

241

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF ALABAMA, SOUTHERN DIVISION

IN RE: )  
 ) IN BANKRUPTCY  
WHITLING HOMES, INC., )  
 ) NO. 78-02184  
Bankrupt. )

TRUSTEE'S DEED

19781107000149240 1/4 \$ .00  
Shelby Cnty Judge of Probate, AL  
11/07/1978 12:00:00AM FILED/CERT

THIS INDENTURE, made this the 20<sup>th</sup> day of September,  
1978, by and between M. CHARLES STERNE, as Trustee in Bankruptcy  
of Whitling Homes, Inc., Party of the First Part, and KENNETH R.  
COOTS and wife, BARBARA J. COOTS, Parties of the Second Part.

WITNESSETH THAT:

WHEREAS, on, to wit: July 18, 1978, a voluntary  
petition in bankruptcy was filed by the above named bankrupt in  
the United States District Court for the Northern District of  
Alabama, Southern Division, Case No. 78-02184; and,

WHEREAS, subsequent to the filing of said petition on,  
to wit: July 31, 1978, the Party of the First Part was duly  
elected Trustee of said estate, that he qualified as such Trustee  
and entered into proper bond with sureties approved by Hon. Stephen  
B. Coleman, Bankruptcy Judge of said Court; that the Party of the  
First Part has continued to act and is now acting and serving as  
such Trustee; and,

WHEREAS, said Party of the First Part did on, to wit:  
September 6, 1978, petition said Court for the right to sell to the  
Parties of the Second Part, free and clear of all liens and  
encumbrances except for current year's ad valorem taxes, easements  
and restrictive covenants and mineral and mining rights of record,  
the below described realty at and for the sum of Seventy-Five  
Thousand Five Hundred and 00/100 (\$75,500.00) Dollars cash; and,

WHEREAS, said Court did ratify and confirm said sale on  
the terms and conditions set out herein on, to wit: September 20,  
1978.

BOOK 316 PAGE 81

NOW, THEREFORE, the Party of the First Part, M. Charles Sterne, as Trustee of the bankrupt estate of Whittling Homes, Inc., in consideration of the power and authority vested in him as aforesaid, and the sum of Seventy-Five Thousand Five Hundred and 00/100 (\$75,500.00) Dollars, of which Seven Thousand Eight Hundred Thirty-Eight and 40/100 (\$7,838.40) Dollars was paid to the undersigned, and the further sum of Sixty-Three Thousand Eight Hundred Eighty-Six and 60/100 (\$63,886.60) Dollars was paid by the Parties of the Second Part to satisfy in full the mortgages of Birmingham Trust National Bank which were recorded in Volume 356, at Page 832, and in Volume 373, at Page 784, in the Probate Office of Shelby County, Alabama, and the further sum of Three Thousand Seven Hundred Seventy-Five and 00/100 (\$3,775.00) Dollars, which was paid by the Parties of the Second Part as the real estate commission due to be paid for negotiating the sale described herein, the receipt whereof is hereby acknowledged, does grant, bargain, sell and convey, free and clear of all liens and encumbrances, including the lien of those certain liens and recorded judgments, more particularly described as follows:

- |  |  |
|--|--|
| (1) Belcher-Evans Millwork Co., Inc.<br>c/o Morton & Evans<br>Attorneys at Law<br>Woodward Building<br>Birmingham, Alabama 35203                           | Judgment, recorded on<br>April 25, 1978, in Book N,<br>at Page 655, Probate Office<br>of Shelby County, Alabama. |
| (2) The Wayne Door Co. of Ala.<br>c/o Dinsmore & Waites<br>Attorneys at Law<br>508 North 21st Street<br>Birmingham, Alabama 35203                          | Judgment, recorded on<br>June 8, 1978, in Book N,<br>Page 728, in said Probate<br>Office.                        |
| (3) Apolo Business Machines<br>c/o Vreeland G. Johnson<br>Attorney at Law<br>City Federal Building<br>Birmingham, Alabama 35203                            | Judgment, recorded on<br>June 22, 1978, in Book N,<br>Page 755, Probate Office<br>of Shelby County, Alabama.     |
| (4) American Marble and<br>Flooring Company, Inc.<br>c/o Daniel Spitler<br>Attorney at Law<br>1970 Chandalar South<br>Office Park<br>Pelham, Alabama 35124 | Judgment, recorded on<br>June 27, 1978, in Book N,<br>Page 768, Probate Office<br>of Shelby County, Alabama.     |



