

**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 03-1123-M**

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 03-1123-M (the "Motion"), asking Court approval of a settlement of the adversary proceeding captioned *Yvette J. Gonzales, Trustee v. New Mexico State Fair* (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 New Mexico State Fair. The Complaint filed in the Adversary Proceeding stated an amount sought of Twenty-Five Thousand Dollars (\$25,000.00), plus all other amounts, if any, recoverable pursuant to 11 U.S.C. § 547. The parties have agreed to settle the Adversary Proceeding by New Mexico State Fair paying Twenty Thousand Dollars (\$20,000.00) to the Trustee, subject to approval of the Court. If the Motion is approved, upon payment by New Mexico State Fair of the Twenty Thousand Dollars (\$20,000.00) to the Trustee, the Adversary Proceeding and all claims held by the Trustee against New Mexico State Fair will be dismissed with prejudice and released. The Defendant shall retain its rights with regard to its pre-petition unsecured claim in Case No. 7-01-10779-SA, including without limitation its rights to receive payment on such claim 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.

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 Paul D. Barber, Esq. (address given below). If any objections are timely filed, a hearing will be held on notice to Mr. Barber 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: 08/26/04

DAVIS & PIERCE, P.C.

/s/ Electronically filed 08/26/04

Chris W. Pierce, Esq.

Paul D. Barber, 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

Paul D. Barber, Esq.