

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779 SA
Chapter 7

Debtor.

**ORDER AUTHORIZING CHAPTER 7 TRUSTEE TO PERMIT CERTAIN CHECKS
TO CLEAR WHEN PRESENTED FOR PAYMENT**

This matter came before the Court on the request of the Chapter 7 trustee, Yvette J. Gonzales (the "Trustee"), by her counsel, Jacobvitz, Thuma & Walker, P.C. The Trustee, through her counsel, represents to the Court:

(a) On December 18, 2001, the Debtor as debtor in possession ("DIP") converted its chapter 11 case to chapter 7.

(b) When this case was converted from chapter 11 to chapter 7, certain checks were outstanding that were drawn against the debtor in possession operating account at Wells Fargo New Mexico N.A. (the "DIP Account") prior to December 1, 2001 to pay certain expenses incurred between September 1, 2001 and November 30, 2001 (the "Checks"). The Checks were drawn pursuant to post-closing financing orders.

(c) Each of the three final post-closing financing orders entered in this case provides that the lenders will fund expenditures incurred in accordance with the approved budgets, including approved items that are unpaid as of the date of any default or the expiration of the budget. Each such order also provides that it is binding upon and inures to the benefit of, among others, any chapter 7 trustee. Pursuant to these provisions the lenders advanced funds to the DIP

to honor the Checks, and such funds are on deposit in DIP Account.

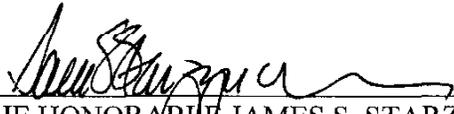
(d) The lenders have approved the expenditure of the \$10,000 to pay utilities as set forth below.

The Court, having determined that entry of this order is appropriate, without notice other than to the United States Trustee, it is

ORDERED that the Trustee is authorized to permit the Checks to clear when presented for payment so long as there are sufficient funds available to pay the Checks.

IT IS FURTHER ORDERED that Wells Fargo may pay any check drawn on the DIP Account prior to December 1, 2001 to the extent of available funds.

IT IS FURTHER ORDERED, that Wells Fargo may pay a \$10,000 check dated 12/12/01 payable to El Paso Electric Co. drawn on the DIP Account (which will be funded with surplus funds advanced under the post-closing DIP orders in excess of actual expenses incurred for approved items).



THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

JACOBVITZ THUMA & WALKER
a Professional Corporation

By 

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APPROVED:

BRENDA MOODY WHINERY
United States Trustee

By: *Telephonically approved 12/21/01*
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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:

DEC 21 2001

Mary B. Anderson