

**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 02-1186-S  
(BCI of Los Angeles, Inc., d/b/a Phoenix Coca-Cola Bottling Company and Coca-Cola  
Enterprises Inc. d/b/a Magnolia Coca-Cola Bottling Company, Coca-Cola Bottling  
Company of North Texas, Coca-Cola Bottling Company of The Southwest, and Big Bend  
Coca-Cola Bottling Company**

Yvette J. Gonzales, Chapter 7 Trustee (the "Trustee") hereby gives notice pursuant to Bankruptcy Rule 9019 that on August 26, 2004, she filed a Motion to Approve Settlement of Adversary Proceeding 02-1186-S (the "Motion"), asking Court approval of a settlement of the adversary proceeding captioned *Yvette J. Gonzales, Trustee v. BCI of Los Angeles, Inc., d/b/a Phoenix Coca-Cola Bottling Company and Coca-Cola Enterprises Inc. d/b/a Magnolia Coca-Cola Bottling Company, Coca-Cola Bottling Company of North Texas, Coca-Cola Bottling Company of The Southwest, and Big Bend Coca-Cola Bottling 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 BCI of Los Angeles, Inc., d/b/a Phoenix Coca-Cola Bottling Company and Coca-Cola Enterprises Inc. d/b/a Magnolia Coca-Cola Bottling Company, Coca-Cola Bottling Company of North Texas, Coca-Cola Bottling Company of The Southwest, and Big Bend Coca-Cola Bottling Company ("Coca-Cola Companies"). The Complaint filed in the Adversary Proceeding stated an amount sought of One Million Three Hundred Fifty Thousand Eight Hundred Eighty Five Dollars and 72/100 (\$1,350,885.72) plus any other avoidable amounts. The Defendant alleged, inter alia, payment of \$851,980.29 in new value based on payments under a Marketing Agreement, which the Trustee disputes, and further alleged that Defendants were not liable under other defenses. The parties have agreed to settle the Adversary Proceeding by Coca-Cola Companies paying Eight Hundred Two Thousand Eight Hundred Eighty-Nine Dollars and 68/100 (\$802,889.68) to the Trustee, subject to approval of the Court. If the Motion is approved, upon payment by Coca-Cola Companies of the \$802,889.68 to the Trustee, the Adversary Proceeding will be dismissed with prejudice. The Defendants specifically reserves their rights with regard to their pre-petition unsecured claim and their 11 U.S.C. §502(h) claim in Case No. 7-01-10779-SA, including without limitation their right to receive payment on such claims to the extent permitted by applicable bankruptcy law, and to the extent that there is a distribution to holders of allowed pre-petition unsecured claims. 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 September 20, 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: August 26, 2004

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

/s/ Electronically filed 08/26/04

Chris W. Pierce, Esq.

Post Office Box 6

Albuquerque, New Mexico 87103

(505) 243-6129

I hereby certify that on August 26, 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/ 08/26/04

Chris W. Pierce, Esq.

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