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5 ATTORNEYS FOR THE DEBTOR

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF ARIZONA**

8 In re:
9 NUTRACEA, a California corporation,
10 Debtor.

Chapter 11

2:09-bk-28817-CGC

**NOTICE OF DEBTOR'S MOTION
FOR APPROVAL OF ASSUMPTION
OF: (1) WAREHOUSE LEASE WITH
FARMERS RICE MILLING
COMPANY; (2) AMENDED LEASE
WITH SACRAMENTO SOUTHPORT;
AND (3) LEASE WITH
NUTRAPHOENIX**

15 **NOTICE IS HEREBY GIVEN** that Debtor has filed a motion (the "**Motion**") for the
16 entry of an order approving the assumption of the following unexpired nonresidential real
17 property leases:

18 1. Warehouse Lease with Farmers Rice Milling Company, Inc. of a 12,000 square
19 foot warehouse facility located in Lake Charles, Louisiana (the "**Warehouse Lease**"). The
20 Warehouse Lease has a term of 25 years commencing on March 1, 2008. It requires Debtor to
21 make annual rent payments of \$42,000 with incremental increases over time. Debtor failed to
22 make the annual rent payment due on March 15, 2009, but has deposited the cure amount with
23 the United States District Court for the Western District of Louisiana (Case No. 2:09-cv-01253)
24 in connection with a lawsuit filed by the landlord. Debtor seeks to assume the Warehouse Lease
25

1 because it is an integral part of its Lake Charles facility, in which it has invested more than \$8.6
2 million. Debtor has already assumed and cured the defaults under the related ground lease.

3 2. Amended Lease with Sacramento Southport, L.L.C. (“**Sacramento Southport**”)
4 of a 27,203 square foot warehouse and office space located at 2928 Ramco Street, West
5 Sacramento, California (the “**West Sacramento Lease**”). The West Sacramento Lease has a
6 term of 4 years, commencing on September 1, 2007 and ending on August 31, 2011. Debtor and
7 Sacramento Southport recently amended the lease to reduce the payments by approximately
8 \$1,400 per month, extend the term through May 14, 2014, and waive Debtor’s tenant
9 improvement reimbursement obligation in the amount of \$38,574.60. The new base rent is
10 \$9,521 per month with incremental increases over time. Debtor seeks to assume the West
11 Sacramento Lease because it is an integral part of its West Sacramento operations, which are
12 profitable and should be continued. There are no defaults under the West Sacramento Lease.

13 3. Lease with NutraPhoenix, L.L.C., Debtor’s wholly owned subsidiary, of a 124,159
14 square foot warehouse, office, and production facility located at 4502 West Monterosa Street,
15 Phoenix, Arizona (the “**Phoenix Lease**”). The Phoenix Lease has a term of 10 years,
16 commencing on March 19, 2008 and ending on March 18, 2018. Current base monthly rent is \$1.
17 Debtor seeks to assume the Phoenix Lease to preserve its right to use the real property and
18 improvements in the event that they are not sold in the near future (the property is currently being
19 marketed). There are no defaults under the Phoenix Lease.

20 Copies of the Warehouse Lease, the West Sacramento Lease, the amendment to the West
21 Sacramento Lease, and the Phoenix Lease are attached as Exhibits A, B, C, and D to the Motion,
22 which is on file with the Clerk of the Court and available for review by any party. As to all
23 leases, Debtor has the ability to perform in the future, as evidenced by its improving financial
24 condition and the modest amount of the lease payments

25

File a Notice:[2:09-bk-28817-CGC Nutracea, a California corporation](#)

Type: bk

Chapter: 11 v

Office: 2 (Phoenix)

Assets: y

Judge: CGC

U.S. Bankruptcy Court**District of Arizona**

Notice of Electronic Filing

The following transaction was received from S. CARY FORRESTER entered on 5/28/2010 at 1:36 PM AZ and filed on 5/28/2010

Case Name: Nutracea, a California corporation**Case Number:** [2:09-bk-28817-CGC](#)**Document Number:** [412](#)**Docket Text:**

Notice of Bar Date *Notice of Debtor's Motion for Approval of Assumption of: (1) Warehouse Lease With Farmers Rice Milling Company; (2) Amended Lease With Sacramento Southport; and (3) Lease With NutraPhoenix* filed by S. CARY FORRESTER of FORRESTER & WORTH, PLLC on behalf of Nutracea, a California corporation (related document(s)[411] Motion to Assume).(FORRESTER, S.)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**N:\Word Docs\Cary\Active\NutraCea\Pleadings\Assumption Motions\Assumption of Warehouse, Phnx and WestSac\Notice of Motion to Assume Leases.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=875559564 [Date=5/28/2010] [FileNumber=17960600-0]
] [365cfba42036dd904c1252a2d5a1773af75f4357f2372ceaccabd102215129b0afa
31e99f311308724a0e68dff816af54a353275e76e1234ca6abe58e968e14e]]

2:09-bk-28817-CGC Notice will be electronically mailed to:

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