

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

In the Matter of

JOSEPH D. CARRIER,

Debtor.

BK NO. 81-04115

M. CHARLES STERNE, TRUSTEE,

Plaintiff.

v.

AP NO. 83-0229

JOYCE MARIE CARRIER, et al,

Defendants.

TRUSTEE DEED

BOOK 348 PAGE 873
This indenture, made this the 22nd day of July, 1983, by and between M. Charles Sterne, as Trustee of Estate of the above named Debtor, Joseph D. Carrier, Party of the First Part, and Metro Bank, or its assigns, Party of the Second Part,

WITNESSETH THAT:

WHEREAS, on, to-wit, July 15, 1981, a voluntary petition in bankruptcy under Chapter 7 was filed by the above named Debtor in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, Case No. 81-04115, and,

WHEREAS, on, to-wit, the 20th day of July, 1981, the Party of the First Part was duly appointed Trustee of said estate, that he qualified as such Trustee and entered into proper bond with sureties approved by the United States Trustee, and 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 heretofore receive

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Denaburg, Schell, et al

authority from said Court to sell the hereinafter described real estate at a public sale, and that the Trustee did sell said realty at a public sale held on July 12, 1983, and,

WHEREAS, said Court did ratify and confirm said sale on the terms and conditions set out herein on the 14th day of July, 1983.

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NOW THEREFORE, the Party of the First Part, M. Charles Sterne, as Trustee of the Estate of Joseph D. Carrier, Debtor, in consideration of the power and authority vested in him as aforesaid, and the sum of Thirty Thousand and 00/100 (\$30,000.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Party of the Second Part, Metro Bank, or its assigns, the following described real property, to-wit:

Lot 1, Block 1, according to the Survey of Navaho Hills, Second Sector, as recorded in Map Book 5, page 24, in the Probate Office of Shelby County, Alabama.

The above described property is conveyed to said Party of the Second Part free and clear of all liens and encumbrances, but excepting the following:

1. First mortgage to Defendant Cobbs, Allen & Hall Mortgage Company, which mortgage is recorded in Volume 312, at page 810 in the Probate Office of Shelby County, Alabama, which mortgage the purchaser assumes and agrees to pay.
2. Current year's ad valorem taxes.
3. Building line as shown by recorded map.
4. Easement as shown by recorded map.
5. Right of way with Alabama Power Company recorded in Volume 250, page 725, in the Probate Office of Shelby County, Alabama.
6. Restrictions contained in Volume 250, page 81, in said Probate Office.

Said sale is of the Debtor's interest in said above described realty, and that of his wife, Joyce Marie Carrier, and is expressly made free and clear of the following liens and encumbrances, to-wit:


1. Mortgage executed by Debtor and his wife, Defendant Joyce Marie Carrier, to General Electric Credit Corporation, which mortgage was recorded on August 14, 1981, in Volume 414, at page 748, in the Probate Office of Shelby County, Alabama.
2. Mortgage executed by the Debtor and his wife, Defendant Joyce Marie Carrier, to Shelby State Bank, which mortgage was recorded on December 30, 1982, in Volume 426, at Page 98 in the Probate Office of Shelby County, Alabama.
3. Judgment in favor of Defendants Henry L. Rushton and Effie Rushton against Joseph D. Carrier, in the amount of \$15,000.00 and costs, rendered September 19, 1979, a certificate of which judgment was recorded on September 28, 1979, in Book O, Page 886, in the Probate Office of Shelby County, Alabama.
4. Judgment in favor of Defendant Mobile Homes Parts Distributors Company against the Debtor, in the amount of \$499.99 and costs, rendered October 27, 1980, a certificate of which judgment was recorded November 12, 1980, in Book Q, at page 81, in the Probate Office of Shelby County, Alabama.
5. Judgment in favor of Defendant Swope Alabaster Supply, Inc., against the Debtor, in the amount of \$3,337.91 and costs, rendered December 8, 1980, a certificate of which judgment was recorded December 23, 1980, in Book Q, at page 235, in the Probate Office of Shelby County, Alabama.
6. Tax lien in favor of Defendant Internal Revenue Service against Debtor in the amount of \$924.07, for the non-payment of 941 taxes, a certificate of which lien is recorded in Book Q, at page 466, in the Probate Office of Shelby County, Alabama.

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7. Judgment in favor of Defendant Central National Insurance Company of Omaha against Defendant Joyce Marie Carrier, in the amount of \$9,996.00 and costs, rendered December 8, 1980, a certificate of which judgment was recorded February 18, 1981, in Book Q, at page 430, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the said Metro Bank, its successors and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal on this the 22 day of July, 1983.

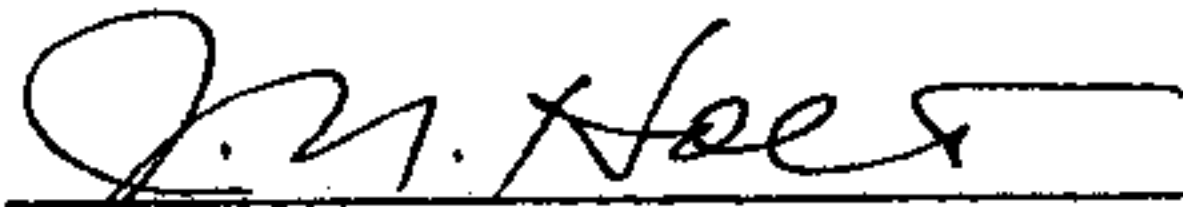

M. CHARLES STERNE, as Trustee of
the Estate of Joseph D. Carrier

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 Estate of Joseph D. Carrier, 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 the 22 day of July, 1983.


