

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA
Chapter 11

Debtor.

**ORDER APPROVING EMPLOYMENT OF RJL REAL ESTATE
CONSULTANTS AS BROKER FOR THE DEBTOR**

This matter came before the Court upon the Debtors' Motion to Employ Real Estate Broker for El Paso Distribution Center, filed October 1, 2001 and docketed as # 1127 (the "Retention Application"). By the Motion the Debtor in Possession Furr's Supermarkets, Inc. (the "Debtor") seeks Court approval of its employment of RJL Real Estate Consultants ("RJL"), pursuant to Bankruptcy Code §327(a), as a real estate broker for the Debtor in this case.

The Court FINDS:

- A. On October 1, 2001, RJL filed its disclosure pursuant to Bankruptcy Rules 2014 and 2016;
- D. On October 1, 2001, Jacobvitz, Thuma & Walker, P.C. gave notice of the Motion to all persons on the limited mailing matrix, as shown by the certificate of service on the notice (the "Notice");
- C. The Notice was sufficient and appropriate in the particular circumstances;
- D. The Notice specified a deadline of twenty days, plus three days based on service of the Notice by mail, for a total of twenty-three days, in which to file objections to the Motion;

E. The objection deadline expired on October 24, 2001, with no objections to the Motion having been filed other than the objection filed by the United State Trustee's office;

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

G. RJL's employment as a broker for the Debtor, as set forth below, should be approved;

H. RJL has agreed not to act as a dual agent for the Debtor and any other party, and has agreed not to seek compensation or be paid until the sales transaction at issue closes;

I. Entry of this order is appropriate.

IT IS, THEREFORE, ORDERED:

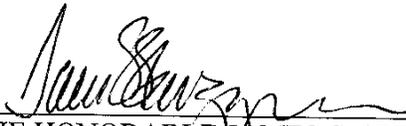
1. The Debtor's employment of RJL as a real estate broker, pursuant to Bankruptcy Code §327(a), is hereby approved effective as of October 1, 2001.

2. RJL shall represent only the Debtor and shall not enter into any intermediary or dual agency relationships.

3. All provisions of the Commercial Real Estate Listing Agreement attached to the Retention Application that adversely affect RJL's status as a disinterested professional are void. Such provisions include but are not limited to paragraph 6(b) and the second sentence of paragraph 6(c).

4. Payment of commissions to RJL are subject to entry of a Court order, after notice and hearing, (a) approving a lease buy-out or other transfer of Debtor's

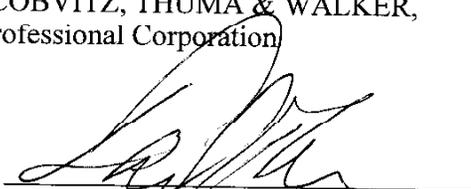
leasehold interest in the El Paso Distribution Center and (b) authorizing the payment of RJI's commission at closing.



THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

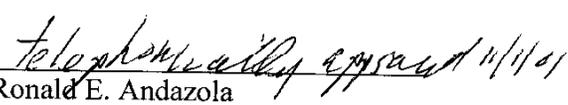
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APPROVED:

BRENDA MOODY WHINERY
United States Trustee

I hereby certify that a true and correct copy
of the foregoing was either electronically
transmitted, faxed, delivered or mailed to
the listed counsel and parties on:

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