633

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

IN RE:	*	
GARY L. THOMPSON, f/d/b/a Thompson Properties, Inc. and f/d/b/a Design and Construction Co., Inc.	*	CASE NO. 80-02792
BIRMINGHAM SAW WORKS EMPLOYEES' PENSION TRUST, E. C. THUSTON and VIRGIL ISBELL, Trustees; ELMER C. THUSTON, JR.; MARY S. THUSTON; E. C. THUSTON III; WILLIAM LEE THUSTON; ROBERT D. THUSTON; and THOMPSON PROPERTIES, 112-S AG 615, LIMITED, a limited partnership,	*	AP NO. AP 81-0417
PLAINTIFFS	*	
V.	*	
A. J. BECK, as Trustee in Bankruptcy, and GARY L. THOMPSON, Bankrupt,	*	
DEFENDANTS	*	

BOOK 46 PAGE 812

FINAL DECREE

THIS CAUSE came on to be heard by the Court on the 6th day of July, 1982, upon the pleadings and briefs filed by the parties and upon oral testimony taken before the Court. Based upon the pleadings, briefs, and oral testimony, this Court finds that the Plaintiffs' Complaint is well taken and that the relief prayed for in their Complaint is due to be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by this Court as follows:

1. That the Debtor, Gary L. Thompson, has never had any equitable interest in the lands located in Shelby and St. Clair Counties, the State of Alabama, and more particularly described on the attached Exhibit "A" which is incorporated herein by this reference.

CORLEY, MONCUS, DE BUYS, [illegible] & OLIVERS, ATTOR
2100 - 15TH AVENUE, SOUTH
P. O. BOX 3418
BIRMINGHAM, AL 35205

2. That the subject bankruptcy estate and the Trustee of this estate have no interest, right, or claim in or to said property.

3. That the acquisition by Gary L. Thompson, the Debtor, of that portion of the aforedescribed lands which is more particularly described on the attached Exhibit "B" which is incorporated herein by reference, which said acquisition occurred on or about the 17th day of July, 1974, was, as to said portion of the subject lands, for the benefit of the Plaintiff, Thompson Properties, 112-S AG 615, Limited, said Plaintiff being the true and equitable owner thereof as of the filing of the petition of bankruptcy by Gary L. Thompson in this case.

BOOK 413 PAGE 46

4. That the foreclosure of that certain mortgage executed by Gary L. Thompson to Elmer C. Thuston, Jr. and wife, Mary S. Thuston, on the 17th day of July, 1974, said mortgage being recorded in the office of the Judge of Probate of Shelby and St. Clair Counties, Alabama, in Volume 341, page 182, in the office of the Judge of Probate of Shelby County, and Volume 142, page 721, in the office of the Judge of Probate of St. Clair County, which said foreclosure occurred on the 31st day of October, 1980, and is evidenced by that certain foreclosure deed which is recorded in Volume 341, page 642, in the office of the Judge of Probate of Shelby County and in Volume 128, page 395, in the office of the Judge of Probate of St. Clair County, is hereby authorized, ratified, and declared to be valid and effective against any interest that might be claimed by the Defendants, Gary L. Thompson and A. J. Beck, as Trustee in this case.

5. That the foreclosure of that certain mortgage executed by Gary L. Thompson to Birmingham Saw Works Employees' Pension Trust, E. C. Thuston and Virgil Isbell, Trustees, on the 17th day of July, 1974, said mortgage being recorded in the office of the Judge of Probate of Shelby and St. Clair Counties, Alabama, in Volume 341, page 178, in the office of the Judge of Probate of Shelby County and Volume 142, page 717, in the office of the

Judge of Probate of St. Clair County, which said foreclosure occurred on the 31st day of October, 1980, and is evidenced by that certain foreclosure deed which is recorded in Volume 341, page 648, in the office of the Judge of Probate of Shelby County and in Volume 128, page 399, in the office of the Judge of Probate of St. Clair County, is hereby authorized, ratified, and declared to be valid and effective against any interest that might be claimed by the Defendants, Gary L. Thompson and A. J. Beck, as Trustee in this case.

6. That the foreclosure of that certain mortgage executed by Gary L. Thompson to E. C. Thuston III, William Lee Thuston, and Robert D. Thuston on the 17th day of July, 1974, said mortgage being recorded in the office of the Judge of Probate of Shelby County, Alabama, in Volume 341, page 186, which said foreclosure occurred on the 31st day of October, 1980, and is evidenced by that certain foreclosure deed which is recorded in Volume 341, page 645, in the office of the Judge of Probate of Shelby County, Alabama, is hereby authorized, ratified, and declared to be valid and effective against any interest that might be claimed by the Defendants, Gary L. Thompson and A. J. Beck, as Trustee in this case.

