

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

No. 11-01-10779-SA

Debtor.

**OBJECTION TO MOTION TO ADOPT PROPOSED CARVE-OUT PROCEDURE,  
SET DEADLINES, AND FOR OTHER RELIEF**

COMES NOW Davis & Pierce, P.C. (William F. Davis, Esq.) on their own behalf, and for their objection to the Motion to Adopt Proposed Carve-Out Procedure, Set Deadlines, and For Other Relief, and would state as follows:

1. The Motion should not be approved until the specific distribution calculation procedures are established. Since the proposed procedures give an alternative calculation, the Court should be required to establish the calculation before the Motion is granted.

2. Davis & Pierce, P.C. object to the calculation as set forth in attachment 1 to the extent that the calculation in attachment 1 would penalize counsel for receiving payment during the pendency of the Chapter 11.

3. The entry of the Settlement Agreement and the establishment of the limited carve-out settlement was done prior to the notice of the proposed distribution calculations.

4. Davis & Pierce, P.C. would have objected to the limited carve-outs set forth in the Stipulation and Consent Order if they had been advised how the funds in the carve-out would be distributed to professionals.

5. Davis & Pierce, P.C. does not object to the general procedures established to set deadlines for filing final fee applications and determination of whether any amounts in those fee applications are outside the carve-out because of language contained in the original Cash Collateral Order.

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United States Bankruptcy Court  
Albuquerque, New Mexico

WHEREFORE, Davis & Pierce, P.C. would ask the Court to deny the Motion until specific procedures are established for the calculation of payment of the limited funds established in the carve-out.

Respectfully submitted,

**DAVIS & PIERCE, P.C.**

  
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We hereby Certify that on August 7, 2002 a true and correct copy of the foregoing pleading was mailed by first class to all persons listed on the service list attached hereto as Exhibit A.

Davis & Pierce, P.C.

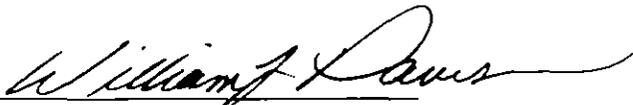
By:   
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EXHIBIT A

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