

FILED
12:00 MIDNIGHT

FEB 27 2003

DROP BOX
United States Bankruptcy Court
Albuquerque, New Mexico

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

**FIRST INTERIM FEE APPLICATION OF WALTER R. DOYLE, EXPERT
WITNESS FOR THE CHAPTER 7 TRUSTEE**

Walter R. Doyle ("Doyle"), an expert witness for Yvette J. Gonzales, Chapter 7 Trustee. (the "Trustee"), submits this application for allowance and payment of compensation pursuant to Bankruptcy Code §§330, 331 and 503(b)(2) for work done from September 11, 2002 through February 28, 2003 (the "First Application Period"). In support of this fee application Doyle states:

1. First Fee Application. The Debtor Furr's Supermarkets, Inc. (the "Debtor") filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 8, 2001 (the "Petition Date"). On December 19, 2001 (the "Conversion Date"), the Debtor converted the case to a Chapter 7 case, and the Trustee was appointed. The Trustee retained Doyle as of September 11, 2002. This is the first fee application filed by Doyle in this case in Doyle's capacity as the Trustee's expert witness. Doyle seeks allowance of compensation for the First Application Period.

2. Amount of Fees, Costs, and Applicable Gross Receipts Tax. For the First Application Period, Doyle seeks allowance of compensation for services rendered by Doyle for Trustee, plus costs and applicable gross receipts tax on fees and costs, of \$3,333.09 consisting of \$3,150 for professional fees and \$183.09 for gross receipts tax.

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As of February 25, 2003, Doyle had received payment from Trustee of \$2,362.50, leaving an unpaid balance of \$970.59.

3. Billing Statements; Itemization and Description of Services Rendered.

The monthly billing statements Doyle rendered to the Trustee for services rendered during the First Application Period are attached hereto as Exhibit A (together, the "Billing Statements"). The Billing Statements summarize all charges for professional services, reimbursable costs, and expenses. The accounting of services, costs, and expenses as set out in the Billing Statements is true and correct to the best of Doyle's knowledge, information, and belief.

4. Customary Billing Rates and Other Charges.

During the First Application Period, the billing rates Doyle charged for accountants were charged at the accountants' normal and customary billing rates in effect when Doyle commenced its consulting for the Trustee.

5. Trustee's Employment of Doyle.

The Trustee retained Doyle for an hourly rate of \$175, plus gross receipts tax. The Trustee retained Doyle as an expert witness in the pending adversary proceedings to recover preferential transfers under 11 U.S.C. §547. Pursuant to the Doyle Employment Order, the Trustee was authorized to pay Doyle's billing statements, prior to the Court's determination of the allowability of Doyle's compensation, up to and including 75% of fees, and up to and including 100% of reimbursable costs and applicable gross receipts tax, subject to ultimate approval of the paid compensation.

6. Services Rendered During the First Application Period were Actual and Necessary; Fees Charged are Reasonable.

During the First Application Period Doyle performed ongoing consulting for the Trustee as requested by the Trustee and her

attorneys. The amount charged for fees is reasonable based on the nature, extent, and value of the services and the amount of time spent providing the services. The services rendered were actual and necessary.

7. General Description of Services Rendered. In general the services Doyle rendered for the Trustee during the First Application Period were to consult with the Trustee's attorneys, prepare an expert report, prepare for and defend a day-long deposition, and prepare an affidavit used in connection with the Trustee's motions for summary judgment in the pending preference actions.

8. Other Factors. Doyle also supports this First Application with a discussion of various other factors, as follows:

(a) Expertise and experience in the area of Furr's background and software systems of the accountants rendering services to the Trustee. Doyle was the President of Furr's between 1994 and 1999. His knowledge of how Furr's did business during that time, as well as how business was and is typically done in the retail grocery industry, is very helpful to the Trustee in the pending preference cases.

(b) Method used to compute time charges. Doyle billed for his time in 15 minute increments.

(c) Method used for determining hours to be actually billed for services and for making billing adjustments. Doyle kept daily records in the ordinary course of business, from which he prepared the Billing Statements.

9. Services Rendered Solely for the Trustee; No Fee Sharing Arrangement. Doyle performed all professional services for which he seeks allowance and payment of compensation for the Trustee, and not on behalf of any creditor or any committee or other

person. Doyle has not shared or agreed to share any compensation received or to be received by it for services rendered in or in connection with this case with any person.

10. Certification of Review by the Trustee. Doyle hereby certifies that the Trustee have received, reviewed, and approved this First Fee Application.

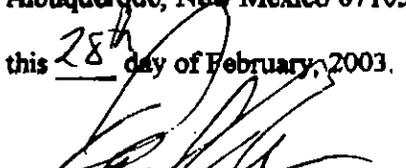
WHEREFORE, Doyle respectfully requests that the Court allow compensation to Doyle for the First Application Period, as a priority, administrative expense, of \$3,333.09 consisting of \$3,150 for professional fees and \$183.09 for gross receipts tax, and authorize the Trustee to pay to Doyle the unpaid balance of the allowed compensation.


WALTER R. DOYLE

I hereby certify that a copy of
the foregoing was mailed to:

United States Trustee
P.O. Box 608
Albuquerque, New Mexico 87103

this 28th day of February, 2003.


David T. Thuma

Jacobvitz, Thuma & Walker Law Firm
Attention: Mr. David Thuma

Invoice #1

November 21, 2002

Services: Preparation of "expert report" for deposition in the preference case.

4 hours to write the requested report on November 14, 2002
\$175.00 per hour

Total due: \$700.00

Thank you.

Walter Doyle

EXHIBIT

Jacobvitz, Thuma & Walker Law Firm
Attention: Mr. David Thuma

Invoice #2

November 21, 2002

Services: Deposition in the "preference" case.

11 hours to testify in the "preference" case.
\$175.00 per hour

Total due: \$1,925.00

Thank you,

Walter Doyle

Jacobvitz, Thuma & Walker Law Firm
Attention: Mr. David Thuma

Invoice #3

January 22, 2002

Services: Review of affidavit

3 hours to review the requested affidavit on January 20 and 22, 2002
\$175.00 per hour

Total due: \$525.00

Thank you.

Walter Doyle