

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:

FURR'S SUPERMARKETS, INC.,  
Debtor.

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

**MOTION TO APPROVE SETTLEMENT  
OF ADVERSARY PROCEEDING 03-1105-S  
(TCI Solutions, Inc., TCI Solutions, and Total Control Information)**

Yvette Gonzales, the Chapter 7 Trustee (the "Trustee"), by counsel, moves the Court for an Order approving the settlement of all claims the estate has against TCI Solutions, Inc., TCI Solutions, and Total Control Information (separately or in their capacity as d/b/a's) ("TCI") as set forth in the Adversary Proceeding No. 03-1105-S, captioned *Yvette J. Gonzales, Trustee v. TCI Solutions, Inc., TCI Solutions, and Total Control Information (separately or in their capacity as d/b/a's)*, (the "Adversary Proceeding"), pursuant to F.R.Bankr.P.9019, and STATES:

1. **Commencement and Conversion of Case.** On February 8, 2001, (the "Petition Date"), the Debtor filed a Voluntary Petition in this Court under Chapter 11 of the Bankruptcy Code. On December 19, 2001, this Court entered an Order converting the Chapter 11 case to a case under Chapter 7.

2. **Appointment of Chapter 7 Trustee.** On December 19, 2001, the United States Trustee appointed Yvette Gonzales as the Trustee for the Debtor's bankruptcy estate, in which capacity she continues to serve.

3. **Jurisdiction and Venue.** The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409.

4. **The Adversary Proceeding.** In the Adversary Proceeding, the Trustee sought to recover One Hundred Seventeen Thousand One Hundred Nine Dollars and 56/100 (\$117,109.56)

from TCI, plus all other amounts, if any, recoverable pursuant to U.S.C. §547. TCI has provided proof of what it claims to be \$68,602.00 in “new value,” and further maintains that it is not liable to the Trustee for any amounts pursuant to its other defenses.

5. **The Settlement.** TCI has offered to pay the Trustee Twenty Five Thousand and No/100 (\$25,000.00) in full satisfaction of any and all claims the Trustee has or may have against TCI, both pre-petition and post-petition, including without limitations any claims asserted in the Adversary Proceeding. The parties will also execute a Mutual Release of Claims as part of the settlement (the “Settlement”). The Settlement is fair and equitable, and in the best interests of and beneficial to the Debtor’s estate and the creditors.

WHEREFORE, the Trustee requests that the Court enter an Order approving the Settlement and for such other relief as may be just.

**DAVIS & PIERCE, P.C.**  
/s/ Electronically filed 08/26/04  
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I hereby certify that a true and correct copy of the foregoing was served on the following on this 26th day of August, 2004.

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