

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

In re: : Chapter 11
: :
FLEMING COMPANIES, INC., et al., : :
: : Case No. 03-10945 (MFW)
Debtors. : (Jointly Administered)
: :
: **RE: Dkt. No.** _____
: :

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

Upon consideration of the motion of the City of Biwabik, Minnesota, a municipal corporation (the “City”) for relief from the automatic stay, or in the alternative, to compel rejection of a non-residential lease of real property (the “Motion”).¹

And it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and that this matter is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A);

And it appearing that notice of the Motion was good and sufficient under the particular circumstances and that no further notice need be given;

And it appearing that the relief requested in the Motion is in the best interest of the Debtors, their estates, their creditors and other parties in interest;

And good and sufficient cause appearing therefore; it is hereby

ORDERED THAT the Motion is Granted; and it is further

ORDERED THAT the automatic stay of 11 U.S.C. §362 is hereby modified to permit the City to immediately terminate the Lease with the Debtors; and it is further

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

ORDERED THAT this Order is effective immediately and the ten (10) day stay under Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is hereby waived.

Dated: _____, 2003

The Honorable Mary F. Walrath
United States Bankruptcy Judge