

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

**MOTION TO SELL UNIMPROVED REAL PROPERTY FREE AND CLEAR OF  
LIENS AND INTERESTS**

Yvette J. Gonzales, the Chapter 7 trustee of the above-captioned bankruptcy estate (the "Trustee"), pursuant to Bankruptcy Code §363(b)(1) and Bankruptcy Rule 9019, files this motion for an order allowing the Trustee to sell a certain parcel of unimproved real property free and clear of liens and interests, and in support hereof states:

1. On February 8, 2001, 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, Furr's Chapter 11 bankruptcy case was converted to a Chapter 7 case. The Trustee was appointed on that date and continues in that capacity.
3. The Debtor owns a certain 1.72-acre parcel of unimproved real property in El Paso County, Texas, with a street address of 5111 Fairbanks, more particularly described as a portion of Section 29, Block 81, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, Texas (the "Property").
4. The Debtor has received an offer from MIMCO, Inc. to purchase the Property, free and clear of liens, for \$65,000.00. A copy of the purchase contract is attached hereto as Exhibit A.

5. As shown by an appraisal the Trustee obtained for the Property, which appraised the property at \$60,500, the offered price is fair and reasonable, and represents fair market value for the Property.

6. The only parties that claim a lien or other interest in the Property are El Paso County, Texas (tax liens) and Debtor's pre- and post-petition secured lenders (the "Lenders").

7. The Property would be sold free and clear of liens and interests, with all liens and interests attaching to the sale proceeds.

8. It is in the best interests of the creditors to approve the sale of the Property in accordance with the terms and conditions set forth above.

WHEREFORE, the Trustee respectfully requests that this Court enter an order granting the relief requested herein, and for all other just and proper relief.

JACOBVITZ, THUMA & WALKER,  
a Professional Corporation

By: s/Filed electronically  
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The undersigned hereby certifies that a copy of the foregoing was mailed via first class mail, postage prepaid, to:

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Jonathan Alter

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this 16<sup>th</sup> day of April, 2004.

s/Filed electronically  
David T. Thuma