

FILED  
12:00 MIDNIGHT

MAY 1 2002 UNITED STATES BANKRUPTCY COURT

DROP BOX  
United States Bankruptcy Court  
Albuquerque, New Mexico

DISTRICT OF NEW MEXICO

FILED  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M  
APR 16 2002  
United States Bankruptcy Court  
Albuquerque, New Mexico

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA

Chapter 7

Debtor.

**CHAPTER 7 TRUSTEE'S SECOND MOTION TO EXTEND TIME WITHIN WHICH  
THE DEBTOR MAY ASSUME OR REJECT THE EL PASO WAREHOUSE LEASE**

Yvette J. Gonzales, the Chapter 7 Trustee (the "Trustee"), by counsel, submits this motion for an second order under 11 U.S.C. § 365(d)(1) extending the time within which the Trustee must move to assume or reject its unexpired lease of the warehouse located at 9820 Railroad Drive and 9601 Railroad Drive in El Paso, Texas (the "Warehouse Lease").

1. On February 8, 2001, the Debtor filed a voluntary petition in this Court for relief under chapter 11 the United States Bankruptcy Code.

2. On December 19, 2001, the Debtor converted the Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code. The Trustee was appointed on that date.

3. Pursuant to the Court's *Order Extending Time Within Which Trustee May Assume Or Reject Unexpired Lease Of El Paso Distribution Center* entered on February 15, 2002, the Trustee has through June 30, 2002 to assume or reject the Warehouse Lease. The Trustee has complied with the terms of the Court's February 15, 2002 Order.

4. The Trustee seeks an order under Bankruptcy Code § 365(d)(1) extending until December 31, 2002 the time within which she must move to assume or reject the Warehouse Lease.

5. The Warehouse Lease is one of the most valuable remaining assets in the estate. The Trustee has become and remained current on post-conversion rent and other

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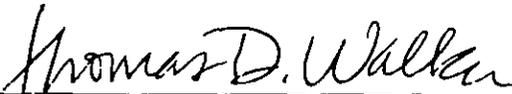
obligations under the Warehouse Lease since entry of the Court's February 15, 2002 Order. Until the Warehouse Lease is assumed or rejected, the Trustee will continue to pay when due all rent and other obligations under the Warehouse Lease.

6. The relief requested herein will not prejudice the landlord, and any slight risk of prejudice to the landlord created by a further extension of time is not significant relative to the burden to the estate from a premature assumption/rejection decision.

7. The landlord opposes the relief requested in this Motion.

WHEREFORE, the Trustee respectfully requests that this Court enter an order extending the time within which the Trustee must move to assume or reject the Warehouse Lease through December 31, 2002, and for all other just and proper relief.

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that a copy of the foregoing  
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