NOTARY PUBLIC

APPROVED:


STEPHEN B. COLEMAN
BANKRUPTCY JUDGE


WILLIAM M. ACKER
UNITED STATES DISTRICT JUDGE

This instrument was
prepared by:

J. N. Holt, Attorney
HOLT & COOPER
529 Frank Nelson Building
Birmingham, Alabama 35203
Telephone 205/322-4551

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DISTRICT OF ALABAMA, SOUTHERN DIVISION

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BK NO. 81-04115

M. CHARLES STERNE, TRUSTEE,
Plaintiff.

v.

AP NO. 82-0229

JOYCE MARIE CARRIER, et al,
Defendants.

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ORDER CONFIRMING PUBLIC SALE

BOOK 348 PAGE 877
A public sale having been held July 12, 1983, at 12:00 Noon in Courtroom No. 4, in the Bankruptcy Court at 500 South 22nd Street, Birmingham, Alabama, after due and proper notice to all scheduled creditors, attorneys and interested parties, and the Trustee, who conducted said public sale, reported to the Court that there were no objections being made to said sale, or the conducting thereof,

And the highest and best bid for the said property described below being that of Metro Bank, or its assigns, and the Trustee having accepted the said bid and sold the property to the said high bidder on the terms set out in the report of the Trustee, with said liens hereinafter described to attach to the proceeds of sale, and the Trustee recommending confirmation of said sale, as shown by his said report of sale filed in this Court, and the Court finding the sale being in all respects fairly and properly conducted,

IT IS HEREBY CONSIDERED AND ORDERED:

That the sale by the Trustee of the following described real estate to Metro Bank, or its assigns, for \$30,000.00 cash, is confirmed; that said

sale is made subject to the following:

1. First mortgage to Defendant Cobbs, Allen & Hall Mortgage Company, which mortgage is recorded in Volume 312, at page 810 in the Probate Office of Shelby County, Alabama, which mortgage the purchaser assumes and agrees to pay.
2. Current year's ad valorem taxes.
3. Building line as shown by recorded map.
4. Easement as shown by recorded map.
5. Right of way with Alabama Power Company recorded in Volume 250, page 725, in the Probate Office of Shelby County, Alabama.
6. Restrictions contained in Volume 250, page 81, in said Probate Office.

And said sale is of the Debtor's interest in said realty, and that of his wife, Defendant Joyce Marie Carrier, and is expressly free and clear of the following liens and encumbrances, to-wit:

1. Mortgage executed by Debtor and his wife, Defendant Joyce Marie Carrier, to General Electric Credit Corporation, which mortgage was recorded on August 14, 1981, in Volume 414, at page 748, in the Probate Office of Shelby County, Alabama.
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That the real property sold by the Trustee is legally described as, to-wit:

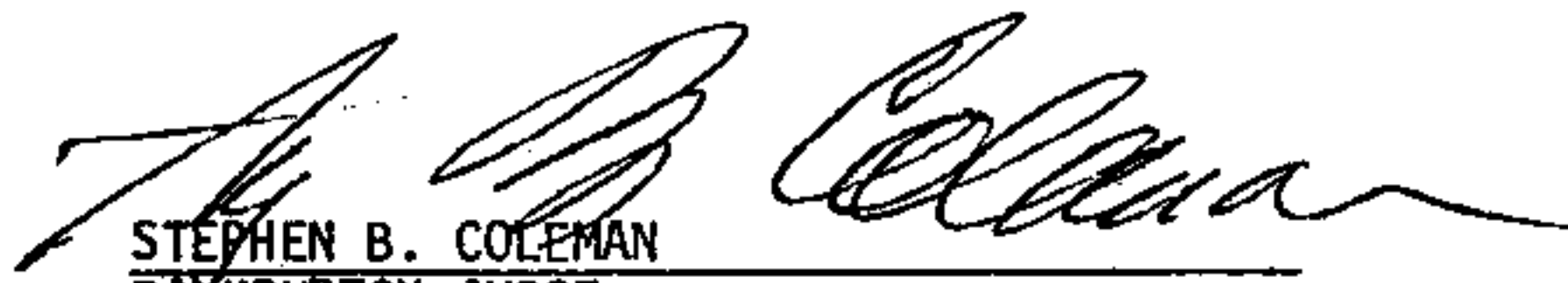
Lot 1, Block 1, according to the Survey of Navaho Hills, Second Sector, as recorded in Map Book 5, page 24, in the Probate Office of Shelby County, Alabama.

That said purchaser shall have possession no later than 60 days from July 12, 1983, and that the Debtor shall quit and deliver up said property within said time, and that the Debtor shall make all monthly mortgage payments to first mortgagee so that when possession is delivered to said purchaser, all current mortgage payments shall have been paid. The Court authorizes the Trustee to execute a Trustee's deed and other documents necessary to effect the transfer of said realty to said purchaser.

And that the sale of said realty, and of the interest of the Debtor and that of his wife, Defendant Joyce Marie Carrier, on the terms described herein and the Trustee's report of sale, to Metro Bank, or its

assigns, at and for the sum of \$30,000.00, which has been paid to the Trustee in cash, free and clear of all liens and encumbrances, except as noted herein, with liens to attach to proceeds of sale, be and the same is hereby confirmed in all respects.

This the 14 day of July, 1983.


STEPHEN B. COLEMAN
BANKRUPTCY JUDGE

cc: J. N. Holt, Attorney
M. Charles Sterne, Trustee
Charles L. Denaburg, Attorney
John P. Whittington, Attorney
James Pino, Attorney
Jack Rivers, U. S. Trustee
Debtor
David F. Ovson, Attorney
George H. B. Mathews, Attorney
George M. Ritchey, Attorney

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1983 AUG -4 AM 8:39


JUDGE OF PROBATE

Deed tax - 30.00
Rec 12.00
Ind. 1.00
43.00