

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

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

Trustee.

**CHAPTER 7 TRUSTEE'S MOTION TO EMPLOY REAL ESTATE BROKER FOR
WICHITA FALLS, TEXAS PROPERTY**

Yvette J. Gonzales, the Chapter 7 Trustee (the "Trustee"), by counsel, requests that the Court approve the Trustee's employment of Hirschi Realtors (W. E. "Doc" Anderson) ("Broker") to market a certain parcel of unimproved real property in Wichita Falls, Texas, and in support hereof states:

1. On February 8, 2001 (the "Petition Date"), Furr's Supermarkets, Inc. (the "Debtor") filed a voluntary petition in this Court under Chapter 11 of the Bankruptcy Code. On December 19, 2001, this Court entered an order converting the Chapter 11 case to a case under Chapter 7. On that date the Trustee was appointed as the Chapter 7 trustee for the Debtor's bankruptcy estate, in which capacity she continues to serve.

2. The Estate is the owner of the following real property: 4.72 acres in Wichita County, Texas, described as Lot 2, Block 3, Lynwood West, Section 3 out of Thomas Hardy Survey, A-367 and a Replat of Lot 1-C, Block 3, Lynwood West, Section 3, an Addition to the City of Wichita Falls, Wichita County, Texas, with a street address 1915 Loop 11, Wichita Falls, Texas (the "Property").

3. The Trustee wishes to employ Broker as a real estate broker to sell the Estate's interest in the Property. Broker is well qualified to broker the Property. Broker has represented

in its disclosure filed pursuant to Bankruptcy Rules 2014 and 2016 (the “Broker Disclosure”) that except for its representation of clients in matters wholly unrelated to Furr’s or this bankruptcy case, to Broker’s knowledge it does not have any interests that are materially adverse to the Estate.

4. The professional services Broker will render on behalf of the Trustee are the listing and marketing of the Property. A copy of Broker’s listing agreement with the Trustee is attached hereto as Exhibit A and incorporated herein by reference.

5. To the best of Trustee’s knowledge, information and belief, employment of Broker would be in the best interest of the estate, and Broker has no interest that is, for the matters that are the subject of Broker’s employment, adverse to the Estate, its creditors, or any other party in interest or their respective attorneys, other than any interests set forth in the Broker Disclosure.

6. The commission and other charges, if any, that Broker will charge the Estate are set forth in the listing agreement. The agreed commission is six percent (6%) of the sales price. Trustee requests that the Court determine that the commission and terms of payment of the commission set forth in the listing agreement are reasonable and appropriate and meet with this Court’s approval.

7. The term of the proposed listing agreement expires on April 30, 2005. Trustee requests that she be authorized to extend the listing one or more times for a cumulative extension not beyond April 30, 2006. The Trustee reserves the right to request further or other authority to extend the listing beyond that date.

8. Broker requests that the Trustee be authorized to pay Broker its commission in full upon the closing of the sale of the Property.

9. Broker's employment is in the best interests of the Estate and should be made effective as of the date hereof.

WHEREFORE Trustee requests approval of the Court to employ Broker as its broker for the Property pursuant to 11 U.S.C. § 327(e) under the terms of the listing agreement and this Motion, effective as of the date hereof, and for all other just and proper relief.

JACOBVITZ, THUMA & WALKER
A Professional Corporation

By: s/ filed electronically
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This certifies that a copy of
the foregoing document was
served by first class mailed on:

United States Trustee
P.O. Box 608
Albuquerque, NM 87103

W.E. "Doc" Anderson
Hirschi Realtors
3631 Maplewood, Ste. 1
Wichita Falls, TX 76308

this 11th day of August 2004.

s/ filed electronically
Thomas D. Walker