

Edgar Filing: INGLES MARKETS INC - Form NT 10-Q

INGLES MARKETS INC
Form NT 10-Q
February 04, 2005

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 12b-25

0-14706

SEC File Number
457030104

CUSIP Number

NOTIFICATION OF LATE FILING

(Check One) Form 10-K Form 20-F Form 11-K Form 10-Q Form N-SAR
 Form N-CSR

For Period Ended: December 25, 2004

- Transition Report on Form 10-K
- Transition Report on Form 20-F
- Transition Report on Form 11-K
- Transition Report on Form 10-Q
- Transition Report on Form N-SAR

For the Transition Period Ended: _____

Read attached instruction sheet before preparing form. Please print or type.

Nothing in the form shall be construed to imply that the Commission has verified any information contained herein.

If the notification relates to a portion of the filing checked above, identify the Item(s) to which the notification relates: relates to entire filing

PART I - REGISTRANT INFORMATION

Ingles Markets, Incorporated

Full Name of Registrant

Former Name if Applicable

2913 US Highway 70 West

Address of Principal Executive Office (street and number)

Black Mountain, North Carolina 28711

City, State and Zip Code

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PART II - RULES 12b-25(b) and (c)

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check appropriate box)

- (a) The reasons described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;
- (b) The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F, 11-K, Form N-SAR, or Form N-CSR, or portion thereof, will be filed on or before the fifteenth calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q, or portion thereof will be filed on or before the fifth calendar day following the prescribed due date; and
- (c) The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

PART III - NARRATIVE

State below in reasonable detail the reasons why the Form 10-K, 20-F, 11-K, 10-Q, N-SAR, N-CSR or the transition report or portion thereof, could not be filed within the prescribed time period. (Attach Extra Sheets if Needed)

As previously disclosed, the registrant has undergone an internal investigation of certain accounting issues, following receipt of an informal inquiry from the Securities and Exchange Commission and is in the process of preparing restatements of its financials statements for fiscal years 2002 and 2003 and the first three fiscal quarters of 2004 and 2003. When the restatements are completed the registrant will be able to file its Form 10-K for its fiscal year ended September 25, 2004. The delay in filing the Form 10-K has resulted in the inability of the registrant to finalize its financial statements for its fiscal quarter ended December 25, 2004 and the related Form 10-Q. As a consequence, the registrant will not be able to file its Form 10-Q by the prescribed due date without unreasonable effort and expense.

PART IV - OTHER INFORMATION

(1) Name and telephone number of person to contact in regard to this notification

Brenda S. Tudor

(828) 669-2941

(Name)

(Area Code) (Telephone Number)

(2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the

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preceding 12 months or for such shorter period that the registrant was required to file such reports been filed? If answer is no identify report(s). Yes No The registrant's Form 10-K for the fiscal year ended September 25, 2004 has not been filed.

- (3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof? Yes No

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

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SIGNATURE

The Registrant has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Ingles Markets, Incorporated

Date: February 4, 2005

By: /s/ Brenda S. Tudor

Brenda S. Tudor, Vice President -
Finance and Chief Financial Officer

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