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**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHER DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: § Case No. 08-45664
PILGRIM'S PRIDE CORPORATION, et al. § Chapter 11
Debtor(s) §

**OBJECTION TO CONFIRMATION OF DEBTOR'S AMENDED JOINT
PLAN OF REORGANIZATION**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, La Porte Tax Office and Greens Parkway M.U.D. (hereinafter "Taxing Entities"), Creditors, and file their Objection to Confirmation of Debtor's Amended Joint Plan of Reorganization (hereinafter "the Plan"). The Taxing Entities hereby object for the following reasons:

I.

The claims of the undersigned are included in the class of claims described as Class 4, Secured Claims.

II.

The secured claims of the Taxing Entities are impaired under the Plan, and the claimants have not accepted the plan.

III.

The Taxing Entities object to the confirmation of the Plan to the extent that:

- A. It does not provide for the retention of all property tax liens until all taxes, penalties and interest protected by those liens have been paid;
- B. Their statutory lien position is primed by the Exit Financing;
- C. It does not provide for the payment of interest from the petition date through the Effective Date under 11 USC Section 506(b), as well as from the Effective Date until paid in full at the statutory rate of 1% a month as required by 11 USC Section 511. The Taxing Entities acknowledge that certain secured tax claims have been paid, but not interest that accrued as stated above.
- D. It requires them to file administrative claims for post-petition taxes rather than require the payment of such taxes in the ordinary course of business.
- E. It provides for Expedited Tax Determination for taxes that accrue post-petition.
- F. It provides for the payment of claims of lower secured priority on terms more favorable than the treatment proposed for the claims of the Taxing Entities.
- G. It provides for payment of their claims in any fashion other than by cash payment(s).

IV.

The claims of the Taxing Entities arise from property taxes for the 2008 tax year due on the debtor's property described as business personal property and real property located within the Taxing Entities. Sections 32.01 and 32.05(b) give the tax liens securing the property superior claims over any other claim or lien against the property. This state priority for tax liens is retained in the Bankruptcy Code giving these claims a superior position over all other claims against the property. *Stanford v. Butler*, 826 F.2d 353 (5th Circ. 1987), 11 USD § 506; Universal

Seismic Associates, Inc., 288 F.3d 205 (5th Cir. 2002); In Re Winn's Stores, Inc. 177 B.R. 253

(Bkcty W.D. Tex 1995).

WHEREFORE, Taxing Entities object to confirmation of the Plan due to noncompliance with the provisions of § 1129(b)(1) and (2)(A) and other provisions of the Bankruptcy Code, and further request other and such relief as is just.

DATED: December 1, 2009

PERDUE, BRANDON, FIELDER, COLLINS
& MOTT, L.L.P

By: /s/Owen M. Sonik

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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 this the 1st day of December, 2009, by ECF e-notice, first class mail, postage prepaid or fax upon the following parties:

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