

STATE OF ALABAMA

COUNTY OF SHELBY

TRUSTEE'S DEED

THIS INDENTURE made the 19 day of November, 1979, between M. Charles Sterne, as Trustee in bankruptcy of the estate of Whitling Homes, Inc., bankrupt, Party of the First Part, and James A. Scott and Kay Toner Scott, Party of the Second Part:

W I T N E S S E T H:

WHEREAS, the Party of the First Part did petition the Court to sell the hereinafter-described property free and clear of liens, copy of which said petition is attached hereto and made a part hereof; and,

WHEREAS, pursuant thereto, a hearing was held on said petition and an Order was issued on the 26th day of October, 1979, authorizing the sale of the subject property free and clear of liens, with the exception of three (3) mortgages held by Birmingham Trust National Bank, a copy of which said Order is attached hereto and made a part hereof.

NOW, THEREFORE, for and in consideration of the sum of Five Thousand & no/100 (\$5,000.00) Dollars, lawful money of the United States, paid by the Party of the Second Part, the undersigned Party of the First Part, by virtue of the power and authority given in and by said Order of the United States District Court for the Northern District of Alabama, Southern Division, Case No. 78-02184, does hereby grant, convey and release unto the Party of the Second Part, their heirs and assigns forever, the following described real property located in Shelby County, Alabama, free and clear of liens except those recited herein, to-wit:

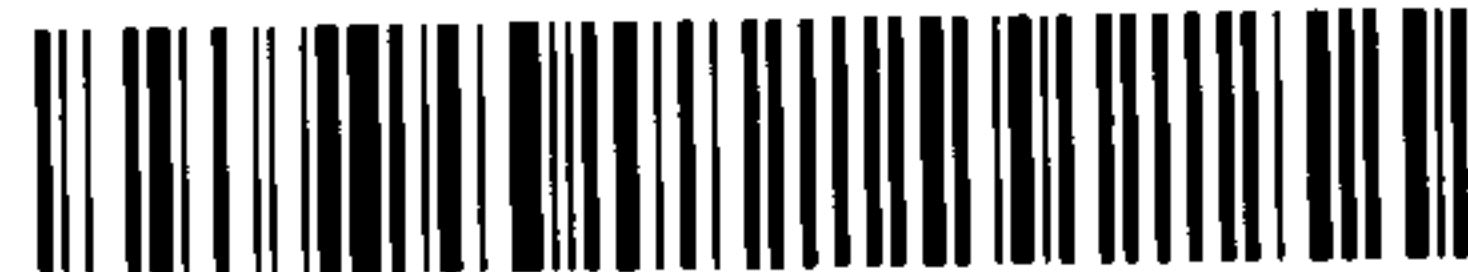
Lot No. 19, according to First Addition, Riverchase Country Club Residential Subdivision as recorded in Map Book 6, page 116, and as shown by Revision No. 1 of First Addition, Riverchase Country Club Residential Subdivision recorded in Map Book 6, page 143, in the office of the Judge of Probate of Shelby County, Alabama.

SUBJECT TO the ad valorem taxes for the current year.

SUBJECT TO any and all easements and/or restrictions of record.

SUBJECT TO those certain mortgages held by Birmingham Trust National Bank, recorded in Mortgage Book 365, page 170; Mortgage Book 365, page 840; and Mortgage Book 372, page 608, in the Probate Office of Shelby County, Alabama.

This instrument prepared by:
Charles L. Denaburg
1000 Brown Marx Building
Birmingham, AL 35203



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Shelby Cnty Judge of Probate, AL
12/06/1979 12:00:00AM FILED/CERT

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James A. Scott
P.O. Box 7737

Mobile, Alabama 36688

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Together with the appurtenances and also all the estate which the said Whittling Homes, Inc., bankrupt, had at the time of the filing of the petition in bankruptcy by it in said United States District Court for the Northern District of Alabama, Southern Division, in said premises, and also the estate therein which the Party of the First Part has or has power to convey or dispose of, as Trustee in bankruptcy of said Whittling Homes, Inc., bankrupt.

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, their heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal the day and year first above written.

M. Charles Sterne (SEAL)
M. CHARLES STERNE, as and only as
Trustee in bankruptcy of Whittling
Homes, Inc., bankrupt, and not
individually

In the presence of:

Jacqueline J Copeland

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that M. Charles Sterne, whose name as Trustee in the Bankrupt Estate of Whittling Homes, 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 the conveyance, he, in his capacity as such Trustee, executed same voluntarily on the day same bears date.

