

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779 SA
Chapter 11

Debtor.

**STIPULATED ORDER RELATING TO
ASSESSMENT OF N.M. GROSS RECEIPTS TAXES**

This matter came before the Court upon the stipulation of Furr's Supermarkets, Inc., debtor and debtor in possession (the "Debtor") and the New Mexico Taxation and Revenue Department (the "Taxation and Revenue"). Upon the stipulation of the parties, the Court FINDS:

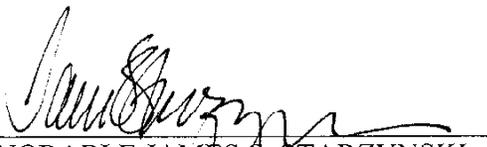
A. Taxation and Revenue intends to assess gross receipts and/or compensating taxes against the Debtor for tax periods that ended pre-petition (the "Assessment"). The Debtor intends to dispute the Assessment.

B. Had this bankruptcy case not been commenced, under the Tax Administration Act, §7-1-1 et seq. NMSA 1978, to dispute the Assessment the Debtor would have been required either to protest the Assessment as provided in §7-1-24 NMSA 1978, or to pay the assessed amount and make a claim for a refund as provided in §7-1-26 NMSA 1978.

C. The Debtor and Taxation and Revenue have stipulated to this order in recognition of the effect of the commencement of this bankruptcy case on the remedies set forth in the Tax Administration Act for disputing the Assessment.

D. ~~No notice is necessary or required under the particular circumstances~~
before entering this Order, except to the parties approving this Order.

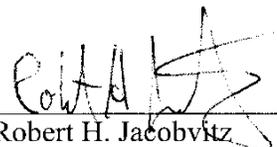
IT IS, THEREFORE, ORDERED that, notwithstanding the Debtor's failure to pay the amount of the Assessment, the periods specified in the Tax Administration Act for the Debtor to protest the Assessment, or to pay the assessed taxes and claim a refund, are tolled until the date that is sixty (60) days after any dismissal of this bankruptcy case (the Debtor retains all rights to oppose any such dismissal). This order is without prejudice to the right of Taxation and Revenue to file a claim in this bankruptcy case with respect to the Assessment, or the Debtor (or any other party in interest with standing) to file an objection to such claim.



HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted and approved:

JACOBVITZ, THUMA & WALKER, P.C.

By: 

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NEW MEXICO TAXATION & REVENUE DEPARTMENT 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:

By: Approved by email 4-2-01 RAJ

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APR 04 2001

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