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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: § **Chapter 11**
§
FRESH ACQUISITIONS, LLC, et al.,¹ § **Case No. 21-30721 (SGJ)**
§
Debtors. § **(Jointly Administered)**

NOTICE OF WITHDRAWAL OF TERMINATION NOTICE, WITHOUT PREJUDICE

COMES NOW **VitaNova Brands, LLC** (“VNB) and files this NOTICE OF WITHDRAWAL OF TERMINATION NOTICE, WITHOUT PREJUDICE.

1. On August 24, 2021, VNB filed its NOTICE OF TERMINATION NOTICE (Dkt. 391).

2. VNB has withdrawn, effective August 29, 2021, the NOTICE OF TERMINATION NOTICE and the underlying TERMINATION NOTICE (Ex. “A” to Dkt. 391),

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe’s Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan’s Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors’ principal offices are located at 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248, United States.

without waiver of the underlying and existing default² and without prejudice to any of its rights or remedies, including without limitation rights and remedies under the Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing and (VI) Granting Related Relief (Dkt. 157, as amended) entered May 14, 2021, or the DIP Loan Documents approved thereby (and as they may have been amended).

Date: Filed August 30, 2021; effective August 29, 2021.

Respectfully submitted,

/s/ J. Michael Sutherland
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served on all parties receiving ECF-Notice in this case, on this 30th day of August, 2021.

/s/ J. Michael Sutherland
J. Michael Sutherland

² I.e., failure to obtain an entry of an order no later than August 10, 2021 approving the sale of substantially all of the Debtors' assets, free and clear of all liens, claims, interests and encumbrances, and approving the assumption and assignment of certain executory contracts and unexpired leases, all in a form and substance acceptable to the DIP Lender, which August 10, 2021 date was extended to August 25, 2021.