Given under my hand and official seal this 19 day of November, 1979.

Martina Copeland
Notary Public

APPROVED:

[Signature]
BANKRUPTCY JUDGE



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Shelby Cnty Judge of Probate, AL
12/06/1979 12:00:00AM FILED/CERT

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

REPORT OF SALE

TO THE HONORABLE STEPHEN B. COLEMAN:

Comes now M. Charles Sterne, Trustee in the above-styled cause,
and reports unto the court as follows:

One of the assets of the bankrupt estate consists of a house and
lot located in Shelby County, Alabama, described as follows:

Lot No. 19, according to First Addition, Riverchase Country
Club Residential Subdivision as recorded in Map Book 6, page
116, and as shown by Revision No. 1 of First Addition,
Riverchase Country Club Residential Subdivision recorded in
Map Book 6, page 143, in the office of the Judge of Probate
of Shelby County, Alabama.

Prior to filing petition in bankruptcy, the bankrupt had entered into
a contract to build and sell this house to James A. Scott and Kay Toner
Scott for the sum of Eighty-nine Thousand Two Hundred Eighty-nine & 48/100
(\$89,289.48) Dollars. Subsequent thereto numerous disputes arose between
the purchasers and seller, which resulted in suit being filed in Shelby
County Circuit Court, being Civil Action No. 78-45. Pending the outcome
of that suit, the bankrupt filed his petition in bankruptcy.

The property is subject to numerous judgments and mechanic and
materialman liens, and to three mortgages in favor of Birmingham Trust
National Bank. It is to the best interest of all parties concerned
that this matter be adjusted so as to allow the purchasers to consummate
and complete the purchase of the property and obtain good title. Towards
that end, the purchasers have agreed to purchase from the Trustee, free
and clear of all liens and claims of record, with the exception of the
three outstanding mortgages to Birmingham Trust National Bank which are
recorded in Mortgage Book 365, page 170, Mortgage Book 365, page 840, and
Mortgage Book 372, page 608, the subject described real property, for
consideration of the sum of Five Thousand & no/100 (\$5,000.00) Dollars.

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The sale by the Trustee is specifically free and clear of any and all other mechanic and materialman liens and/or judgments of record which are included, but not limited to, those judgments and mechanic liens of record shown on the attached title binder.

The face amount and principal amount of the indebtedness due on the mortgages. which this property is being sold subject to, amounts to approximately One Hundred Twenty-eight Thousand & no/100 (\$128,000.00) Dollars.

The Trustee feels that this fully and fairly represents any equity that he would have in said property and that the sale, free and clear of said judgments and liens and subject to the existing mortgages and ad valorem taxes, is to the best interest of all parties concerned.

WHEREFORE, the Trustee requests that notice be given to said mechanic lien claimants and judgment lien claimants of said sale, and that after said notice, that said sale be confirmed.

Respectfully submitted this 26th day of September, 1979.

Michael Sterne
M. CHARLES STERNE, TRUSTEE

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SCHEDULE B-I
(REQUIREMENTS)

Commitment No. 1199

1. The following are the requirements to be complied with:

A. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.

B. Instruments in insurable form which must be executed, delivered and duly filed for record.

1. Warranty deed to be executed from Whitling Homes, Inc., subject to ruling in Case No. 78-02184, in United States District Court for the Northern District of Alabama, Southern Division, to James A. Scott and Kay Toner Scott conveying title to subject property.
2. Mortgage to be executed from James A. Scott and wife, Kay Toner Scott to Any Mortgagee to secure your loan.

C. Mortgages to be paid and satisfied in full are as follows:

- a. Mortgage from Whitling Homes, Inc. to Birmingham Trust National Bank dated May 17, 1977 and recorded May 19, 1977 at 11:34 a.m. in Mortgage Book 365 page 170 in Probate Office of Shelby County, Alabama, securing \$68,250.00.
- b. Mortgage from Whitling Homes, Inc. to Birmingham Trust National Bank dated May 23, 1977 and recorded June 9, 1977 at 9:22 a.m. in Mortgage Book 365 page 840 in Probate Office of Shelby County, Alabama, securing \$13,050.00.
- c. Mortgage to obtain release from Whitling Homes, Inc. to Birmingham Trust National Bank dated December 5, 1977 and recorded December 15, 1977 at 9:07 a.m. in Mortgage Book 372 page 608 in Probate Office of Shelby County, Alabama, securing \$47,085.00.

