

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

In re:

FURR'S SUPERMARKETS, INC.,
Debtor.

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

**NOTICE OF DEADLINE TO OBJECT TO TRUSTEE'S MOTION
TO APPROVE SETTLEMENT OF ADVERSARY PROCEEDING 03-1089-S**

Yvette J. Gonzales, Chapter 7 Trustee (the "Trustee") hereby gives notice pursuant to Bankruptcy Rule 9019 that on **November 10th, 2003**, she filed a Motion to Approve Settlement of Adversary Proceeding 03-1089-S (the "Motion"), asking Court approval of a settlement of the adversary proceeding captioned *Yvette J. Gonzales, Trustee v. The New Mexican, Inc., d/b/a Santa Fe New Mexican* (the "Adversary Proceeding"). In the Adversary Proceeding, the Trustee sought under 11 U.S.C. §547 to recover all avoidable preferential transfers made by Furr's Supermarkets, Inc. to The New Mexican, Inc., d/b/a Santa Fe New Mexican. The Complaint filed in the Adversary Proceeding stated an amount sought \$61,887.23 plus any other avoidable amounts. The Santa Fe New Mexican has taken the position that, after an analysis of goods and/or services delivered to the Debtor within the preference period, the total preference claim is no more than \$11,661.48. After analyzing the new value provided, the Trustee has concluded that the total preference claim is no more than \$11,661.48. The Santa Fe New Mexican further takes the position that the ordinary course of business defense prevents the Trustee from any recovery. The parties have agreed to settle the Adversary Proceeding by The New Mexican, Inc., d/b/a Santa Fe New Mexican paying Four Thousand Dollars and no/100 (\$4,000.00) to the Trustee, subject to approval of the Court. If the Motion is approved, upon payment by The New Mexican, Inc., d/b/a Santa Fe New Mexican of the \$4,000.00 to the Trustee, the Adversary Proceeding will be dismissed with prejudice.

Any party who objects to the Motion must file its objection with the Clerk of the Bankruptcy Court, Dennis Chavez Federal and U.S. Courthouse, 500 Gold Avenue S.W., Thirteenth Floor, Albuquerque, New Mexico 87102 (or Post Office Box 546, Albuquerque, New Mexico 87103) **within twenty (20) days after the date of mailing of this Notice, plus three (3) days for service of this Notice by mail, for a total of twenty-three (23) days (or on or before December 3rd, 2003)**, and serve a copy of the Objection on Chris W. Pierce, Esq. (address given below). If any objections are timely filed, a hearing will be held on notice to Mr. Pierce and objecting parties. If no objections are timely filed, an Order granting the Motion will be presented for entry without a hearing or further notice.

Date of Mailing: **November 10th, 2003**

DAVIS & PIERCE, P.C.

/s/ filed electronically 11-10-03

Chris W. Pierce, Esq.
Post Office Box 6
Albuquerque, New Mexico 87103
(505) 243-6129

I hereby certify that on **November 10th, 2003**, a copy of the foregoing Notice was mailed by First Class United States mail, postage prepaid, to all persons listed on the limited matrix, a copy of which is attached to the original of this Notice that will be filed with the Clerk of the Bankruptcy Court.

/s/ 11-10-03
Chris W. Pierce, Esq.