

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

**FIRST AND FINAL CHAPTER 7 FEE APPLICATION OF WILKINSON,
PENDERGRAS & BEARD, L.P. FOR APPRAISAL OF CERTAIN REAL
PROPERTY IN EL PASO, TEXAS**

Wilkinson, Pendergras & Beard, L.P. ("Wilkinson"), appraiser for Yvette J. Gonzales, Chapter 7 Trustee, (the "Trustee"), submits this first and final application for allowance and payment of compensation pursuant to Bankruptcy Code §§330, 331 and 503(b)(2) for the appraisal prepared for the Trustee. In support of this fee application Wilkinson states:

1. First and Final Fee Application. The Debtor Furr's Supermarkets, Inc. (the "Debtor") filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on February 8, 2001. On December 19, 2001, the Debtor converted the case to a Chapter 7 case, and the Trustee was appointed. The Trustee retained Wilkinson as of July 18, 2003. This is the first and final fee application filed by Wilkinson in this case.

2. Amount of Fees, Costs, and Applicable Gross Receipts Tax. For the Application Period, Wilkinson seeks allowance of compensation for services rendered by Wilkinson for the Trustee of \$1,250.00, consisting of \$1,250.00 for an appraisal fee. As of December 8, 2003, Wilkinson had received no payment from the Trustee. A copy

of Wilkinson's billing statement rendered to the Trustee is attached hereto as Exhibit A (the "Billing Statement").

3. Billing Statement; Itemization and Description of Services Rendered. The Billing Statement summarizes all charges for professional services. The accounting of services, as set out in the Billing Statement is true and correct to the best of Wilkinson's knowledge, information, and belief.

4. Customary Billing Rates and Other Charges. The rates Wilkinson charged were at the professionals' normal and customary billing rates in effect when Wilkinson commenced its work for the Trustee.

5. Trustee's Employment of Wilkinson. The Trustee employed Wilkinson to appraise a 1.72-acre parcel of real property with a street address of 5111 Fairbanks Drive, El Paso, Texas (the "Property"). The Trustee had received an offer to purchase the Property, and in order to evaluate the offer the Property needed to be appraised. Wilkinson was well qualified to appraise the Property. The retention motion was filed July 18, 2003 (Docket # 2145) and the Court's order approving the retention was entered December 16, 2003 (Docket # 2268).

6. Services Rendered were Actual and Necessary; Fees Charged are Reasonable. Wilkinson appraised the Property, as requested by the Trustee. The amount charged is reasonable based on the nature, extent, and value of the services and the amount of time spent providing the services. The services rendered were actual and necessary.

7. Other Factors. Wilkinson also supports this application with a discussion of the follow other factors:

(a) Expertise and experience. Wilkinson's professionals were well qualified to render the consulting services needed by the Trustee, and timely provided all of such services.

(b) Method used to compute charges. Wilkinson billed a one time "flat" fee for the appraisal of the property.

(c) Benefit to the Estate. Wilkinson provided the Trustee with information necessary for the accurate evaluation of an offer to buy the Property.

8. Services Rendered Solely for the Trustee; No Fee Sharing Arrangement. Wilkinson performed all professional services for which Wilkinson seeks allowance and payment of compensation for the Trustee, and not on behalf of any creditor or any committee or other person. Wilkinson has not shared or agreed to share any compensation received or to be received by it for services rendered in or in connection with this case with any person except with employees of Wilkinson in the ordinary course of business.

9. Certification of Review by the Trustee. Wilkinson hereby certifies that the Trustee has received, reviewed, and approved this fee application.

WHEREFORE, Wilkinson respectfully requests that the Court allow compensation to Wilkinson as a priority, Chapter 7 administrative expense, of \$1,250.00, and authorize the Trustee to pay to Wilkinson the allowed compensation.

WILKINSON, PENDERGRAS & BEARD, L.P.

By: Filed Electronically by David T. Thuma (for)

I hereby certify that a copy of
the foregoing Fee Application
was mailed to:

United States Trustee
P.O. Box 608
Albuquerque, New Mexico 87103

Paul M. Fish
Modrall Law Firm
P.O. Box 2168
Albuquerque, New Mexico 87102

Jennie D. Behles
P.O. Box 849
Albuquerque, New Mexico 87103

this 19th day of April, 2004.

Filed Electronically
David T. Thuma