The following Mechanics' and Materialmen's Liens appear of record against subject property. We will require these claims to be paid in full and properly satisfied of record, subject to ruling of Court Case # 78-02184 of above described court:

- a. In Mechanics' Lien Record 3 page 541 appears notice of lien against this property in favor of Parker Supply Co., Inc. for \$16,765.07 with interest from December 6, 1977.
- b. In Mechanics' Lien Record 3 page 556 appears notice of lien against this property in favor of Belcher-Evans Millwork Co., Inc. for \$158.24 with interest from November 4, 1977.
- c. In Mechanics' Lien Record 3 page 540 appears notice of lien against this property in favor of Jenkins Brick Sales for \$635.44 with interest from February 3, 1978.
- d. In Mechanics' Lien Record 3 page 570 appears notice of lien against this property in favor of James A. Scott for \$15,302.00, with interest from February 24, 1978.
- e. In Mechanics' Lien Record 3 page 582 there appears notice of lien against this property in favor of Cobern Electric Company for \$754.42, with interest from February 13, 1978.
- f. In Mechanics' Lien Record 3 page 583 there appears notice of lien against this property in favor of Abel & Byrd Heating & Roofing Co., Inc. for \$4,042.54, with interest from March 7, 1978, in Mechanics' Lien Record 3 page 584 there appears the claim for lien for the above described amount and date.
- g. In Mechanics' Lien Record 3 page 591 there appears notice of lien, and in Mechanics' Lien Record 3 page 592 there appears claim of lien in favor of American Marble & Flooring Co., Inc. for \$880.41 with interest from January 30, 1978.
- h. In Mechanics' Lien Record 3 page 597 there appears notice of lien in favor of Sharer Door & Window, Inc. for \$1,015.56 with interest from August 11, 1977.
- i. In Mechanics' Lien Record 3 page 599 there appears notice of lien, and in Mechanics' Lien Record 3 page 600 appears claim in favor of Alvin L. Straiton, Jr. dba Manly


(CONT'D ON NEXT PAGE)

Schedule B-I consists of 2 pages.

TSP-113B-I-9/77

E X H I B I T " A "

 SL PAUL TITLE



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Rider attached to and forming a part of policy, commitment or binder number: 1199

Continuation of SCHEDULE B-1:

D. contd from previous page.

i. Plumbing for \$341.38 with interest from February 17, 1978.

j. In Mechanics' Lien Record 3 page 602 there appears notice of lien in favor of Valley Hills Interiors, Inc. for \$3,260.76 with interest from March 5, 1978.

k. In Mechanics' Lien Record 4 page 25 there appears notice of lien in favor of Cahaba Materials Company, Inc. for \$265.25, with interest from date of service.

E. We will require satisfactory proof that there is no suit pending in connection with the following lien: In Lis Pendens Book 5 page 617 there appears Lis Pendens Notice in favor of James A. Scott and Kay Toner Scott for specific performance and other claims, if this suit is pending, we will require same to be properly dismissed.

F. We will require that the following judgments be paid and satisfied in full subject to the ruling in Case No. 78-02184, in United States District Court for the Northern District of Alabama, Southern Division:

a. In Judgment Volume N, page 768 there appears judgment against one Whittling Homes, Inc. in favor of American Marble and Flooring Co., Inc. in the amt. of \$1,027.87, Civil Action No. CV-78-58.

b. In Judgment Volume N, page 770 there appears judgment against one Whittling Homes, Inc. in favor of Abel & Byrd Heating & Roofing Company, Inc. in the amount of \$4,694.39, Civil Action No. CV-78-52.

c. In Judgment Volume N page 772 there appears judgment against one Whittling Homes, Inc. in favor of Alvin L. Straiton, Jr., dba Mandy Plumbing Co., in the amount of \$396.72, Civil Action No. CV-78-59.

d. In Judgment Volume N page 655 there appears judgment against one Whittling Homes, Inc. et al in favor of Belcher-Evans Millwork Co., Inc. in the Circuit Court of Shelby County, Civil Action No. CV-78-47 (E), G. Daniel Evans Attorney for Plaintiff.

e. In Misc. Record 25 page 332 there appears a judgment against one Whittling Homes, Inc. in favor of Belcher-Evans Millwork Co., Inc. in the amount of \$13,095.17, Civil Action CV-78-47 (E), Final Decree and Judgment.

