

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:  
FURR'S SUPERMARKETS, INC.,

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

Debtor.

**ORDER APPROVING EMPLOYMENT BY THE CHAPTER 7 TRUSTEE OF  
WILKINSON, PENDERGRAS & BEARD, L.P. FOR APPRAISAL OF CERTAIN  
REAL PROPERTY IN EL PASO, TEXAS**

This matter came before the Court upon the Chapter 7 Trustee's (the "Trustee's") Motion to Employ Wilkinson, Pendergras & Beard, filed July 18, 2003 and docketed as #2145 (the "Motion"). By the Motion, the Trustee seeks (i) Bankruptcy Court approval of her employment of Wilkinson, Pendergras & Beard, L.P. ("Wilkinson"), pursuant to Bankruptcy Code §327(a), to appraise a certain parcel of real property in El Paso, Texas.

The Court FINDS:

A. On July 18, 2003 the Trustee gave notice of the Motion to all persons on the limited mailing matrix in this Chapter 7 case (the "Notice");

B. The Notice was sufficient and appropriate in the particular circumstances;

C. The deadline to object to the Motion expired on August 11, 2003, with no objections to the Motion having been filed;

D. Wilkinson satisfies the requirements set forth in Section 327(a) of the Bankruptcy Code for the Chapter 7 Trustee's retention of Wilkinson;

E. No further notice of the Motion or of this order is necessary in the particular circumstances, prior to entry of this order;

F. Wilkinson's employment as an appraiser for the Trustee, as set forth below, should be approved; and

G. Entry of this order is appropriate.

IT IS, THEREFORE, ORDERED:

1. The Trustee's employment of Wilkinson to appraise a 1.72-acre parcel of real property IN El Paso, Texas, with a street address of 5111 Fairbanks Drive, El Paso, Texas (the "Property"), is hereby approved, effective as of July 18, 2003.

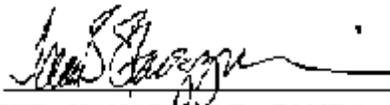
2. The appraisal fee will be \$1,250. The Court finds that this fee is reasonable and appropriate.

3. The Trustee is authorized to pay Wilkinson, upon receipt of Wilkinson's billing statements and prior to the Court's determination of the allowability of Wilkinson's compensation, up to and including 75% of fees, and up and including 100% of reimbursable costs and applicable gross receipts tax on fees and costs that are paid. The final fee

shall be subject to ultimate approval of the Bankruptcy Court under Bankruptcy Code §§328, 330 and 331.

4. Because Wilkinson's employment likely will terminate when the appraisal has been completed, Wilkinson may file a final fee application as soon as its services to the estate have been fully performed.

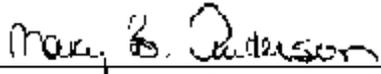
5. Pursuant to the Stipulation and Consent Order (I) Approving Compromise and Settlement Between the Trustee on Behalf of the Estate, Heller Financial, Inc., Bank of America, N.A., Fleet Capital Corporation and Metropolitan Life Insurance Company and (II) Resolving all Objections Thereto, entered by 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, or other lender collateral.



THE HONORABLE JAMES S. STARZYNSKI  
UNITED STATES BANKRUPTCY JUDGE

Submitted by:  
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Attorneys for the Chapter 7 Trustee

I hereby certify that on December 16, 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  
Mary B. Anderson