

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

**FILED**  
12:00 MIDNIGHT

SEP 24 2002

**LRDP BOX**  
United States Bankruptcy Court  
Albuquerque, New Mexico

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779 SA  
Chapter 7

Debtor.

**DAVIS & PIERCE, P.C.'S ALLOCATION STATEMENT AND  
EXCLUDED FEE STATEMENT SUBMITTED PURSUANT TO  
ORDER ADOPTING CARVE-OUT PROCEDURES**

Davis & Pierce, P.C. ("D&P") submits this Allocation Statement and Excluded Fee Statement pursuant to the Order Adopting Carve-Out Procedure, Setting Deadlines, and Granting Other Relief, entered on August 22, 2002 (the "Carve-Out Procedure Order").

Capitalized terms, not otherwise defined, have the meanings ascribed to them in Exhibit "A" to the Carve-Out Procedure Order.

**A. Allocation Statement**

D&P claims that the following amounts are payable to it from each of the Carve-Outs identified below (to the extent of D&P's share of each Carve-Out):

1. Pre-Closing Carve Out. D&P claims that its unpaid claim for compensation for services rendered and costs incurred during the Pre-Closing Period, and gross receipts tax thereon, in the amount of \$67,284.08, is payable to D&P from the Pre-Closing Carve-Out (to the extent of D&P's share of Pre-Closing Carve-Out). The numbers necessary for the Carve-Out calculations for net payment are reflected on Exhibit "1". The Court granted final approval of this compensation as a chapter 11 administrative claim against the estate by the Order Allowing Attorneys Fees, Costs and Applicable Taxes for First and Second Applications of Davis & Pierce, P.C. for

Compensation as Counsel for the Unsecured Creditors' Committee entered on January 25, 2002.

2. Post-Closing Carve Out. D&P claims that its unpaid claim for compensation for services rendered and costs incurred, during the Post-Closing Period but prior to conversion of the chapter 11 case to a case under chapter 7, and gross receipts tax thereon, in the amount of \$32,811.96 is payable to D&P from the Post-Closing Carve-Out (to the extent of D&P's share of the Post-Closing Carve-Out). The Court granted approval of this compensation as a chapter 11 administrative claim against the estate up to November 1, 2001. The remainder is applied for approval in the Final Fee Application.

3. Court Approval of Compensation to D&P, and Payment Status. D&P's total approved compensation, the amounts the Debtor in Possession paid D&P, and the amount of the credit D&P gave the Debtor in Possession is set out on Exhibit "1".

**B. Excluded Fee Statement**

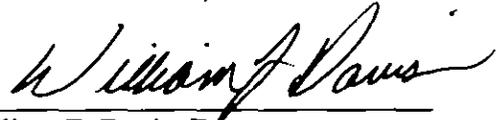
D&P states that it believes and asserts that none of the fees, costs or gross receipts tax it charged the Debtor in Possession are Excluded Fees. Paragraph A(3) above sets forth the amount of D&P's total approved compensation, the amount the Debtor in Possession paid D&P, and the amount of the credit D&P gave the Debtor in Possession, during the Pre-Closing Period and during the Post-Closing Period but prior to conversion of the chapter 11 case to a case under chapter 7. D&P believes the reduction of 15% imposed by the Court, plus additional voluntary reduction by D&P is more than adequate to account for time billed that might otherwise be excluded from the Carve-Outs.

**C. Post Conversion Services Statement**

D&P claims compensation for services rendered after conversion of the chapter 11 case to a case under chapter 7 in the amount of \$13,239.27. The amounts are detailed in the D& P Final Fee Application filed on September 24, 2002.

Respectfully submitted,

DAVIS & PIERCE, P.C.



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This certifies that on September 24, 2002 a copy of the foregoing Statement was served by first class United States mail on the persons listed on Exhibit A hereto at the addresses shown thereon.

  
William F. Davis, Esq.

**DAVIS & PIERCE, P.C. CARVE OUT CALCULATION**

	<b>PRE-CLOSING</b> 02/08/01 - 08/31/01	<b>POST-CLOSING</b> 09/01/01 - 12/18/01	<b>AFTER-CONVERSION</b> 12/19/01 - 09/24/02	<b>TOTAL</b>
<b>FEEs:</b>	197,977.50	63,906.50	12,512.00	274,396.00
<b>COSTs:</b>	7,770.68	2,747.17	0.00	10,517.85
<b>TAXEs:</b>	11,507.45	3,714.55	727.27	15,949.27
<b>TOTAL REQUESTED:</b>	217,255.63	70,368.22	13,239.27	300,863.12
<b>ADJUSTMENT PER COURT:</b>	-32,588.34	-7,556.26	13,239.27 *	-26,905.33
<b>TOTAL APPROVED:</b>	184,667.29	62,811.96	0.00	247,479.25
<b>AMOUNT PAID:</b>	117,383.21	30,000.00	0.00	147,383.21
<b>AMOUNT OWED:</b>	67,284.08	32,811.96	13,239.27	113,335.31

\*NOTE: APPLIED FOR BUT  
NOT YET APPROVED



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