

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

Also Sunnyside

In re:)
)
)
SUNNYSIDE COAL COMPANY,)
)
)
Debtor.)

CASE NO. 94-12794 CEM

Chapter 7

*Bankruptcy
file*

*Route to Randy Harder
and Patrick
O'Hara*

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 202 OF MOTION FOR
APPROVAL OF SETTLEMENT BETWEEN CHAPTER 7 TRUSTEE AND UMWA 1992
BENEFIT FUND REGARDING CHAPTER 11 ADMINISTRATIVE CLAIM**

TO ALL PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that Kenneth A. Rushton ("Trustee"), Chapter 7 Trustee for Sunnyside Coal Company, has filed a Motion in this Court for approval of a Settlement Agreement regarding the Chapter 11 administrative expense priority claim of the United Mine Workers of America 1992 Benefit Plan and Trust (the "1992 Plan"). The Motion provides for an allowed Chapter 11 administrative expense priority claim in favor of the 1992 Plan in the amount of \$100,000. Copies of the Motion are available for inspection in the Bankruptcy Court Clerk's office or upon request from the undersigned attorney.

Pursuant to Rule 202 of the Local Rules of Bankruptcy Procedure, if you desire to oppose the Motion, you must file a written objection and request for hearing with the Court on or before Monday, August 18, 1997, and serve a copy thereof on the undersigned attorney and on Joan B. Burlison, Rubner & Kutner, 303 East Seventeenth Avenue, Suite 500, Denver, Colorado 80203. Objections and requests for hearing shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the Court.

In the absence of a timely and substantiated objection and request for hearing by an interested party, the Court may approve or grant the Motion without any further notice to creditors or other interested parties.

Dated July 24th, 1997.

LeBOEUF, LAMB, GREENE & MacRAE, L.L.P.

By: James H. Millar
Bart B. Burnett, #21258
James H. Millar, #26178
633 - 17th Street, Suite 2000
Denver, CO 80202
Telephone: (303) 291-2600

Attorneys for Kenneth A. Rushton, Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 202 OF MOTION FOR APPROVAL OF SETTLEMENT BETWEEN CHAPTER 7 TRUSTEE AND UMWA 1992 BENEFIT FUND REGARDING CHAPTER 11 ADMINISTRATIVE CLAIM** was served this 24th day of July, 1997, by depositing same in the United States mails, first class postage prepaid, addressed to the following:

U.S. Trustee
721 19th Street, Room 408
Denver, CO 80202

Joan Burleson
Rubner & Kutner, P.C.
303 E. 17th Ave., Ste. 500
Denver, CO 80203

Brian H. Benjet
Senior Associate General Counsel
UMWA Health & Retirement Funds
4455 Connecticut Ave., NW
Washington, DC 20008

and to the parties on the attached pages.

Sharon Holders