

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Furr's Supermarkets, Inc.,
Debtor.

No. 7-01-10779-SA

**AMENDED ORDER APPROVING FIRST INTERIM APPLICATION BY ATTORNEYS
FOR THE TRUSTEE FOR ALLOWANCE AND PAYMENT OF COMPENSATION FOR
THE PERIOD FEBRUARY 2002 TO APRIL 30, 2003**

THIS MATTER came before the Court upon the Application filed by the attorneys for the Chapter 7 Trustee, Davis & Pierce, P.C. (William F. Davis, Esq. and Chris W. Pierce, Esq.) The Court, being fully advised in the premises, hereby FINDS:

1. On February 8, 2001, Debtor filed a Voluntary Petition for relief under Chapter 11 of the Bankruptcy Code. An Order for Relief on the Petition was entered on the same date as a matter of course. On December 19, 2001, the Debtor converted the case to a Chapter 7 case, and the Trustee was appointed.

2. On June 4, 2003, Davis & Pierce, P.C., attorneys for the Chapter 7 Trustee, filed its "First Interim Application by Attorneys for the Trustee for Allowance and Payment of Compensation for the Period February 2002 to April 30, 2003" (the "Application.")

3. Notice of the Application was sent to all creditors and parties-in-interest listed on the official limited court

matrix, which is attached to the original notice filed herein. The Notice was sufficient in form and content.

4. The deadline for filing objections, including three (3) days for mailing, was June 28, 2003. More than twenty (20) days have elapsed from the date of the mailing of the Notice.

5. On June 28, 2003, the United States Trustee filed an Objection to First Interim Application by Attorneys for the Chapter 7 Trustee for Allowance and Payment of Compensation for the Period February 2002 to April 30, 2003. Based on the Objection of the United States Trustee, the Attorneys have adjusted the amounts requested in the Application as set forth below. Therefore, as evidenced by the approval of this Order, the Objection has been resolved.

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

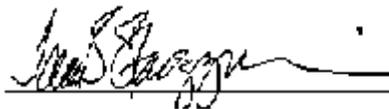
7. On August 8, 2003, the Court entered its "Order Approving First Interim Application by Attorneys for the Trustee for Allowance and Payment of Compensation for the Period February 2002 to April 30, 2003" (the "Original Order.") The Original Order contained two (2) typographical errors. The title and the decretal section in the Original Order referred to the "Debtor" rather than the "Trustee." The Notice of the First Application sent to the mailing matrix

properly referred to the "Trustee" rather than the Debtor. This Amended Order is being entered to correct these typographical errors, and no other changes are contained herein.

8. The total requested attorneys fees, services, expenses and taxes as set forth below are reasonable and necessary pursuant to 11 U.S.C. §§ 330, 331 and 503, and the Application should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the "First Interim Application by Attorneys for the Chapter 7 Trustee for Allowance and Payment of Compensation for the Period February 2002 to April 30, 2003" filed on June 4, 2003 is hereby granted and approved, and the Applicant is awarded the amount of \$354,541.61 for attorney's fees, services, expenses and taxes as requested in the Application.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Attorneys are authorized to retain previous amounts paid, and the Trustee is authorized to pay Attorneys the balance of \$69,979.91, plus the 25% holdback of \$86,167.81 for a total of \$156,147.72 in fees and gross receipts tax, less the additional payment of \$65,950.48 received after the Application Period, for a net amount owed of \$90,197.24.



THE HONORABLE JAMES S. STARZYNSKI
U.S. BANKRUPTCY COURT JUDGE

Submitted by:

DAVIS & PIERCE, P.C.
/s/ submitted by email 8/18/03
Chris W. Pierce, Esq.
Post Office Box 6
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(505) 243-6129

Approved:

approved by telephone 8/15/03
Ronald E. Andazola, Esq.
Office of the United States Trustee
PO Box 608
Albuquerque, New Mexico

I hereby certify that on August 18, 2003, a true and correct copy of the foregoing was either electronically transmitted, faxed, delivered, or mailed to the listed counsel and parties.

Mary B. Anderson
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