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Shelby Cnty Judge of Probate, AL
07/15/1971 12:00:00 AM FILED/CERT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN THE MATTER OF:

SAMUEL M. SCARBROUGH,
individual, d/b/a SCARBROUGH
DRY GOODS,

Bankrupt

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IN BANKRUPTCY NO.

71909

PETITION TO SET ASIDE
TRUSTEE'S ABANDONMENT OF PROPERTY
AND REPORT OF SALE

Comes now the Trustee in the above captioned bankruptcy estate and reports that on to-wit February 17, 1971 the undersigned inadvertently filed for the record in this cause a report to abandon the hereinafter described real estate. Trustee further avers that pursuant to the report of the Trustee this Honorable Court confirmed said abandonment on the 17th day of February, 1971.

Trustee now reports that subject property has been sold by the bankrupt, Samuel M. Scarbrough, and the bankrupt has received in cash Two thousand and no/100 dollars (\$2,000.00) as homestead exemption.

Trustee has now been tendered the amount of One thousand ninety-one and 67/100 dollars (\$1,091.67), and your Trustee hereby petitions this Court to set aside the order dated February 17, 1971 whereby Trustee abandoned equity in the subject real estate and asks that this Court allow the sale of the Trustee's equity to the hereinafter described real estate for the amount of One thousand ninety-one and 67/100 dollars (\$1,091.67).

Trustee further reports that the tendered amount represents fair market value of Trustee's equity and hereby petitions this Honorable Court to confirm same. Said real estate is more particularly described as follows:

"Lot 111 as shown on a map entitled 'Property Line Map, Siluria Mills' prepared by Joseph A. Miller, Reg. Civil Engineer on October 5, 1965, and being more particularly described as follows: Commence at the intersection of the northerly right-of-way line of 2nd Avenue and the easterly right-of-way line of Fallon Avenue, said right-of-way lines as shown on the Map of the Dedication of the Streets and Easements, Town of Siluria, Alabama; thence northeasterly along said right-of-way line of Fallon Avenue for 339.63 feet; thence 91 deg. 25 min. 41 sec. right and run southeasterly for 133.40 feet to a point on the westerly right-of-way line of Montevallo Road

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(Ala. Highway 119); thence 90 deg. 58 min. 41 sec. left and run northeasterly along said right-of-way line of Montevallo Road for 80.00 feet to the southerly right-of-way line of 1st Avenue; thence 89 deg. 17 min. left and run northwesterly along said right-of-way line of 1st Avenue for 54.07 feet to the beginning of a curve to the left, said curve having a radius of 78.39 feet; thence southwesterly along the arc of said curve for 124.74 feet to the point of beginning; situated in Shelby County, Alabama."


William L. Irons, Trustee

ORDER

The foregoing Petition having been filed on this the 8th day of July, 1971, and it further appearing that the Trustee's report to abandon the real estate described therein was inadvertently filed in the record in this cause, it is hereby ORDERED, ADJUDGED and DECREED as follows:

That Trustee is hereby allowed to withdraw his report abandoning the equity in the hereinbefore described real estate and that the order of February 17, 1971 confirming same is hereby set aside.

It further appearing that the Trustee has obtained a bid in the amount of One thousand ninety-one and 67/100 Dollars (\$1,091.67) and that the said bid represents a fair market value for the Trustee's equity, said bid is hereby confirmed and Trustee allowed to execute the appropriate deed conveying all right, title and interest in said property.

DONE and ORDERED this the 8 day of July, 1971.



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Stephen B. Coleman,
Referee in Bankruptcy

Copy to:

Karl C. Harrison
P. O. Box 557
Columbiana, Alabama

Charles Denaburg
Attorney for Trustee
Brown Marx Building
Birmingham, Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
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