

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

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U.S. BANKRUPTCY COURT  
ALBUQUERQUE, N.M.

In re )  
 )  
FURR'S SUPERMARKETS, INC., )  
 )  
Debtor. )

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

FURR'S SUPERMARKETS, INC., )  
 )  
Plaintiff, )

v. )

~~Adversary No. 01-11605~~

MDFC EQUIPMENT LEASING CORP., )  
 )  
FINOVA CAPITAL CORP., and )  
 )  
HELLER FINANCIAL, INC., )  
 )  
Defendants. )

**OBJECTION TO MOTION TO APPROVE SETTLEMENT  
OF ADVERSARY PROCEEDING 03-1017**

Heller Financial, Inc. ("Heller") for itself, Bank of America, N.A., and Fleet Capital Corporation, objects to the Motion to Approve Settlement of Adversary Proceeding 03-1017, which is *Yvette J. Gonzales, Trustee v. Southwind Foods*. As grounds therefor, Heller states that it understands that the judgment of the Trustee in agreeing to the settlement was based on a misapprehension of the amount actually in controversy. Heller understands that software problems of Furr's in January of 2001 led to the incorrect data. The settlement proposed is not reasonable given the strength of the claim which, Heller understands, is for approximately \$58,000.

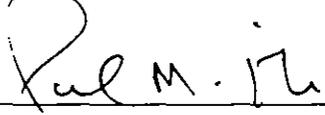
Settlement is generally in the sound business judgment of the Trustee, and this Trustee has done an extremely capable job in her work as Trustee for this very complex estate.

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However, when the judgment of the Trustee is based on faulty data, that judgment should not be approved by the Court.

MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.

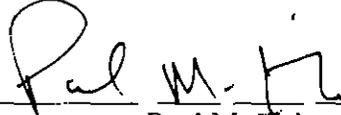
By: \_\_\_\_\_

  
Paul M. Fish  
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N.A. and Fleet Capital Corporation  
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and

David S. Heller  
LATHAM & WATKINS  
Scars Tower, Suite 5800  
Chicago, IL 60606  
(312) 876-7700  
(312) 993-9767

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed to David Thuma, Jacobvitz, Thuma & Walker, P.C. 500 Marquette NW, Suite 650 Albuquerque, NM 87102, on this 9<sup>th</sup> of June, 2003.

  
\_\_\_\_\_  
Paul M. Fish