

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	
SOFA EXPRESS, INC.,)	Case No. 07-09024
)	Chapter 11
Debtor.)	Hon. George C. Paine

**AMENDMENT TO THE UNSECURED CREDITORS' COMMITTEE'S
SEVENTEENTH OMNIBUS OBJECTION TO CLAIMS – CUSTOMER DEPOSIT
CLAIMS, AS IT RELATES TO THE COMMITTEE'S OBJECTION TO
CLAIM 316 FILED BY RUBY MURPHY**

The Official Committee of Unsecured Creditors (the “Committee”) of Sofa Express, Inc. (the “Debtor”) filed an omnibus objection to claims, The Unsecured Creditors’ Committee’s Seventeenth Omnibus Objection to Claims – Customer Deposit Claims, docket number 1023 (the “Omnibus Objection”), in which the Committee objected to, among others, Claim 316 (the “Claim”) filed by Ruby Murphy (the “Claimant”). In its Omnibus Objection, the Committee sought disallowance of the Claim. Now, the Committee amends its objection to simply object to the Claim to the extent it requests any priority treatment. The Committee consents to allowance of the Claim as an unsecured, non-priority claim. In further support and explanation of this amendment, the Committee states as follows:

1. On December 6, 2007 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. A copy of the Claim is attached hereto as Exhibit A. On the Claim, Claimant states the amount of the claim to be \$299, but asserts it as both an unsecured non-priority claim and an unsecured priority claim. According to the Claim, Claimant was dissatisfied with the

quality of the furniture purchased. Claimant states that the basis for the Claim is “Goods Sold: Stained, Chipped, Old”.

3. The Committee mistakenly classified the Claim as a customer deposit claim, and included it among the Committee’s omnibus objections to thousands of customer deposit claims. Upon further review of the Claim, and based on the Claimant’s informal response to the Omnibus Objection, the Committee now believes the Claim to be based on a prepetition purchase, not a deposit.

4. The Claim does not include a reference to any section of the Bankruptcy Code entitling the Claim to priority treatment. Further, the Committee is aware of no section of the Bankruptcy Code that would entitle a prepetition consumer purchase or warranty claim to priority treatment. Therefore, the Committee objects to the Claim receiving any priority treatment.

5. The Committee amends its objection to the Claim, and requests the Court deny any priority treatment of the Claim. The Committee consents to allowance of the Claim as an unsecured, non-priority claim.

WHEREFORE, in accordance with the Committee’s amended objection stated above, the Committee respectfully requests the Court allow the Claim as an unsecured, non-priority claim in the amount of \$299, and disallow Claimant’s request for priority treatment of the Claim.

DATED: February 8, 2011.

Respectfully submitted,

HARWELL HOWARD HYNE
GABBERT & MANNER, P.C.

/s/ Tracy M. Lujan
Glenn B. Rose
Tracy M. Lujan
315 Deaderick Street, Suite 1800
Nashville, Tennessee 37238
Telephone: (615) 256-0500
Facsimile: (615) 251-1058
Email: gbr@h3gm.com and tml@h3gm.com

and

Clifford A. Katz, Esq.
Platzer, Swergold, Karlin, Levine,
Goldberg & Jaslow, LLP
1065 Avenue of the Americas - 18th Floor
New York, New York 10018
Telephone: (212) 593-3000
Facsimile: (212) 593-0353
Email: ckatz@platzerlaw.com

Co-Counsel for the
Unsecured Creditors Committee

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document will be served electronically through the Court's electronic filing system to all parties receiving electronic notice and that a true and correct copy was served by U.S. Mail on February 8, 2011 to Ruby Murphy, 5 Troon Court, Columbia, South Carolina 29229.

/s/ Tracy M. Lujan
Tracy M. Lujan