

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

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In re:

U.S. BANKRUPTCY COURT  
ALBUQUERQUE, NM

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA

Chapter 11

Debtor.

**DEBTOR'S RESPONSE TO MOTION TO COMPEL ASSUMPTION OR  
REJECTION OF NON-RESIDENTIAL REAL PROPERTY LEASE ON STORE  
#903 AND TO COMPEL PAYMENT OF ADMINISTRATIVE EXPENSE**

Furr's Supermarkets, Inc., debtor in possession ("Furr's"), files this response to Claus Dolling's Motion to Compel Assumption or Rejection of Non-Residential Real Property Lease on Store #903 and to Compel Payment of Administrative Expense (the "Motion").

1. Furr's rejected the lease for store #903 effective as of June 25, 2001, per the Court's order entered August 8, 2001, docket no. 842. To the extent the Motion seeks to force Furr's to assume or reject the lease, the Motion is moot.

2. Furr's objects to the Motion to the extent it seeks to require Furr's to pay rent, taxes, insurance, and common area maintenance accruing after June 25, 2001, the effective date of the rejection of the store #903 lease.

3. Furr's objects to the Motion to the extent it asks the Court to order Furr's to pay any administrative rent due, as Furr's has no money with which to pay any such rent.

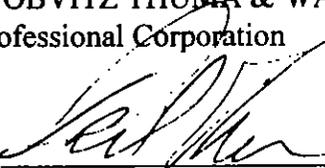
4. Furr's does not owe any administrative rent to Dolling under the store #903 lease.

WHEREFORE, Furr's prays that the Motion be denied, and asks for all other just and

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proper relief.

JACOBVITZ THUMA & WALKER  
a Professional Corporation

By: 

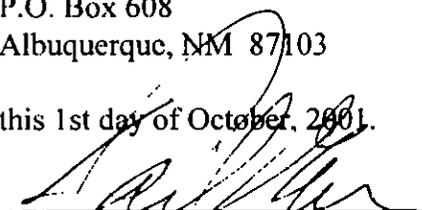
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Attorneys for Furr's Supermarkets, Inc.

The undersigned hereby certifies that a  
copy of the foregoing was mailed to:

Merrill L. Kaliser  
Gardere Wynne Sewell, LLP  
3000 Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201

United States Trustee  
P.O. Box 608  
Albuquerque, NM 87103

this 1st day of October, 2001.

  
David T. Thuma