

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

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

**NOTICE OF APPEARANCE AND REQUEST FOR
SERVICE OF PAPERS AND RESERVATION OF RIGHTS**

PLEASE TAKE NOTICE that the undersigned enters the appearance of Buchanan Ingersoll PC on behalf of **WXI/MCN COMMERCIAL REAL ESTATE LIMITED PARTNERSHIP, as successor to McNeil Real Estate Fund XIV, Ltd.** (the “Creditor”), as a creditor and/or party in interest herein, and pursuant to Rules 2002 and 9010(b) of the Rules of Bankruptcy Procedure and 11 U.S.C. § 1109(b) hereby demands that all notices given or required in this case and all documents and all other papers served in this case, be given to and served upon the undersigned at the offices and telephone numbers and fax numbers set forth below:

Louis T. DeLucia, Esq.
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PLEASE TAKE FURTHER NOTICE that, pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing request includes not only the notices and papers referred to in the rule specified above, but also includes, without limitation, orders and notices of any application, motion, petition, pleading, request, complaint or demand, whether formal or

informal, whether written or oral, and whether transmitted or conveyed by mail, hand delivery, telephone, electronically or otherwise, which affects the Debtor or the property of the Debtor, including those orders and notices (1) that affect or seek to affect in any way any rights or interests of any creditor or party in interest in this case, including the Creditor, with respect to: (a) the Debtor; (b) property of the estate or proceeds thereof in which the Debtor may claim an interest; or (c) property or proceeds thereof in the possession, custody or control of others that the Debtor may seek to use; or (2) that require or seek to require any act, delivery of any property, payment, or other conduct by the Creditor.

PLEASE TAKE FURTHER NOTICE that the Creditor intends that neither this Notice of Appearance, nor any later appearance, pleading, claim or suit shall waive any right (1) to have final orders in non-core matters entered only after de novo review by a District Judge, (2) to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, (3) to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, or (4) to any other rights, claims, actions, defenses, setoffs, or recoupments to which the Creditor is or may be entitled to under agreements, in law or equity, all of which rights, claims, actions, defenses, setoffs and recoupments are expressly reserved.

BUCHANAN INGERSOLL PC

Dated: September 15, 2003

/s/ Stuart M. Brown
Stuart M. Brown (DE 4050)

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and

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