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

IN RE:

WHITLING HOMES, INC.,

Bankrupt.

IN BANKRUPTCY

NO. 78-02184

## TRUSTEE'S DEED

THIS INDENTURE, made this the 5 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.

19781023000142410 1/4 \$.00 Shelby Cnty Judge of Probate, AL 10/23/1978 12:00:00AM FILED/CERT

Rucheson Co. 1100 orne Park Dr.

NOW, THEREFORE, the Party of the First Part, M. Charles Sterne, as Trustee of the bankrupt estate of Whitling 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:

- (1) Belcher-Evans Millwork
  Co., Inc.
  c/o Morton & Evans
  Attorneys at Law
  Woodward Building
  Birmingham, Alabama 35203
- (2) The Wayne Door Co. of Ala. c/o Dinsmore & Waites 508 North 21st Street Birmingham, Alabama 35203
- (3) American Marble and Flooring Company, Inc. c/o Daniel Spitler Attorney at Law 1970 Chandalar South Office Park Pelham, Alabama 35124
- (4) Abel & Byrd Heating & Roofing Company, Inc. c/o Daniel Spitler Attorney at Law 1970 Chandalar South Office Park Birmingham, Alabama 35124
- (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

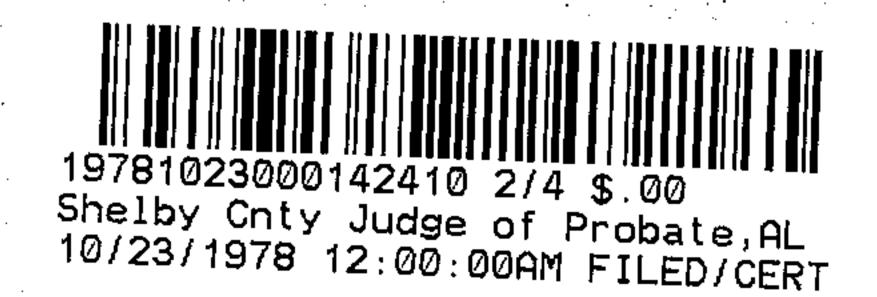
Judgment, recorded on April 25, 1978, in Book N, at Page 655, Probate Office of Shelby County, Alabama.

Judgment, recorded on June 8, 1978, in Book N, Page 728, Probate Office of Shelby County, Alabama.

Judgment, recorded on June 27, 1978, in Book N, Page 768, Probate Office of Shelby County, Alabama.

Judgment, recorded on June 27, 1978, in Book N, Page 770, Probate Office of Shelby County, Alabama.

Judgment, recorded on June 27, 1978, in Book N, Page 772, Probate Office of Shelby County, Alabama.



- (6) Cahaba Radial Tire, Inc. c/o Morton & Evans Attorneys at Law Woodward Building Birmingham, Alabama 35203
- (7) Belcher-Evans Millwork Co. c/o Morton & Evans Attorneys at Law Woodward Building Birmingham, Alabama 35203
- (8) State of Alabama
  Department of Revenue
  Montgomery, Alabama 36130
- (9) Ira L. King and
  Margaret S. King
  c/o Daniel Spitler
  Attorney at Law
  1970 Chandalar South
  Office Park
  Pelham, Alabama 35124
- (10) Warren Brothers Company
  P. O. Box 818
  Birmingham, Alabama 35201
- (11) State of Alabama
  Department of Revenue
  Income Tax Division
  Montgomery, Alabama 36130
- (12) Frank D. Cataldo and wife,
  Patricia Alice Cataldo
  c/o Wayne Wheeler
  Attorney at Law
  604 Massey Building
  Birmingham, Alabama 35203

Judgment, recorded on August 8, 1978, in Book N, Page 861, Probate Office of Shelby County, Alabama.

Judgment, recorded on May 24, 1978, in Book 25, Page 332, Probate Office of Shelby County, Alabama.

Tax Lien, recorded on August 10, 1978, in Book N, Page 871, Probate Office of Shelby County, Alabama.

Real Estate Mortgage, recorded on October 23, 1975, in Volume 349, Page 771, in the Probate Office of Shelby County, Alabama.

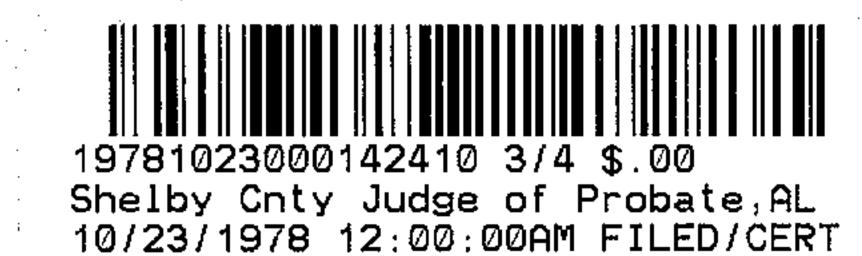
Mechanic's Lien Statement, filed on July 19, 1977, in Mechanic's Lien Book 3, Page 516, in the Probate Office of Shelby County, Alabama.

Notice of Sale for unpaid taxes due, filed in Lis Pendens Book 5, Page 633, and Lis Pendens Book 5, Page 634.

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.



(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 50 day of October, 1978.

19781023000142410 4/4 \$.00 Shelby Cnty Judge of Probate, AL 10/23/1978 12:00:00AM FILED/CERT

M. CHARLES STERNE, as Trustee of the Bankrupt Estate of Whitling 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 Whitling 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  $\frac{5^{-7/4}}{5}$  day of October, 1978.

NOTARY PUBLIC

APPROVED:

THE REAL A. SPELBY CO.

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STEPHEN B. COLEMAN BANKRUPTCY JUDGE

Survinty. 384-396

Duc. 100 Jud. 1.0

This Instrument was prepared by:

J. N. Holt, Holt & Cooper, Attorneys at Law 203 Frank Nelson Building, Birmingham, Alabama 35203

322-4551