

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

This matter came before the Court upon the Chapter 7 Trustee's *Motion To Employ Real Estate Broker For Wichita Falls, Texas Property* (the "Motion") (Docket #2469). Having reviewed the Motion, and being otherwise advised in the matter, the Court FINDS:

A. On February 8, 2001, Furr's Supermarkets, Inc. (the "Debtor") filed a voluntary petition in this Court under Chapter 11 of the Bankruptcy Code. On December 19, 2001, the Chapter 11 case was converted to a case under Chapter 7. On the same day Yvette Gonzales was appointed the Chapter 7 Trustee for the Debtor's bankruptcy estate, in which capacity she continues to serve.

B. The Motion was filed on August 11, 2004. In the Motion, Trustee sought authority to employ Hirschi Realtors (W. E. "Doc" Anderson) ("Broker") to market a certain parcel of unimproved real property in Wichita Falls, Texas, described as follows: 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, approx. 4.72 acres (the "Property").

C. Broker filed with the Court its Disclosure pursuant to Bankruptcy Rules 2014 and 2016 (the "Broker Disclosure") (Docket #2470) and based thereon, the Court finds that Broker satisfies the requirements set forth in Section 327(a) of the Bankruptcy Code for the Chapter 7 Trustee's retention of Broker.

D. The professional services Broker will render on behalf of the Trustee are the listing and marketing of the Property. A copy of Broker's Commercial Real Estate Listing Agreement (the "Listing Agreement") signed by Broker and Trustee was attached to the Motion and was incorporated therein by reference.

E. On August 11, 2004, notice of the Motion (the "Notice") (docket #2471) was mailed by first class United States mail, postage prepaid, to all persons on the limited mailing matrix maintained in the above captioned bankruptcy case, as shown by the certificate of service on the Notice filed with the Court.

F. The Notice provided for a deadline to object to the Motion of September 3, 2004, which was 23 days after the date of mailing of the Notice. The Notice was accurate

and was sufficient and appropriate in the particular circumstances.

G. The deadline to object to the Motion has expired, and no objections to the Motion were filed.

H. The fees that Broker will charge the Estate, including the agreed commission of six percent (6%) of the sales price, and terms of payment, are set forth in the Listing Agreement, were properly disclosed and are found to be reasonable and appropriate.

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

J. Broker's employment as a broker for the Trustee, as set forth herein, should be approved.

K. Entry of this order is appropriate.

IT IS, THEREFORE, ORDERED:

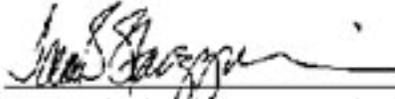
1. The Motion is granted.

2. The Trustee's employment of Broker to list and market the Property as described in the Motion is hereby approved, effective as of August 11, 2004.

3. The Broker's Listing Agreement with the Trustee attached to the Motion is approved. Trustee is authorized to extend the listing one or more times for a cumulative

extension not beyond April 30, 2006, but without prejudice to the Trustee to request authority from the Court to extend the listing beyond that date.

4. The Trustee is authorized to pay Broker the commission in full, as described and according to the terms provided in the Listing Agreement, upon the closing of the sale of the Property. The final fee shall be subject to ultimate approval of the Bankruptcy Court under Bankruptcy Code §§328, 330 and 331.



THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

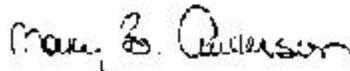
Submitted by:

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Attorneys for the Chapter 7 Trustee

I hereby certify that on September 21, 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