

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

2004 MAY 10 AM 11:00

IN RE: : Chapter 11
: :
FLEMING COMPANIES, INC., et al., : Case No. 03-10945 (MFW)
: (Jointly Administered)
Debtors. :
: Related Docket: No. 1906

U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

**DISMISSAL OF APPLICATION OF CREDITOR MIDLAND
SHOPPING CENTER FOR ALLOWANCE OF ADMINISTRATIVE CLAIM**

COMES NOW Midland Shopping Center, by counsel and, since its administrative claim in the amount of \$2,085 has now been paid in full, dismisses such claim and its application for allowance of such claim with prejudice.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: 

James E. Kelley, Jr.

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ATTORNEYS FOR MIDLAND SHOPPING
CENTER

Dated: May 4, 2004

Claim 14833 3 15/03

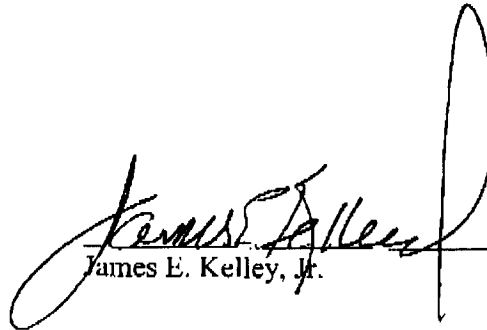
Docket # 7997
eod 5-12-04

CERTIFICATE OF MAILING

The undersigned certifies that on May 4, 2004, he caused a true and correct copy of the foregoing to be placed in the United States Mail, first class postage prepaid, addressed to:

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James E. Kelley, Jr.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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IN RE: Chapter 11
FLEMING COMPANIES, INC, et al, : Case No. 03-10945 (MFW)
Debtors : (Jointly Administered)
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FILED
SEP 15 2003
BMC

APPLICATION OF CREDITOR MIDLAND SHOPPING CENTER
FOR ALLOWANCE OF ADMINISTRATIVE CLAIM

COMES NOW Midland Shopping Center, a Missouri general partnership ("Midland") by counsel, and applies for allowance of the within claim of \$2,085 for real estate taxes and insurance premium due for the post-petition, pre-rejection period under a shopping center lease based upon the following

1 Midland, as landlord, and Fleming Companies, Inc (the "Debtor"), as tenant, are parties to a shopping center lease for premises at Midland Shopping Center in Saint Joseph, Missouri (the "Center") for a Fleming grocery store (the "Lease") The Lease is dated April 11, 1990 and its initial term expires on September 26, 2005

2 The petition was filed on April 1, 2003 The lease was rejected effective April 30, 2003

3 Pursuant to the Lease, Debtor was obligated for its proportionate share (66.54%) of the real estate taxes assessed against the Center For 2003 those taxes will be billed in November 2003 and will be due and payable by December 31, 2003 Based on assessed and paid real estate taxes for 2002 Debtor's share of such taxes for 2003 will be \$18,303.96 (66.54% of the \$27,508.20 in 2002 taxes paid for the Center) Similarly, Debtor was obligated under the Lease to reimburse Midland for its proportionate share of the premium for public liability insurance for the common

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Fleming Companies Claim



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areas of the Center Debtor's share of such premium for 2003 is approximately \$6,724 Debtor's
lease obligation to reimburse Midland for real estate taxes and for the above insurance premium
should be considered to be accruing (and due) evenly throughout the 2003 calendar year
Accordingly, Midland has an administrative claim for real estate taxes and for such premium accrued
for the month of April in the sum of \$2,085

4 Debtor is obligated under Section 365(d)(3) of the Bankruptcy Code to reimburse for
such taxes and premium, and the \$2,085 should be allowed as a necessary cost and expense of
preserving, and attempting to preserve the Debtor's estate under Section 503(b)(1)(A) of the
Bankruptcy Code during the post-petition, pre-rejection period and, therefore as an administrative
expense

WHEREFORE, Midland respectfully requests that the within claim for \$2,085 be allowed
against the Debtor as an administrative expense of the estate

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.L.C.

By 

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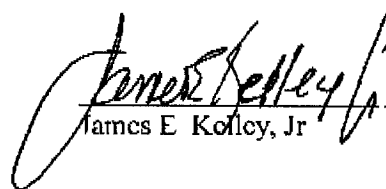
Dated September 10, 2003

CERTIFICATE OF MAILING

The undersigned certifies that on September ¹⁰, 2003, he caused a true and correct copy of the foregoing to be placed in the United States Mail, first class postage prepaid, addressed to

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