

1867

This Instrument Prepared By:

Thomas E. Reynolds, Esq.
800 AmSouth-Sonat Tower
Birmingham, Alabama 35203
(205) 251-1000

STATE OF ALABAMA)
)
SHELBY COUNTY)

TRUSTEE'S DEED

This indenture, made as of the 26th day of November, 1990, between **THOMAS E. REYNOLDS**, as Trustee in bankruptcy for the estate of Alabama Fuel Sales Co., Inc., presently pending in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, Case Number 80-06320 (hereinafter called "Grantor") and **WESTERN POCAHONTAS PROPERTIES**, a limited partnership (hereinafter called "Grantee").

WITNESSETH:

WHEREAS, Grantor was appointed Interim Trustee in the bankruptcy case of Alabama Fuel Sales Co., Inc., in Case Number 80-06320 as evidenced by the Order Appointing Interim Trustee dated August 20, 1987, a copy of which is attached hereto; and

WHEREAS, Grantor continues to serve in said capacity, there having been no election or substitution for the Trustee at the meeting of creditors held under Title 11, U.S.C. §341(a) or since; and

WHEREAS, Grantor did issue notice to all parties in said bankruptcy case of the proposed sale by sending a copy of the Trustee's Motion for Authority to Sell Assets Free and Clear of Liens and Notice of Sale and the Court's Order dated August 9, 1990, which Order directed service thereof to creditors as identified by the Clerk's Certificate of Those to Whom Notice is Required dated August 9, 1990, a copy of all documents being attached hereto; and

WHEREAS, after hearing held and after notice to creditors, the Court did enter its Order dated September 28, 1990, approving and confirming the sale free and clear of liens and specifically approving the sale by the Grantor to the Grantee herein, a copy of said Order being attached hereto.

NOW, THEREFORE, by virtue of the power and authority granted the Grantor to sell property of the bankruptcy estate pursuant to the provisions of 11 U.S.C. §363, and the Court's Order mentioned hereinabove, and in consideration of the sum of SIXTEEN

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THOUSAND AND No/100 DOLLARS (\$16,000.00), lawful money of the United States, paid from Grantee to Grantor, the Grantor does hereby grant, bargain, sell and convey unto the Grantee all its right, title and interest, and all the right, title and interest possessed by Alabama Fuel Sales Co., Inc. at the time of the filing of its bankruptcy petition in Bankruptcy Case No. 80-06320, together with every contingent remainder and right of reversion, the following described real property located in Shelby County, Alabama:


All that part of the southeast one-quarter of the southwest one-quarter of Section 4, and all that part of the northeast one-quarter of the northwest one-quarter of Section 9, all in Township 20 South, Range 3 West, which lies easterly of the Cahaba River, mineral and mining rights excepted.

Subject to:

1. Ad valorem taxes for the current tax year.
2. Boundary line agreement as recorded in Volume 183, Page 39.
3. Right of way granted to Alabama Power Company by instrument recorded in Volume 138, Page 91.
4. Riparian and other rights created by the fact that the subject property fronts the Cahaba River.

TO HAVE AND TO HOLD, the premises herein granted unto the Grantee, its successors and assigns, the aforementioned property free and clear of all liens and encumbrances, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.


THOMAS E. REYNOLDS, As and Only as
Trustee of the Bankruptcy Estate of
Alabama Fuel Sales Co., Inc.
and not Individually

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **THOMAS E. REYNOLDS**, as Trustee of the Bankruptcy Estate of Alabama Fuel Sales Co., Inc., is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of such conveyance, he, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal, this the 26th day of November, 1990.

[NOTARIAL SEAL]

Debra N. Muth
Notary Public

My Commission Expires: 5/10/92

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

In the Matter of

ALABAMA FUEL SALES COMPANY, INC.,

CASE NO. 80-06320

Debtor.

**ORDER SETTING ASIDE COURT'S ORDER OF JULY 16, 1987,
AND ORDER APPOINTING TRUSTEE**

This case came on for a continued hearing this date on a Motion for Payment of Rental Charges due Public Storage Management, Inc. as administrative expenses or for relief from automatic stay, and on the Court's Order, dated July 16, 1987, dismissing this case for want of prosecution and for failure to file proper schedules originally set August 13, 1987. Appearing at this hearing were Charles L. Denaburg, Attorney, and Thomas E. Reynolds, Trustee.

