of twenty-three days, or July 30, 2001; (g) a timely objection to the Motion was filed by River Oaks; (h) the Notice was sufficient and appropriate in the particular circumstances; (i) the deadline to object to the Motion expired on July 30, 2001, and other than the objection by River Oaks, no other timely objection to the Motion was filed; (j) River Oaks and the Debtor have agreed and stipulated to the terms of this Order; (k) the requirements of Bankruptcy Code §365 have been satisfied with respect to the relief granted by this Order; (l) good and sufficient cause exists to extend the time within which the Debtor must elect to assume or reject the Unexpired Leases, and (m) entry of this Order, without further notice or hearing, is appropriate.

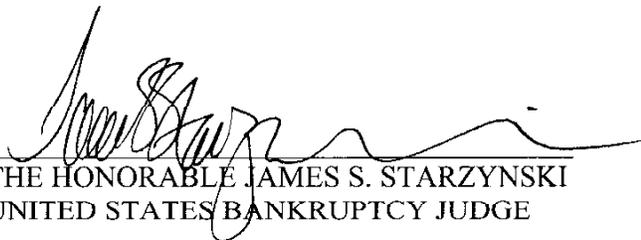
THEREFORE, THE COURT ORDERS:

1. The Motion is granted.

2. The period within which the Debtor must assume or reject the Unexpired Leases, or any of them, shall be, and it hereby is, extended through and including December 21, 2001.

3. Pending the assumption or rejection of any Unexpired Lease, the Debtor is directed to perform timely all of its obligations arising after the commencement of this case, as required by Bankruptcy Code § 365(d)(3).

4. This Order's entry is without prejudice to (a) any lessor's right to seek a determination as to whether an obligation under an Unexpired Lease has arisen or shall arise after the commencement of the case and would therefore be subject to § 365(d)(3), (b) any lessor's right to move for an order directing the Debtor to decide whether to assume or reject its Unexpired Lease before December 21, 2001, and (c) the Debtor's rights to oppose any such motion or to seek further extension of the times to decide whether to assume or reject any Unexpired Lease.


THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

SUBMITTED BY:

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