

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA

Debtor.

**ORDER GRANTING FINAL FEE APPLICATION BY ATTORNEYS  
FOR THE UNSECURED CREDITORS' COMMITTEE, DAVIS & PIERCE, P.C.,  
FOR ALLOWANCE AND PAYMENT OF COMPENSATION FOR  
NOVEMBER 1, 2001 THROUGH SEPTEMBER 24, 2002**

THIS MATTER came before the Court on the Final Fee Application by Attorneys for the Unsecured Creditors' Committee, Davis & Pierce, P.C., for Allowance and Payment of Compensation for November 1, 2001 through September 24, 2002. The Court, being fully advised, hereby FINDS:

1. The Debtor filed its petition under Chapter 11 of Title 11 of the United States Code on February 8, 2001.

2. As authorized by the Order Approving Debtor's Motion to Employ Attorneys, Debtor has paid \$147,383.21 to Attorneys' during the case. The total fees requested for the First Interim Application for the Unsecured Creditors' Committee for Allowance and Payment of Compensation for February 14, 2001 to June 30, 2001 was \$164,423.09. The total fees requested for the Second Interim Application was \$103,407.75. The Court entered its "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" on January 25, 2002. The Order reduced the fees and allowed for the First and Second Applications the total amount of \$227,686.23 for fees, costs and tax. The Order makes final the Interim Order approving the First and Second Fee Applications.

3. On September 24, 2002 D&P filed its Final Fee Application by Attorneys for the Unsecured Creditors' Committee, Davis & Pierce, P.C., for Allowance and Payment of Compensation for November 1, 2001 through September 24, 2002 ("Final Application") for payment of compensation in the amount of \$30,969.50 for fees, \$262.66 for reimbursable costs and \$1,800.12 for gross receipts tax. Of this amount, \$30,000.00 has already been paid in accordance with this Court's Order Approving D&P's Motion to Employ Attorneys. The total compensation remaining unpaid that D&P sought in all Fee Applications is \$113,335.31.

4. Notice of the Final Application was mailed on September 24, 2002 to the creditors listed on the limited mailing list, as set forth on the official mailing matrix attached to the original Notice filed herein. The Notice was proper in form and content.

5. Pursuant to the Notice of the Final Application filed herein, October 24, 2002 was the deadline to object to the First Application, including three days for mailing.

6. Heller Financial, Inc., as agent for itself, Bank of America, N.A., Fleet Capital Corporation and Metropolitan Life Insurance Company filed an objection to the Final Application on October 16, 2002, which objection has been resolved as indicated by its approval of the form of this Order.

7. Davis & Pierce, P.C. (D&P) has agreed with the Chapter 7 Trustee to reduce fees for services performed in the amount of \$2,280.00 plus gross receipts tax thereon.

8. No other objections to the Final Application have been filed, timely or otherwise.

9. The requested fees, costs and taxes as reduced by agreement and stated above, are reasonable and necessary, and the compensation sought in the Final Application should be approved, as modified.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that pursuant to 11 U.S.C.

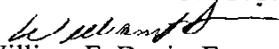
§330 and 503, the sum of \$30,619.75 is allowed as compensation to Davis & Pierce, P.C., as a chapter 11 administrative expense for the Final Application Period.

IT IS FURTHER ORDERED that the interim allowance on the First and Second Fee Applications is hereby made final.

  
THE HONORABLE JAMES S. STARZYNSKI  
UNITED STATES BANKRUPTCY JUDGE

SUBMITTED BY:

DAVIS & PIERCE, P.C.

  
William F. Davis, Esq.  
Fee Applicant  
PO Box 6  
Albuquerque, NM 87103  
(505) 243-6129

APPROVED BY:

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

Telephonic approval given on 11/02 WAD  
Paul Fish, Esq.  
Attorneys for Heller Financial, Inc.,  
Objecting Parties  
PO Box 2168  
Albuquerque, NM 87103-2168  
(505) 848-1800

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:

DEC 18 2002

Telephonic 11/02 WAD  
Yvette J. Gonzales, Esq.  
CHAPTER 7 TRUSTEE  
P.O. Box 1037  
Placitas, NM 87043-1037

Mary B. Anderson

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