After brief discussion at the Bench, IT IS ACCORDINGLY CONSIDERED AND ORDERED:

1. That the Court's Order of July 16, 1987, setting aside its Order converting this case to a Chapter 7, dismissing the case for want of prosecution and failure to file schedules, and closing the case is set aside, voided, and held for nought.

2. That the Notice of Appointment of Interim Trustee and Fixing of Bond; Acceptance of Appointment as Interim Trustee filed by the United States Trustee on January 23, 1987, is set aside and voided.


3. That Thomas E. Reynolds is appointed Trustee in this case and his bond set at \$5,000.

4. That the Trustee has thirty (30) days within which to file Schedules A and B and request a 341 Meeting to be held. Upon failure of the Trustee to file said schedules, this case will be dismissed and closed in due course.

5. That this case, originally filed as a Chapter 11 proceeding, is reinstated as a Chapter 7 proceeding and the Trustee shall follow Rules 1007 and 1009 of the Bankruptcy Rules when filing schedules.

6. That the Motion For Payment of Rental Charges due Public Storage Management, Inc. as administrative expenses or for relief from automatic stay will be set for hearing upon the filing of a report of assets by the Trustee from which said expenses might be paid.

DONE AND ORDERED This 20th day of August, 1987.


STEPHEN B. COLEMAN
U. S. BANKRUPTCY JUDGE

SBC/fb

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cc: Thomas E. Reynolds, Trustee
Charles L. Denaburg, Attorney
Jerry W. Schoel, Attorney
Richard Vincent, Attorney
Michael G. Kendrick, Attorney
William W. Brooke, Attorney
Robert B. Rubin, Attorney
Richard E. O'Neal, Assistant U. S. Attorney
Laurence D. Vinson, Jr., Attorney
Max C. Pope, Attorney
Benjamin Cohen, Bankruptcy Administrator

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

DEBTOR: ALABAMA FUEL SALES COMPANY
BANKRUPTCY CASE NO.: 80-06320
MOTION OR MATTER: MOTION FOR AUTHORITY TO SELL ASSETS
FREE AND CLEAR OF LIENS AND NOTICE OF
SALE

NOTICE OF HEARING

The attached motion or matter will be heard in Courtroom #4 of the United States Bankruptcy Court, 500 South 22nd Street, Birmingham, Alabama, on September 12, 1990, at 11:00 a.m. All objections will be heard on September 12, 1990 at 10:45 a.m.

**CERTIFICATE OF NOTICE BY MAIL
TO THOSE CERTIFIED BY CLERK**

TO THE CLERK, UNITED STATES BANKRUPTCY COURT:

I hereby certify that on the 14th day of August, 1990, I deposited or caused to be deposited in the regular United States mail at Birmingham, Alabama, a copy of the attached motion or matter, and above Notice of Hearing, enclosed in a sealed envelope with first class postage prepaid thereon, and addressed to: those to whom notice is required as certified by the Clerk of the Court on Clerk's Certificate dated August 9, 1990; and bearing the following return address: United States Bankruptcy Court, Northern District of Alabama, Southern Division, 500 South 22nd Street, Birmingham, Alabama 35233.

FILED

Thomas E. Reynolds
Thomas E. Reynolds, Trustee

AUG 15 1990

Clerk, U. S. Bankruptcy Court
Northern District of Alabama
By
Deputy Clerk

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

In Re:)
ALABAMA FUEL SALES COMPANY, INC.)
Debtor.)

Bankruptcy Case No. 80-06320
Proceedings Under Chapter 7

**MOTION FOR AUTHORITY TO SELL ASSETS FREE AND CLEAR
OF LIENS AND NOTICE OF SALE**

Comes now Thomas E. Reynolds, Trustee, of the estate of the Debtor in the above-styled case and gives notice pursuant to Bankruptcy Rules 2002 and 6004 of intent to sell the property described below free and clear of liens under 11 U.S.C. §363(f) as follows:

1. The description of the property to be sold is as follows:

All that part of the southeast quarter of the southwest quarter of Section 4, Township 20, Range 3 West, which lies east of the Cahaba River, also all that part of the east one-half of the northwest quarter of section 9, Township 20, Range 3 West, which lies east of the Cahaba River, minerals and mining rights excepted. Said property located in Shelby County, State of Alabama.

