

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

Furr's Supermarkets, Inc.,

No. 7-01-10779-SA

Debtor.

**ORDER APPROVING SECOND INTERIM APPLICATION BY ATTORNEYS FOR  
CHAPTER 7 TRUSTEE FOR ALLOWANCE AND PAYMENT OF COMPENSATION  
FOR  
THE PERIOD OF MAY 1 2003 TO DECEMBER 31, 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 February 6, 2004, Davis & Pierce, P.C., attorneys for the Chapter 7 Trustee, filed its "Second Interim Application by Attorneys for the Chapter 7 Trustee for Allowance and Payment of Compensation for the Period of May 1, 2003 to December 31, 2003" (the "Application.")

3. On February 6, 2004, 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 March 1, 2004. More than twenty (20) days have elapsed from the date of the mailing of the Notice.

5. By agreement of the parties, the United States Trustee was granted an extension to file its objection to the Second Interim Fee Application until April 9, 2004. The United States Trustee did not file an objection to said Fee Application.

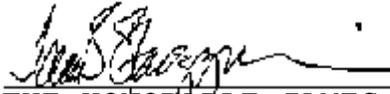
6. No other objections to the Application have been filed, timely or otherwise.

7. 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 "Second Interim Application by Attorneys for the Chapter 7 Trustee for Allowance and Payment of Compensation for the Period of May 1, 2003 to December 31, 2003" filed on February 6, 2004 is hereby granted and approved, and the Applicant is awarded the amount of \$556,646.05 for attorney's fees, services, expenses and taxes as a priority, administrative expense, 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 due of

\$135,560.98.



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

Submitted by:  
DAVIS & PIERCE, P.C.  
/s/ submitted by email 4/14/04  
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Additional parties entitled to notice:

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David T. Thuma, Esq.  
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I hereby certify that on April 15, 2004, 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