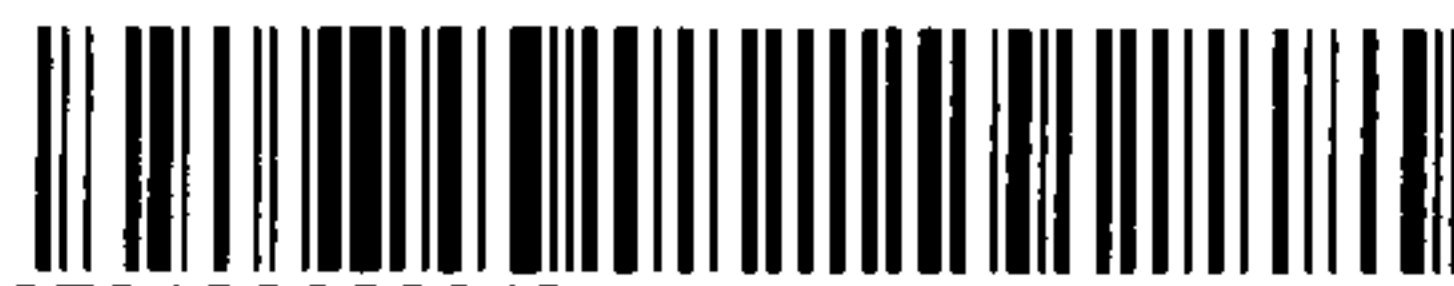
f. In Judgment Record N page 728 there appears a judgment against one Whittling Homes, Inc. in favor of The Wayne Door Co. of Ala, Inc. in the amount of \$4,169.19, District Court of Jefferson County, Case Number DV-78-2992.

g. In Judgment Record N page 361 there appears a judgment against one Whittling Homes, Inc. in favor of Cahaba Radial Tire, Inc. in the amount of \$391.08, District Court of Shelby County, Civil Action No. SM78-417.

h. In Judgment Record O page 402 there appears a judgment against one Whittling Homes, Inc. in favor of Land Title Company of Alabama in the amount of \$11,000.00, In The United States District Court for the Northern District of Alabama, Southern Division, Bankruptcy No. 78-02184.

i. In Judgment Record N page 871 there appears notice of lien for taxes against one Whittling Homes, Inc. in the amount of \$115.08 with interest plus penalty, in favor of State of Alabama dated August 9, 1978.

j. In Judgment Record O page 294 there appears notice of lien for taxes against one Whittling Homes, Inc., P.O. Box 479, Pelham, Alabama, in the amount of \$235.43 with interest plus penalty, in favor of State of Alabama.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In the Matter of

WHITLING HOMES, INC.

In Bankruptcy No. 78-02184

Bankrupt

ORDER CONFIRMING SALE BY THE TRUSTEE

The Trustee reporting that he has sold the hereinbelow described real estate to James A. Scott and Kay Toner Scott for the sum of \$ 5,000.00 cash which has been paid, and requesting confirmation of the sale, and reporting that

1. The sale is free and clear of all liens and encumbrances, except ad valorem taxes, and free and clear of all liens and mortgages of record and more specifically to the liens and mortgages set out in Exhibit "A" attached to this order, but subject to the mortgages of the Birmingham Trust National Bank, which are recorded in Mortgage Book 365, page 170; Mortgage Book 365, page 840; and Mortgage Book 372, page 608, And the matter having been regularly set for hearing and due and proper notice given to all scheduled creditors and attorneys of record, and no objection being made or filed to the sale, and the Court being satisfied that the sale is in the best interest of creditors and should be confirmed,

It is accordingly ORDERED:

That the said sale to James A. Scott and Kay Toner Scott be and the same is confirmed and the Trustee is authorized to execute a good and sufficient Trustee's deed conveying to the purchaser or his nominee the following described property, to-wit:

House and lot located in Shelby County, Alabama, described as follows:

Lot No. 19, according to First Addition, Riverchase Country Club Residential Subdivision as recorded in Map Book 6, page 116, and as shown by Revision No. 1 of First Addition, Riverchase Country Club Residential Subdivision recorded in Map Book 6, page 143, in the office of the Judge of Probate of Shelby County, Alabama.



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The Trustee shall present the said executed deed for approval by the Court, before delivery, and shall file with the Court a copy of the closing statement, showing credits and charges and the net amount of the purchase price received in cash by the Trustee.

DONE this 26th day of October, 1979.


Stephen F. Coleman
Bankruptcy Judge

lb

cc: James J. Robinson, Attorney
M. Charles Sterne, Trustee
J. N. Holt, Attorney
Charles L. Denaburg, Attorney
Donald L. Newsom, Attorney

DEC -S AM 8:46

Deed. 37.00
Rec. 12.00
Sub. 1.00

18.00



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