

UNITED STATES BANKRUPTCY COURT

FILED

DISTRICT OF NEW MEXICO

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In re:

U.S. BANKRUPTCY COURT
ALBUQUERQUE, NM

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA

Chapter 7

Trustee.

CHAPTER 7 TRUSTEE'S MOTION TO EMPLOY WILKINSON, PENDERGRAS & BEARD, L.P., TO APPRAISE CERTAIN REAL PROPERTY IN EL PASO, TEXAS

Yvette J. Gonzales, the Chapter 7 Trustee (the "Trustee"), by counsel, requests that the Court approve the Trustee's retention of Wilkinson, Pendergras & Beard, L.P. ("Wilkinson") to appraise a parcel of real property in El Paso, Texas, and in support hereof states:

1. On February 8, 2001, Furr's Supermarkets, Inc. (the "Debtor") commenced this bankruptcy case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On December 19, 2001, the Debtor converted the case to a Chapter 7 bankruptcy case, and the Trustee was appointed the interim Chapter 7 trustee.
3. The Trustee wishes to employ Wilkinson to appraise a 1.7212 acre parcel of real property with a street address of 5111 Fairbanks Drive, El Paso, Texas (the "Property"). The Trustee has received an offer to purchase the Property, but cannot evaluate the offer unless the Property is appraised. Wilkinson is well qualified to appraise the Property. Wilkinson has represented in its disclosure filed pursuant to Bankruptcy Rules 2014 and 2016 (the "Wilkinson Disclosure") that, to its knowledge, it does not have any interests that are materially adverse to the Trustee or the estate.

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4. The appraisal fee would be \$1,250. Wilkinson and the Trustee seek a determination that the fee is reasonable and appropriate and meets with this Court's approval.

5. To the best of Trustee's knowledge, information, and belief, employment of Wilkinson would be in the best interest of the estate, and Wilkinson has no interest that is adverse to the Trustee, the estate, its creditors, or any other party in interest or their respective attorneys, other than any interests set forth in the Wilkinson Disclosure.

6. Wilkinson requests that the Trustee be authorized to make an interim payment to Wilkinson, upon receipt of the appraisal, equal to 75% of the fee.

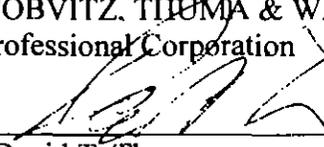
7. Because Wilkinson's employment will terminate after the appraisal is completed, the Trustee asks that the Court allow Wilkinson to file a final fee application as soon as its services to the estate have been fully performed.

8. 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 Wilkinson will be paid out of the proceeds of the sale of the Property.

9. Wilkinson's employment is in the best interest of the estate and should be made effective as of the date this application is filed.

WHEREFORE Trustee requests approval of the Court to employ Wilkinson to appraise the subject parcel of real property under the terms of this Motion, effective as of the date hereof, to make an interim payment to Wilkinson prior to allowance of compensation, as described above, and for all other just and proper relief.

JACOBVITZ, THUMA & WALKER
A Professional Corporation

By: 

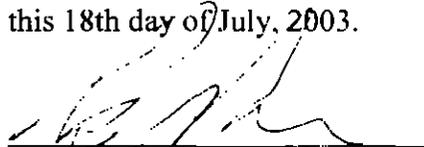
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Attorneys for the Chapter 7 Trustee

This certifies that a copy of
the foregoing document was
served by first class mailed on:

United States Trustee
P.O. Box 608
Albuquerque, NM 87103

this 18th day of July, 2003.



David T. Thuma