

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Debtor.

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

**MOTION TO APPROVE SETTLEMENT OF  
ADVERSARY PROCEEDING 03-1155-M**

Yvette Gonzales, the Chapter 7 Trustee (the "Trustee"), by counsel, moves the Court for an order approving the settlement of all claims against TXU Corp., TXU US Holdings Company, TXU Energy Co., LLC, TXU SESCO, and Oncor Electric Delivery Company, and each of the foregoing f/k/a and/or d/b/a Texas Utilities Electric Co., TU Electric Company, and/or TXU Electric Company, including without limitation the preferential transfer claims the estate has against TXU Corp., TXU US Holdings Company, TXU Energy Co., LLC, TXU SESCO, and Oncor Electric Delivery Company, and each of the foregoing f/k/a and/or d/b/a Texas Utilities Electric Co., TU Electric Company, and/or TXU Electric Company as set forth in the adversary proceeding No. 03-1157M, captioned *Yvette J. Gonzales, Trustee v. TXU Corp., TXU US Holdings Company, TXU Energy Co., LLC, TXU SESCO, and Oncor Electric Delivery Company, and each of the foregoing f/k/a and/or d/b/a Texas Utilities Electric Co., TU Electric Company, and/or TXU Electric Company* (the "Adversary Proceeding"), pursuant to F.R.Bankr.P.9019, and STATES:

1. **Commencement and Conversion of Case.** On February 8, 2001, (the "Petition Date"), the Debtor filed a Voluntary Petition in this Court under Chapter 11 of the Bankruptcy Code. On December 19, 2001, this Court entered an Order converting the Chapter 11 case to a case under Chapter 7.
2. **Appointment of Chapter 7 Trustee.** On December 19, 2001, the United States

2/19/02

Trustee appointed Yvette Gonzales as the Trustee for the Debtor's bankruptcy estate, in which capacity she continues to serve.

3. **Jurisdiction and Venue.** The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409.

4. **The Adversary Proceeding.** In the Adversary Proceeding, the Trustee sought to recover \$74,110.67 from defendants, plus all other amounts, if any, recoverable pursuant to 11 U.S.C. §547.

5. **The Settlement.** TXU Corp., TXU US Holdings Company, TXU Energy Co., LLC, TXU SESCO, and Oncor Electric Delivery Company, and each of the foregoing f/k/a and/or d/b/a Texas Utilities Electric Co., TU Electric Company, and/or TXU Electric Company has offered to pay the Trustee Five Thousand and No/100 Dollars (\$5,000.00) in full satisfaction of any and all claims which the parties have against each other (the "Settlement"). No party admits or acknowledges any liability to any other party and specifically denies the existence of such liability. The Settlement resolves all claims, counterclaims and causes of action held by the Trustee against the Defendants, and by the Defendants against the Trustee, and, upon approval of the Settlement, the Trustee and the Defendants shall mutually release each other from any and all such claims, with the exception of the Defendants' pre-petition unsecured claim in this matter, and the defendants' post-petition administrative claim in the underlying bankruptcy matter and the Trustee's right to object to those claims.

6. The Settlement is fair and equitable, and in the best interests of and beneficial to the Debtor's estate and the creditors.

WHEREFORE, the Trustee requests that the Court enter an Order approving the Settlement

and for such other relief as may be just.

**DAVIS & PIERCE, P.C.**



Paul D. Barber, Esq.  
Post Office Box 6  
Albuquerque, New Mexico 87103  
(505) 243-6129

I hereby certify that a true and correct copy of the foregoing was served on counsel and parties as indicated below this 8th day of September, 2003.

Lois J. Duran, Esq.  
Post Office Box 650393  
Dallas, Texas 75265-0393  
(972) 507-9821



Paul D. Barber, Esq.