BOOK 316 PAGE 82

- |  |  |
|--|--|
| (5) Abel & Byrd Heating & Roofing Company, Inc.<br>c/o Daniel Spitler<br>Attorney at Law<br>1970 Chandalar South<br>Office Park<br>Pelham, Alabama 35124         | Judgment, recorded on<br>June 27, 1978, in Book N,<br>Page 770, Probate Office<br>of Shelby County, Alabama.                     |
| (6) Alvin L. Stratton, Jr.,<br>d/b/a Mandy Plumbing Co.<br>c/o Daniel Spitler<br>Attorney at Law<br>1970 Chandalar South<br>Office Park<br>Pelham, Alabama 35124 | Judgment, recorded on<br>June 27, 1978, in Book N,<br>Page 772, Probate Office<br>of Shelby County, Alabama.                     |
| (7) Cahaba Radial Tire, Inc.<br>c/o Morton & Evans<br>Attorneys at Law<br>Woodward Building<br>Birmingham, Alabama 35203   | Judgment, recorded on<br>August 8, 1978, in Book N,<br>Page 861, Probate Office<br>of Shelby County, Alabama.                    |
| (8) Belcher-Evans Millwork Co.<br>c/o Morton & Evans<br>Attorneys at Law<br>Woodward Building<br>Birmingham, Alabama 35203                                       | Judgment, recorded on<br>May 24, 1978, in Book 25,<br>Page 332, Probate Office<br>of Shelby County, Alabama.                     |
| (9) State of Alabama<br>Department of Revenue<br>Montgomery, Alabama 36130   | Tax Lien, recorded on<br>August 10, 1978, in Book N,<br>Page 871, Probate Office<br>of Shelby County, Alabama.                   |
| (10) Frank D. Cataldo and wife,<br>Patricia Alice Cataldo<br>c/o Wayne Wheeler<br>Attorney at Law<br>604 Massey Building<br>Birmingham, Alabama 35203            | Affidavit of Debt, filed<br>on March 28, 1978, in<br>Volume 24, Page 568, in<br>the Probate Office of Shelby<br>County, Alabama. |

but excepting current year's ad valorem taxes and the following easements, restrictive covenants and reservations of mineral and mining rights of record as follows:

- (1) Easement and building line as shown by recorded map.
  - (2) Easement to Alabama Power Company, recorded in Volume 297, Page 795, and Volume 297, Page 412, in the Probate Office of Shelby County, Alabama.
  - (3) Agreement with Alabama Power Company, recorded in Misc. Volume 14, Page 659, in said Probate Office.
  - (4) Restrictions contained in Misc. Volume 14, Page 12; Misc. Volume 12, Page 765, and Misc. Volume 15, Page 106, in the Probate Office of Shelby County, Alabama.
- unto the Parties of the Second Part, KENNETH R. COOTS and wife, BARBARA J. COOTS, the following described real estate, situated

in Shelby County, to wit:

Lot 179, according to the survey of Chandalar South, 4th Sector, as recorded in Map Book 6, Page 69, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the said KENNETH R. COOTS and wife, BARBARA J. COOTS, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal this 20<sup>th</sup> day of September, 1978.

83

PAGE

316

BOOK

M. Charles Sterne  
M. CHARLES STERNE, as Trustee of the  
Bankrupt Estate of Whitting Homes, Inc.

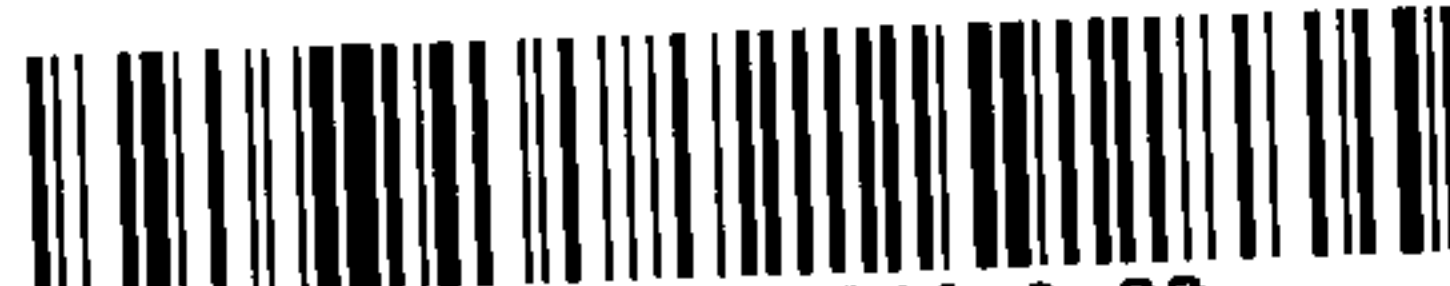
STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said State and County, hereby certify that M. Charles Sterne, whose name as Trustee of the Bankrupt Estate of Whitting Homes, Inc., is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this date that, being informed of the contents of the conveyance, he, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 20<sup>th</sup> day of September, 1978.

M. Holt  
NOTARY PUBLIC

APPROVED:

  
19781107000149240 4/4 \$.00  
Shelby Cnty Judge of Probate, AL  
11/07/1978 12:00:00AM FILED/CERT

Stephen B. Coleman  
STEPHEN B. COLEMAN  
BANKRUPTCY JUDGE

This Instrument was prepared by:  
J. N. Holt, Holt & Cooper, Attorneys at Law  
203 Frank Nelson Building  
Birmingham, Alabama 35203  
322-4551