UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

NOTICE OF DEADLINE TO OBJECT TO THE CHAPTER 7 TRUSTEE'S MOTION TO RETAIN MICHAEL J. CAPLAN AS AN EXPERT WITNESS

On February 2, 2004, Yvette J. Gonzales, the Chapter 7 Trustee (the "Trustee") filed a motion to retain Michael J. Caplan ("Caplan") as an expert witness (the "Motion"). In the Motion, the Trustee seeks authority to retain Caplan as an expert witness in connection with one or more of the Trustee's pending and future adversary proceedings to recover preferential transfers (the "Avoidance Actions"). The Trustee wishes to employ Caplan as an expert witness to testify about issues arising under, inter alia, 11 U.S.C. §547(b)(5) and/or §547(c)(6). Caplan is well qualified to be an expert witness. Caplan is an experienced Chapter 7 Trustee, and is very knowledgeable about the types of issues raised by these Code sections. The hourly rates Caplan would charge for his services are $175 per hour, plus gross receipts tax, plus out-of-pocket expenses. Copies of the Motion and Caplan's disclosure statement pursuant to Bankruptcy Rules 2014 and 2016 are filed with the Court and available for inspection and copying. Copies may also be obtained at the Court's web site: www.nmcourt.fed.us/bkdocs.

Any party who objects to the Motion must file its objection with the Clerk of the Bankruptcy Court, Federal Building and United States Courthouse, 500 Gold Ave. SW., Tenth Floor, Albuquerque, N.M. 87102 (or P.O. Box 546, Albuquerque, N.M. 87103), **within 20 after the date of mailing of this notice, plus three days for mail, for a total of 23 days (i.e., on or before February 25, 2004)**, and serve a copy of the objection on David T. Thuma at the address given below. If any objections are timely filed, a hearing will be held on notice only to Mr. Thuma, the U.S. Trustee, 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: February 2, 2004

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I hereby certify that on February 2, 2004 a copy of the foregoing Notice was mailed by first class United States mail, postage prepaid, to all persons listed on the limited mailing matrix attached to the original of this Notice that will be filed with the Clerk of the Bankruptcy Court.

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