

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

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U.S. BANKRUPTCY COURT  
ALBUQUERQUE, NM

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

**TRUSTEE'S MOTION TO RETAIN CERTAIN PROFESSIONALS RETAINED, OR  
SOUGHT TO BE RETAINED, BY THE DEBTOR IN POSSESSION**

Yvette J. Gonzales, the interim Chapter 7 Trustee (the "Trustee"), by counsel, requests that the Court approve the Trustee's retention of certain professionals that were retained, or sought to be retained, by the debtor in possession, without the necessity of filing new, separate retention applications for each such professional, and in support hereof states:

1. On February 8, 2001 (the "Petition Date"), Furr's Supermarkets, Inc. (the "Debtor in Possession") commenced this bankruptcy case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On December 19, 2001 (the "Conversion Date"), the Debtor in Possession converted the case to a Chapter 7 bankruptcy case, and the Trustee was appointed the interim Chapter 7 trustee.
3. Between the Petition Date and the Conversion Date, the Debtor in Possession retained a number of professionals, including those listed on Exhibit A hereto (the professionals listed on Exhibit A are referred to as the "Previously Retained Professionals").
4. The Trustee would like to retain the Previously Retained Professionals to continue to perform the work they were retained to do by the Debtor in Possession, without the need to file new, separate retention applications for each such professional. The retention

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applications for such professionals filed by the Debtor in Possession are incorporated herein by reference. The terms and conditions of the Trustee's employment of the Previously Retained Professionals would be the same as set forth in the Court's orders approving their employment by the Debtor in Possession.

5. Between the Petition Date and the Conversion Date, the Debtor in Possession filed applications to retain the professionals listed on Exhibit B hereto (the "Pending Professionals"), but orders had not been entered approving or disapproving the Debtor in Possession's employment of the Pending Professionals before the Conversion Date.

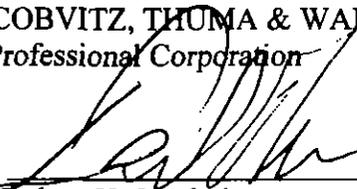
6. The Trustee would like to retain the Pending Professionals to continue to perform the work for which their retention was sought by the Debtor in Possession, without the need to file new, separate retention applications for each such professional. The retention applications for such professionals filed by the Debtor in Possession are incorporated herein by reference. Parties that objected to the retention of the Pending Professionals would not need to file additional objections based on this Motion. Instead, the Trustee would endeavor to obtain entry of court orders allowing the retention of each Pending Professional by resolving all pending objections or obtaining a Court order overruling the pending objections. If an order is entered allowing the retention of a Pending Professional, such Pending Professional would then be employed by the Trustee in the same manner as a Previously Retained Professional.

7. The effective date of the retention by the Chapter 7 Trustee of the Previously Retained Professionals and the Pending Professionals would be as of the Conversion Date.

8. The Bankruptcy Rule 2014/2016 statements filed in the Chapter 11 case by the Previously Retained Professionals and the Pending Professionals also support this retention application.

WHEREFORE, the Trustee requests that the Court approve her retention of the Previously Retained Professionals and the Pending Professionals in accordance with the foregoing, and for all other just and proper relief.

JACOBVITZ, THUMA & WALKER  
A Professional Corporation

By: 

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Attorneys for the Debtor-in-Possession

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

this 11<sup>th</sup> day of January, 2002.

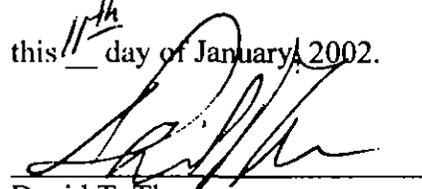
  
David T. Thuma

Exhibit A

Towers Perrin

Sage Accounting

Michel Realtors

Morneau Sobeco

RJI Real Estate Consultants

Linda Aiken, P.C.

Hurley, Toevs, Styles, Hamblin & Panter, P.C.

Exhibit B

Meyncers & Co.

Arthur Andersen

Mounce, Green, Myers, Safi & Galatzan