

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 EIGHTEENTH
OMNIBUS OBJECTION TO CLAIMS – CUSTOMER DEPOSIT CLAIMS, AS IT
RELATES TO THE COMMITTEE'S OBJECTION TO
CLAIM 498 FILED BY FARRAH OWENS**

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 Eighteenth Omnibus Objection to Claims – Customer Deposit Claims, docket number 1032 (the “Omnibus Objection”), in which the Committee objected to, among others, Claim 498 filed by Farrah Owens (the “Claimant”) as a priority claim in the amount of \$2,057.95 (the “Claim”). Claimant filed a response to the Omnibus Objection, docket number 1085. In its Omnibus Objection, the Committee sought disallowance of the Claim. Now, the Committee simply objects to the claimed priority status of the Claim, and seeks that it be treated 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. 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,

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after conversations between Committee counsel, Teresa Sadutto-Carley, and the Claimant, and after review of Claimant's response to the Omnibus Objection, the Committee now believes the Claim to be based on a prepetition purchase, not a deposit.

3. On the Claim, Claimant asserts that the basis of the claim is "Goods Sold". Additionally, in Claimant's response to the Omnibus Objection, Claimant states that the Claim is based on alleged damage to Claimant's furniture which she says she purchased from the Debtor prior to Debtor's bankruptcy. The Sale Order Invoice attached to the Claim is dated June 1, 2007, prior to the Petition Date. The Claim appears to be based on a prepetition purchase, not on a deposit still held by Debtor as of the Petition Date.

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 claim to priority treatment. Therefore, the Committee objects to the Claim receiving any priority treatment.

5. The Committee withdraws its request that the Claim be disallowed entirely, and now the Committee merely seeks disallowance of the Claim's request for priority treatment. The Committee consents to allowance of the Claim 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, but only as an unsecured, non-priority claim, and disallow Claimant's request for priority treatment of the Claim.

DATED: February 11, 2011.

Respectfully submitted,

HARWELL HOWARD HYNE
GABBERT & MANNER, P.C.

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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 11, 2011 to Farrah Owens, 100 Gilderview Drive, Simpsonville, South Carolina 29681.

/s/ Tracy M. Lujan
Tracy M. Lujan