

**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 03-1080-S
(Charles L. Henry, Architect)**

Yvette J. Gonzales, Chapter 7 Trustee (the "Trustee") hereby gives notice pursuant to Bankruptcy Rule 9019 that on June 9, 2004, she filed a Motion to Approve Settlement of Adversary Proceeding 03-1080-S (the "Motion"), asking Court approval of a settlement of the adversary proceeding captioned *Yvette J. Gonzales, Trustee v. Charles L. Henry, Architect* (the "Adversary Proceeding"). In the Adversary Proceeding, pursuant to 11 U.S.C. §547 the Trustee sought recovery from Charles L. Henry, Architect ("Charles L. Henry") in the amount of One Hundred Sixty Two Thousand Seven Hundred Eighty Six Dollars and 53/100 (\$162,786.53), plus any other avoidable amounts. Charles L. Henry denied any liability, and raised numerous defenses, including a defense that he received only \$80,670.04 from the Debtor during the preference period for his services. The parties have agreed to settle the Adversary Proceeding by Charles L. Henry paying One Hundred Fifteen Thousand Dollars and 00/100 (\$115,000.00) to the Trustee, subject to approval of the Court. Under the terms of the Settlement, Charles L. Henry shall pay the Trustee \$57,500.00 within 10 days of the entry of a Non-Appealable Order Approving Settlement of the Avoidance Action. Payment of the remaining balance of \$57,500.00 shall be due and payable one year from the date of the entry of the Order Approving Settlement, without interest. If the Motion is approved, upon payment by Charles L. Henry of the \$115,000.00 to the Trustee, the Adversary Proceeding will be dismissed with prejudice. The full terms of the Settlement are set forth in the Settlement Agreement attached to the Motion.

Any party who objects to the Motion must file its objection with the Clerk of the Bankruptcy Court, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue S.W., Tenth 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 July 2, 2004)**, 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: 06/09/04

DAVIS & PIERCE, P.C.

/s/ filed electronically 6/09/04

Chris W. Pierce, Esq.

Post Office Box 6

Albuquerque, New Mexico 87103

(505) 243-6129

I hereby certify that on **June 9, 2004**, 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/ filed electronically 6/09/04

Chris W. Pierce, Esq.