2. Said property is subject to the following interest: Mortgage given by Alabama Fuel Sales Company to Birmingham Trust National Bank, recorded in Mortgage Book 409, Page 735, in the Probate Office of Shelby County, Alabama. Ad valorem taxes are due for the years 1987, 1988, 1989 and not yet payable for 1990. The present balance on the mortgage to SouthTrust Bank exceeds the proposed purchase price for the property.

3. The Trustee proposes to sell the aforesaid property free and clear of the lien of SouthTrust Bank pursuant to 11 U.S.C. §363(f) with their interest to be transferred to and attach the proceeds of the sale.

FILED

1
AUG 7 1990
Clerk, U. S. Bankruptcy Court
Northern District of Alabama
Dep.

4. The sale of the property is permitted pursuant to the provisions of 11 U.S.C. §363(f), in that SouthTrust Bank has consented to the sale as proposed by the trustee. Specifically, SouthTrust Bank has consented that the trustee may pay from the proceeds derived at closing the costs of the closing including any commission that might be awarded by this court to the real estate agent for the trustee who obtained the contract and the payment of any ad valorem taxes, and in addition SouthTrust Bank has consented for the trustee to retain the sum of \$1,000 from the purchase price to defray the cost of sales and to provide for the payment to creditors to the extent possible. All remaining funds are to be paid to SouthTrust Bank immediately following closing.

5. The trustee proposes to sell the property to Western Pocahontas Properties, a limited partnership for a purchase price of \$16,0000. The trustee has received \$500 in earnest money towards said purchase price. The balance of the purchase price is to be paid at the closing. A copy of the sales contract is attached hereto.

6. The trustee has been attempting to find and locate a purchaser for the aforesaid property for a number of years. However, because the property is not adjacent to a paved road and is otherwise landlocked and because a majority of the acreage is in a flood plain, the trustee has found that there are few parties interested in actually making the purchase once the details concerning the property are noted. As a result, the trustee recommends the proposed sale as in the best interest of the bankruptcy estate.

WHEREFORE, the Trustee moves the Court as follows:

A. To order and direct that service of this Motion be made and certified in accordance with Bankruptcy Rule 9014 on the parties named herein as having liens on or interests in the property; and to order pursuant to Bankruptcy Rule 2002(a)(2) that notice be given and certified to all creditors and indenture trustees.

B. To order each of the parties named herein as having liens on or interest in the property to file an answer to this motion.

C. As required by Bankruptcy Rules 6004(c) and 2002(a)(2) and (c)(1), to order the date, time and place of hearing this motion, and the time within which objections to the proposed sale may be filed and served on the Trustee.

D. On such hearing, to approve and confirm the proposed sale and to authorize the Trustee to sell and convey the property to the purchaser on the terms and conditions and for the consideration proposed; and, pursuant to Bankruptcy Rule 6004(f)(2), to execute any instrument necessary or appropriate, or as ordered by the Court, to consummate the proposed sale and transfer the property to the purchaser.

E. On such hearing, to order that the liens and interests of the parties named herein attach to the proceeds received by the Trustee from the sale to the extent and in the same priority they respectively have against the property.

F. If, on such hearing, it should appear that the parties having or claiming liens on or interests in the property disagree about the validity, priority or extent of such liens or interests, to approve and confirm the sale nevertheless, and to order the Trustee to hold the consideration paid until the disagreement can be resolved in an adversary proceeding brought pursuant to Bankruptcy Rule 7001(2).

Thomas E. Reynolds
Thomas E. Reynolds

OF COUNSEL:

Steiner Byars Haskell Slaughter Young & Johnston,
Professional Association
Professional Association
800 AmSouth-Sonat Tower
Birmingham, Alabama 35203
(205) 251-1000

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

In Re:

ALABAMA FUEL SALES COMPANY, INC.

Debtor.

Bankruptcy Case No. 80-06320

Proceedings Under Chapter 7

**ORDER DIRECTING SERVICE AND NOTICE OF TRUSTEE'S MOTION FOR
AUTHORITY TO SELL PROPERTY BY PRIVATE SALE FREE AND
CLEAR OF ALL LIENS; AND SETTING DATE, TIME,
AND PLACE OF HEARING AND TIME WITHIN WHICH
ANSWERS AND OBJECTIONS MAY BE FILED AND SERVED ON TRUSTEE**

The Trustee has this day filed a Motion for authority to sell property of the estate other than in the ordinary course of business by private sale, free and clear of all liens and other interests. It presently appears that it will not be necessary to determine the validity, priority or extent of such liens to the property proposed for sale by adversary proceeding under Bankruptcy Rule 7001(2).

