

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

THIS INDENTURE, made this the 27 day of November, 1978, by and between M. CHARLES STERNE, as Trustee in Bankruptcy of Whitling Homes, Inc., Party of the First Part, and RICHARD C. SHULEVA and wife, KATHLEEN MARIE SHULEVA, 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: November 8, 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 Forty-Four Thousand and 00/100 (\$44,000.00) Dollars cash; and,

WHEREAS, said Court did ratify and confirm said sale on the terms and conditions set out herein on, to wit: November 29, 1978.



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Shelby Cnty Judge of Probate, AL
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United Federal Savings & Loan
P. O. Box 693
Alabaster, Alabama 35

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BOOK 317 PAGE 664

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 Forty-Four Thousand and 00/100 (\$44,000.00) Dollars, of which Four Thousand Four Hundred and 00/100 (\$4,400.00) Dollars was paid to the undersigned, and the further sum of Thirty-Seven Thousand Five Hundred Seventy-Seven and 27/100 (\$37,577.27) Dollars was paid by the Parties of the Second Part to satisfy in full the mortgage of Birmingham Trust National Bank which was recorded in Volume 367, Page 959, in the Probate Office of Shelby County, Alabama, and the further sum of One Thousand One Hundred and 00/100 (\$1,100.00) 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) Parker Supply Co., Inc. Mechanic Lien Statement, recorded on February 7, 1978, in Mechanic's Lien Book 3, at Page 547, Probate Office of Shelby County, Alabama.
- (2) Valley Distributors, Inc. Mechanic Lien Statement, recorded on April 17, 1978, in Mechanic's Lien Book 4, Page 5, Probate Office of Shelby County, Alabama.
- (3) Belcher-Evans Millwork Co. Judgment, recorded in Case No. CV-78-47(E) and recorded in Mechanic Lien Book 4, Page 33, Probate Office of Shelby County, Alabama.
- (4) Frank D. Chappell, d/b/a Chappell Carpets Mechanic Lien Statement, recorded on June 8, 1978, in Mechanic Lien Book 4, Page 36, Probate Office of Shelby County, Alabama.
- (5) Abel & Byrd Heating & Roofing Co., Inc. Mechanic Lien Statement, recorded on June 14, 1978, in Mechanic's Lien Book 4, Page 37, Probate Court of Shelby County, Alabama.
- (6) A. L. Straiton, Jr., d/b/a Mandy Plumbing Co. Mechanic Lien Statement, recorded on June 14, 1978, in Mechanic's Lien Book 4, Page 41, Probate Court of Shelby County, Alabama.
- (7) A. L. Straiton, Jr., d/b/a Mandy Plumbing Co. Mechanic Lien Statement, recorded on June 14, 1978, in Mechanic's Lien Book 4, Page 42, Probate Court of Shelby County, Alabama.

- (8) Abel & Byrd Heating & Roofing Co., Inc. Mechanic Lien Statement, recorded on June 14, 1978, in Mechanic's Lien Book 4, Page 38, Probate Court of Shelby County, Alabama.
- (9) S & H Cabinet Works Mechanic Lien Statement, recorded on July 5, 1978, in Mechanic's Lien Book 4, Page 52, Probate Court of Shelby County, Alabama.
- (10) S & H Cabinet Works Mechanic Lien Statement, recorded on July 5, 1978, in Mechanic's Lien Book 4, Page 51, Probate Office of Shelby County, Alabama.
- (11) A. L. Straiton, Jr., d/b/a Mandy Plumbing Co. Judgment, rendered in Case No. CV-78-126, and recorded in Mechanic's Lien Book 4, Page 57, Probate Office of Shelby County, Alabama.
- (12) Abel & Byrd Heating & Roofing Company, Inc. Judgment, rendered in Case No. CV-78-124, and recorded in Mechanic's Lien Book 4, Page 63, Probate Office of Shelby County, Alabama.
- (13) Belcher-Evans Millwork Co. Judgment, rendered in Case No. CV-78-47, and recorded in Book N, Page 655, Probate Office of Shelby County, Alabama, on April 25, 1978.
- (14) The Wayne Door Co. of Alabama Judgment, rendered in Case No. DV-78-2992, and recorded in Book N, Page 728, Probate Office of Shelby County, Alabama, on June 8, 1978.
- (15) American Marble and Flooring Company Judgment, rendered in Case No. CV-78-58, and recorded in Book N, Page 768, Probate Office of Shelby County, Alabama, on June 27, 1978.
- (16) Abel & Byrd Heating & Roofing Company, Inc. Judgment, recorded in Case No. CV-78-52, and recorded in Book N, Page 770, Probate Court of Shelby County, Alabama, on June 27, 1978.
- (17) Alvin L. Straiton, Jr., d/b/a Mandy Plumbing Co. Judgment, rendered in Case No. CV-78-59, and recorded in Book N, Page 772, Probate Office of Shelby County, Alabama, on June 27, 1978.
- (18) Cahaba Radial Tire, Inc. Judgment, rendered in Case No. SM-78-417, and recorded in Book N, Page 861, Probate Office of Shelby County, Alabama, on August 8, 1978.
- (19) Belcher-Evans Millwork Co. Judgment, rendered in Case No. CV-78-47(E), and recorded in Book 25, Page 332, Probate Office of Shelby County, Alabama, on May 24, 1978.
- (20) State Department of Revenue Tax Lien, recorded in Book N, Page 871, on August 10, 1978, in Probate Office of Shelby County, Alabama.
- (21) S & H Cabinet Works Judgment, rendered in Case No. CV-78-151, and recorded in Book 27, Page 8, Probate Office of Shelby County, Alabama, on August 30, 1978.



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(22) Ira L. King and
Margaret S. King

Real estate mortgage, recorded
October 23, 1975, and recorded
in Volume 349, Page 771, Probate
Office of Shelby County, Alabama.
(Trustee avers this mortgage is
junior and subordinate to the mortgage
of Birmingham Trust National Bank,
recorded in Volume 367, Page 959,
Probate Court of Shelby County,
Alabama).

(23) Warren Brothers Co.

Mechanic Lien Statement, recorded
on July 19, 1977, in Mechanic's
Lien Book 3, Page 516, 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) Thirty-Five (35) foot building set back line and
10 foot easement along rear of property as shown on recorded map.

(2) Restrictions contained in Misc. Book 15, Page 892,
and Misc. Book 16, Page 361, in the Probate Office of Shelby County,
Alabama.

(3) Agreement with Alabama Power Company, recorded in
Misc. Volume 16, Page 354, in the Probate Office of Shelby County,
Alabama.

(4) 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.

unto the Parties of the Second Part, Richard C. Shuleva and wife,
Kathleen Marie Shuleva, the following described real estate, situated
in Shelby County, to wit:

Lot 42, 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 RICHARD C. SHULEVA and
wife, KATHLEEN MARIE SHULEVA, 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.



IN WITNESS WHEREOF, the Party of the First Part has
hereunto set his hand and seal this 27 day of November, 1978.

M. Charles Sterne
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 27 day of November
1978.

[Signature]
NOTARY PUBLIC

APPROVED:

[Signature]
STEPHEN B. COLEMAN
BANKRUPTCY JUDGE


STATE OF ALA. SHELBY CO.
I HEREBY THIS
[unclear] WAS FILED

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[Signature]
JUDGE OF PROBATE

Rec. 7.50 Rec mtg. 381-32
Ind. 1.00
8.50

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


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