BOOK 40 PAGE 814

ORDERED, ADJUDGED, AND DECREED on this the 13 day of August, 1982.

United States Bankruptcy Judge

PARCEL ONE:

Northeast quarter of northwest quarter, Section 25, Township 17, Range 1 East. East half of southwest quarter of northeast quarter, Section 26. Southeast quarter of northeast quarter, Section 26. Northeast quarter of southeast quarter, Section 26. South half of south half, except Hillhouse tract, Section 24. North half of southeast quarter, except Hillhouse tract, Section 24. Northeast quarter of northwest quarter, except Hillhouse tract, Section 24. East half of northwest quarter, Section 25, except Hillhouse tract. North half of northeast quarter, Section 25, except Hillhouse tract. Southwest quarter of northwest quarter, Section 25. West half of southwest quarter of northeast quarter, Section 25. East half of southeast quarter of northeast quarter, Section 25. North half of southwest quarter, Section 25. West 10 acres of northwest quarter of southeast quarter, Section 25. East 30 acres of northeast quarter of southeast quarter, Section 25. South half of south half north of Shoal Creek, Section 25.

31.2 acres north of Shoal Creek, Section 36. Southeast quarter of northwest quarter of Section 25, Township 17, Range 1 East, Shelby County, Alabama. All of the above land being situated in Township 17, Range 1 East. All of the above described property situated in Shelby County, Alabama.

West 20 acres of northwest quarter of southwest quarter, Section 30, Township 17, Range 2 East. *15 acres in southwest quarter of southwest quarter, being all of said "40" north of Shoal Creek. *West half of southwest quarter of southwest quarter, Section 30, Township 17, Range 2 East. All of the above described property situated in St. Clair County, Alabama.
*Note that descriptions of these two tracts overlap.

LESS AND EXCEPT;

East half of northeast quarter of southeast quarter of Section 25, Township 17, Range 1 East, situated in Shelby County, Alabama.

West half of northwest quarter of southwest quarter of Section 30, Township 17, Range 2 East, situated in St. Clair County, Alabama.

PARCEL TWO:
South half of northwest quarter, Section 19, Township 17 South, Range 2 East, situated in St. Clair County, Alabama.

Northwest quarter of northwest quarter of Section 25, Township 17 South, Range 1 East, Shelby County, Alabama.

Minerals and mining rights excepted.

Gas and oil excepted.

Southeast quarter of northeast quarter of Section 24, Township 17 South, Range 1 East. Shelby County, Alabama.

PARCEL THREE
South half of northwest quarter of Section 24, Township 17 South, Range 1 East, Shelby County, Alabama.

LESS AND EXCEPT:

South half of south half of southeast quarter of northwest quarter of Section 24, Township 17 South, Range 1 East. Shelby County, Alabama.

BOOK 45 PAGE 815

EXHIBIT "B"

An undivided 52% interest in and to the following described lands located in Shelby and St. Clair Counties:

S 1/2 of NW 1/4, Section 19, Township 17 South, Range 2 East
15 Acres in SW Corner of NW 1/4 of NW 1/4, being described as commencing at SW Corner of said "40," thence N along the W line of said "40" a distance of 660'; thence E 990'; thence S 660' until line intersects S line of said "40"; thence W along said S boundary line a distance of 990' to point of beginning. Along of the lands in the above two parcels being in Section 19, Township 17 South, Range 2 East, St. Clair County, Alabama.

SE 1/4 of NE 1/4 of Section 24, Township 17 South, Range 1 East
S 1/2 of NW 1/4 of Section 24, Township 17 South, Range 1 East
N 1/2 of SE 1/4 of Section 24, Township 17 South, Range 1 East
NE 1/4 of SW 1/4 of Section 24, Township 17 South, Range 1 East
S 1/2 of S 1/2 of Section 24, Township 17 South, Range 1 East
N 1/2 of NW 1/4 of Section 25, Township 17 South, Range 1 East
NE 1/4 of NE 1/4 of Section 25, Township 17 South, Range 1 East
All of the lands in the last 7 parcels above being in Shelby County, Alabama.

BOOK 46 PAGE 816

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1982 SEP 16 AM 8:34
Judge of Probate

Rec 7.50
Ind 1.00
8.50