

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
FLEMING COMPANIES, INC., <u>et al.</u> ,	:	Case No. 03-10945 (MFW)
Debtors.	:	(Jointly Administered)
	:	
	:	
	:	<b>Objection Deadline: July 28, 2003</b>
	:	<b>Hearing Date: August 4, 2003, 11:30 a.m.</b>
	:	<b>(EST)</b>
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**NOTICE OF MOTION  
OF MERCHANTS AND PLANTERS BANK AND BANK OF BOLIVAR  
FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U. S.C. § 362  
IN ORDER TO DETERMINE THE INTERESTS IN ESCROW PROCEEDS FROM  
CREEKMORE FOOD STORES, INC.**

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TO: Debtors' Counsel, Counsel for all Official Committees, the United States Trustee,  
and all other parties on the 2002 Service List.

Merchants and Planters Bank and Bank of Bolivar (collectively, the "Banks") have filed a **MOTION OF MERCHANTS AND PLANTERS BANK AND BANK OF BOLIVAR FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362 IN ORDER TO DETERMINE THE INTERESTS IN ESCROW PROCEEDS FROM CREEKMORE FOOD STORES, INC.**, (the "Motion") which seeks the following relief:

- I. An Order modifying the Automatic Stay, effective upon entry, allowing the Banks to file suit to determine the priority, extent, and validity of the interests of the Banks and Fleming Companies, Inc., (the "Debtor") in the Escrowed Proceeds and whether the Banks' interests in the Escrowed Proceeds should be equitably subrogated with the Debtor's prior interests in the Escrowed Proceeds.

**HEARING ON THE MOTION WILL BE HELD ON AUGUST 4, 2003, AT 11:30  
A. M. (EST).**

You are required to file a response (and the supporting documentation required by Local Rule 4001-1(d)) to the attached Motion on or before **July 28, 2003**, which is at least five (5) business days before the above-hearing date .

At the same time, you must also serve a copy of the response upon the following:

WEIR & PARTNERS LLP  
Kenneth E. Aaron, Esquire (#4043)  
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*Co-Counsel for Bank of Bolivar*

The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing, as determined by the Court.

The attorneys for the parties shall confer with respect to the issues raised by the motion in advance for the purpose of determining whether a consent judgment/order may be entered and/or for the purpose of stipulating to relevant facts.

Dated: June 30, 2003

WEIR & PARTNERS LLP

By:           /s/ Kenneth E. Aaron            
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