1. The Trustee is directed to cause to be served a copy of said Motion and of this Order on each of the entities named or identified in the Motion as having liens on or interests in the property proposed for sale. Such service shall be made and certified by the Clerk under and in accordance with Bankruptcy Rule 7004. Each of the entities so served is ORDERED to file an answer to the Trustee's Motion on or before September 5, 1990, and to serve a copy on the Trustee. If any such party fails to answer, the Court may authorize the Trustee to proceed with the proposed sale.

2. The Trustee is directed to give and certify the notice required by Bankruptcy Rule 2002(a)(2) and (c)(1) by mailing copies of said Motion and this Order to the persons and

entities there required, in compliance with paragraph 2.00 of this Court's Order (dated June 20, 1987) Designating Matters of Notices and Other Procedures, Effective August 1, 1987.

3. Pursuant to Bankruptcy Rule 6004(b), written objections to the proposed sale, in order to be considered, shall be filed with the Clerk and served on the Trustee on or before September 5, 1990. The address of the Clerk's office where objections must be filed is:

Clerk, U.S. Bankruptcy Court
Chapter 7 and 11 Division
500 South 22nd Street
Birmingham, Alabama 35233

The name and address of the Trustee upon whom copies of objections must be served is:

Thomas E. Reynolds, Esq.
Steiner Byars Haskell Slaughter Young & Johnston,
Professional Association
800 AmSouth-Sonat Tower
Birmingham, Alabama 35203

Any such objection must be advocated by the objecting party in person or through an attorney at the hearing scheduled in this matter. The failure to file, serve and advocate an objection to the proposed sale in the manner here required shall constitute a waiver of objection. All objections will be heard on September 12, 1990, at 10:45 o'clock a.m.

4. The Trustee's Motion will be heard in Courtroom #2, U.S. Bankruptcy Court, 500 South 22nd Street, Birmingham, Alabama, on September 12, 1990, at 11:00 o'clock, a.m.

5. If no written objection is filed, the proposed sale may be authorized and consummated without hearing.

IT IS SO ORDERED this the 9th day of August, 1990.

/s/George S. Wright
United States Bankruptcy Judge

xc: Thomas E. Reynolds, Esq., Trustee
Diane Burt, Courtroom Deputy

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In the Matter of:

ALABAMA FUEL SALES CO., INC.,

DEBTOR.

CASE NO. 80-06320

**ORDER AUTHORIZING SALE BY TRUSTEE
FREE AND CLEAR OF LIENS**

Pursuant to this Court's Order of August 9, 1990 (Proceeding No. 219), the Trustee's motion for authority to sell property of the estate free and clear of liens and other interests (Proceeding No. 218) was considered on September 12, 1990, after service and notice certified by the Trustee (Proceeding No. 222).

No written objections to the proposed sale have been filed. No objections were heard at the hearing. It further appears to the Court from the Trustee's motion that the proposed sale is authorized under Section 363(f) of the Bankruptcy Code. Accordingly, the sale proposed by the Trustee should be and it is hereby APPROVED and AUTHORIZED.

All liens reported by the Trustee shall attach to and be paid by the Trustee from the proceeds of the sale when consummated. The Trustee shall file with the Clerk a report of the sale pursuant to Bankruptcy Rule 6004(f)(1) forthwith after the sale is closed.

IT IS SO ORDERED this the 25 day of September, 1990 (ORIGINAL SIGNED BUT NOT
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
10/5/90 (SIGNED SHELBY))

90 NOV 27 PM 3:43

James H. GSW
JUDGE OF PROBATE
GSW/lb

George S. Wright
George S. Wright
United States Bankruptcy Judge

cc: Thomas E. Reynolds, Trustee
Jerry W. Schoel, Attorney for Debtor
Michael G. Kendrick, Attorney for Debtor
Alabama Fuel Sales Co., Inc. %W. E. Albin
SouthTrust Bank, N.A. %Laurence D. Vinson, Jr., Attorney
Benjamin Cohen, Bankruptcy Administrator

1. Deed Tax	16.00
2. Mtg. Tax	20.00
3. Recording Fee	3.00
4. Indexing Fee	1.00
5. Notary Fee	1.00
6. Certified Fee	1.00
Total	50.00

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