

**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 03-1111-S  
(Hewlett-Packard Company)**

Yvette J. Gonzales, Chapter 7 Trustee (the "Trustee") hereby gives notice pursuant to Bankruptcy Rule 9019 that on July 14, 2004, she filed a Motion to Approve Settlement of Adversary Proceeding 03-1111-S (the "Motion"), asking Court approval of a settlement of the adversary proceeding captioned *Yvette J. Gonzales, Trustee v. Hewlett-Packard Company*. (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 Hewlett-Packard Company. ("Hewlett-Packard"). The Complaint filed in the Adversary Proceeding stated an amount sought of Sixty One Thousand One Hundred Thirty Six Dollars and 18/100 (\$61,136.18) plus any other avoidable amounts. After investigation and analysis of Hewlett-Packard's new value defense, which includes an analysis of goods and/or services delivered to the Debtor within the preference period, the Trustee now believes that the total claim against Hewlett-Packard is \$5,104.77. The parties have agreed to settle the Adversary Proceeding by HP withdrawing its administrative claim of \$ 87, 804.35 and Hewlett-Packard will not oppose the disallowance of all claims that it has in the bankruptcy proceeding in full satisfaction of any and all claims the Trustee has or may have against Hewlett-Packard, both pre-petition and post-petition, including without limitation claims asserted in the Adversary Proceeding. The parties will also execute a Mutual Release of Claims as a part of the settlement, and 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 August 6, 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: July 14, 2004

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

/s/ Electronically filed 07/14/04

Chris W. Pierce, Esq.

Cynthia M. Tessman, Esq.

Post Office Box 6

Albuquerque, New Mexico 87103

(505) 243-6129

I hereby certify that on July 14, 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/ 07/14/04

Cynthia M. Tessman, Esq.