

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

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

TRUSTEE'S DEED

THIS INDENTURE, made this the 5th day of October, 1978, by and between M. CHARLES STERNE, as Trustee in Bankruptcy of Whitling Homes, Inc., Party of the First Part, and JERRY L. BURGESS and wife, MARY M. BURGESS, 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 20, 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 Fifty Thousand and 00/100 (\$50,000.00) Dollars cash; and,

WHEREAS, said Court did ratify and confirm said sale on the terms and conditions set out herein on, to wit: October 5, 1978.

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Shelby Cnty Judge of Probate, AL
10/23/1978 12:00:00AM FILED/CERT

BOOK 315 PAGE 771

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 Fifty Thousand and 00/100 (\$50,000.00) Dollars, of which Five Thousand and 00/100 (\$5,000.00) Dollars was paid to the undersigned, and the further sum of Forty-Two Thousand Two Hundred Six and 05/100 (\$42,206.05) 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 349, at Page 767; Volume 362, at Page 520 and in Volume 372, at Page 608, in the Probate Office of Shelby County, Alabama, and the further sum of Two Thousand Five Hundred and 00/100 (\$2,500.00) 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:

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| (1) Belcher-Evans Millwork Co., Inc.
c/o Morton & Evans
Attorneys at Law
Woodward Building
Birmingham, Alabama 35203 | Judgment, recorded on April 25, 1978, in Book N, at Page 655, Probate Office of Shelby County, Alabama. |
| (2) The Wayne Door Co. of Ala.
c/o Dinsmore & Waites
508 North 21st Street
Birmingham, Alabama 35203 | Judgment, recorded on June 8, 1978, in Book N, Page 728, Probate Office of Shelby County, Alabama. |
| (3) American Marble and Flooring Company, Inc.
c/o Daniel Spitler
Attorney at Law
1970 Chandalar South
Office Park
Pelham, Alabama 35124 | Judgment, recorded on June 27, 1978, in Book N, Page 768, Probate Office of Shelby County, Alabama. |
| (4) Abel & Byrd Heating & Roofing Company, Inc.
c/o Daniel Spitler
Attorney at Law
1970 Chandalar South
Office Park
Birmingham, Alabama 35124 | Judgment, recorded on June 27, 1978, in Book N, Page 770, Probate Office of Shelby County, Alabama. |
| (5) Alvin L. Stratton, Jr.,
d/b/a Mandy Plumbing Co.
c/o Daniel Spitler
Attorney at Law
1970 Chandalar South
Office Park
Pelham, Alabama 35124 | Judgment, recorded on June 27, 1978, in Book N, Page 772, Probate Office of Shelby County, Alabama. |

- BOOK 315 PAGE 772
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| (6) Cahaba Radial Tire, Inc.
c/o Morton & Evans
Attorneys at Law
Woodward Building
Birmingham, Alabama 35203 | Judgment, recorded on
August 8, 1978, in Book N,
Page 861, Probate Office
of Shelby County, Alabama. |
| (7) Belcher-Evans Millwork Co.
c/o Morton & Evans
Attorneys at Law
Woodward Building
Birmingham, Alabama 35203 | Judgment, recorded on
May 24, 1978, in Book 25,
Page 332, Probate Office
of Shelby County, Alabama. |
| (8) State of Alabama
Department of Revenue
Montgomery, Alabama 36130 | Tax Lien, recorded on
August 10, 1978, in Book N,
Page 871, Probate Office
of Shelby County, Alabama. |
| (9) Ira L. King and
Margaret S. King
c/o Daniel Spitler
Attorney at Law
1970 Chandalar South
Office Park
Pelham, Alabama 35124 | Real Estate Mortgage,
recorded on October 23, 1975,
in Volume 349, Page 771, in
the Probate Office of Shelby
County, Alabama. |
| (10) Warren Brothers Company
P. O. Box 818
Birmingham, Alabama 35201 | Mechanic's Lien Statement,
filed on July 19, 1977, in
Mechanic's Lien Book 3,
Page 516, in the Probate
Office of Shelby County,
Alabama. |
| (11) State of Alabama
Department of Revenue
Income Tax Division
Montgomery, Alabama 36130 | Notice of Sale for unpaid
taxes due, filed in Lis Pendens
Book 5, Page 633, and Lis
Pendens Book 5, Page 634. |
| (12) Frank D. Cataldo and wife,
Patricia Alice Cataldo
c/o Wayne Wheeler
Attorney at Law
604 Massey Building
Birmingham, Alabama 35203 | Affidavit of Debt, filed
on March 28, 1978, in
Volume 24, Page 568, in
the Probate Office of Shelby
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 to Alabama Power Company, recorded in Volume 55, Page 454; Volume 225, Page 224; Volume 299, Page 150; Volume 299, Page 156; Volume 299, Page 132; Volume 299, Page 138 and Volume 299, Page 144, in the Probate Office of Shelby County, Alabama.

(2) 35 foot building line and 15' easement on rear as shown by recorded map.

(3) Restrictions contained in Misc. Volume 15, Page 892, and Misc. Volume 16, Page 361, in said Probate Office.

BOOK 315 PAGE 773

(4) Agreement with Alabama Power Company, recorded in Misc. Volume 16, Page 354, in said Probate Office.

unto the Parties of the Second Part, JERRY L. BURGESS and wife, MARY M. BURGESS, the following described real estate, situated in Shelby County, to wit:

Lot 53, according to the survey of Kingwood First Addition, as recorded in Map Book 6, Page 90, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the said JERRY L. BURGESS and wife, MARY M. BURGESS, 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 5th day of October, 1978.

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Shelby Cnty Judge of Probate, AL
10/23/1978 12:00:00AM FILED/CERT

M. Charles Sterne
M. CHARLES STERNE, as Trustee of the
Bankrupt Estate of Whittling 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 Whittling 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 5th day of October, 1978.

M. Holt
NOTARY PUBLIC

APPROVED:

Stephen B. Coleman
STEPHEN B. COLEMAN
BANKRUPTCY JUDGE

STATE OF ALA. SHELBY CO.
JUDGE OF PROBATE
FILED
1978 OCT 23 PM 3:08

Security 384-396
JUDGE OF PROBATE
Deed 10.0
Rec. 6.0
Ind. 1.0
17.0

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