

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA  
Chapter 7

Debtor.

**ORDER APPROVING EMPLOYMENT OF MUSTANG FIRE AND  
MECHANICAL AS FIRE SYSTEM CONSULTANT FOR THE CHAPTER 7  
TRUSTEE**

This matter came before the Court upon the interim Chapter 7 Trustee's (the "Trustee's") Motion to Employ Mustang Fire and Mechanical as Fire System Consultants, filed August 1, 2002 and docketed as #1776 (the "Motion"). By the Motion, the Trustee seeks (i) Bankruptcy Court approval of her employment of Mustang Fire and Mechanical ("Mustang"), pursuant to Bankruptcy Code §327(a), as a fire system consultant for the Trustee in this case, to work for the Trustee on such matters as the Trustee may request of Mustang and Mustang may agree to perform, and (ii) authority to make interim payment of compensation to Mustang.

The Court FINDS:

- A. On September 5, 2002 Mustang filed its disclosure pursuant to Bankruptcy Rules 2014 and 2016 (the "Disclosure");
- B. On August 1, 2001, the Trustee gave notice of the Motion to all persons on the limited mailing matrix in this Chapter 7 case (the "Notice");
- C. The Notice was sufficient and appropriate in the particular circumstances;

D. The deadline to object to the Motion expired on August 26, 2002, with no objections to the Motion having been filed. The United States Trustee's office, however, filed a comment on the Motion on August 26, 2002. The UST has agreed to the form of this Order;

E. Mustang satisfies the requirements set forth in Section 327(a) of the Bankruptcy Code for the Chapter 7 Trustee's retention of Mustang;

F. No further notice of the Motion or of this order is necessary in the particular circumstances, prior to entry of this order;

G. Mustang's employment as a fire system consultant for the Trustee, as set forth below, should be approved; and

H. Entry of this order is appropriate.

IT IS, THEREFORE, ORDERED:

1. The Trustee's employment of Mustang as a fire system consultant, pursuant to Bankruptcy Code §327(a), to work for the Trustee in such matters as the Trustee may request of Mustang and Mustang may agree to perform, is hereby approved, effective as of August 1, 2002.

2. The Trustee is authorized to pay Mustang, upon receipt of Mustang's billing statements and prior to the Court's determination of the allowability of Mustang's compensation, up to and including 75% of fees, and up and including 100% of ~~reimbursable costs and applicable gross receipts taxes, fees and costs.~~

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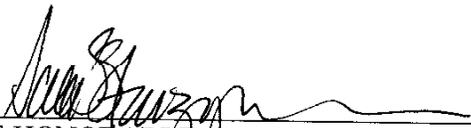
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Bankruptcy Court under Bankruptcy Code §§328, 330 and 331.

3. Because Mustang' employment likely will terminate in the near future, Mustang may file a final fee application as soon as his services to the estate have been fully performed.

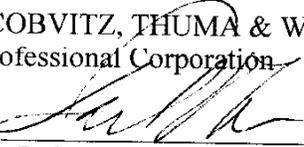
4. Pursuant to the Stipulation and Consent Order (I) Approving Compromise and Settlement Between the Trustee on Behalf of the Estate, Heller Financial, Inc., Bank of America, N.A., Fleet Capital Corporation and Metropolitan Life Insurance Company and (II) Resolving all Objections Thereto, entered by the Court on or about July 25, 2002 as docket #1766, the amounts paid to Mustang will be paid out of the proceeds of the warehouse lease assignment, or other lender collateral,

5. The terms of Mustang' employment are \$100 per hour, plus gross receipts tax, for its consulting services.

  
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THE HONORABLE JAMES S. STARZYNSKI  
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

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a Professional Corporation

By: 

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Approved:

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I hereby certify that a true and correct copy  
of the foregoing was either electronically  
transmitted, faxed, delivered or mailed to  
the listed counsel and parties on:

SEP 18 2002

Mary B. Anderson