

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

In re:

BURNS BROTHERS CONSTRUCTION
COMPANY, INC.,

Debtor.

BK NO. 87-1287

M. CHARLES STERNE, TRUSTEE,

Plaintiff.

v.

AP NO. 87-0151

FIRST SOUTHERN FEDERAL SAVINGS
AND LOAN ASSOCIATION, KUSTOM
FLOORS AND INTERIORS, GRAVITT
PLUMBING, HEATING & COOLING
COMPANY, JOHN SEGARS AIR
CONTROL COMPANY, INC., PELHAM
MARBLE COMPANY, ISSIS & SONS,
MARVIN'S HARDWARE & BUILDING
MATERIAL COMPANY, ABSCO
FIREPLACES, and RICKY STONE,

Defendants.

TRUSTEE DEED

This indenture, made this the 23 day of June, 1987, by
and between M. Charles Sterne, as Trustee of the Estate of Burns
Brothers Construction Company, Inc., Party of the First Part, and
Gary R. Crow, Party of the Second Part, and

WITNESSETH THAT:

WHEREAS, on, to-wit, February 12, 1987, a voluntary
petition was filed by the above named Debtor in the United States
Bankruptcy Court for the Northern District of Alabama, Southern
Division, Case No. 87-1287, and,

WHEREAS, on, to-wit, February 13, 1987, the Party of the
First Part was duly appointed Trustee of said estate and entered into

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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 Court did order that the real estate described below be sold at a public auction on June 15, 1987, free and clear of all liens and encumbrances, except for easements, restrictive covenants of record and ad valorem taxes, and,

WHEREAS, said Court did find that said public sale was fairly and legally conducted, and said Court did ratify and confirm said sale on the terms and conditions set out herein on June 18, 1987.

NOW THEREFORE, the Party of the First Part, M. Charles Sterne, as Trustee of the Estate of Burns Brothers Construction Company, Inc., in consideration of the power and authority vested in him as aforesaid, and the payment to him of the sum of \$119,000.00, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey, free and clear of all liens and encumbrances, and specifically free and clear of the following:

- A. Mortgage from Burns Brothers Construction Co., Inc., to First Southern Federal Savings and Loan Association, filed for record May 29, 1986, and recorded in Real Volume 76, at page 610 in the Probate Office of Shelby County, Alabama.
- B. Mechanic lien claim of Michael Wheless and Gary Wheless, dba Kustom Floors and Interiors, as set out and described in mechanic lien statement recorded in Book 105 at page 175 in the Probate Office of Shelby County, Alabama.
- C. Mechanic lien claim of Marvin's - Pelham, Inc., as set out and described in mechanic lien statement recorded in Book 110 at page 442 in the Probate Office of Shelby County, Alabama.

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- D. Notice of intent to claim materialman's lien filed by John Segars Air Control Co., Inc., as set out and described in statement recorded in Book 112 at page 134 in the Probate Office of Shelby County, Alabama.
 - E. Mechanic lien claim of John Segars Air Control Co., Inc., as set out and described in mechanic lien statement recorded in Book 112 at page 135 in the Probate Office of Shelby County, Alabama.
 - F. Mechanic lien claim of Kenneth Gravitt, dba Gravitt Contractors, as set out and described in mechanic lien statement recorded in Book 113 at page 121 in the Probate Office of Shelby County, Alabama.
 - G. Mechanic lien claim of Flo-Rite Seamless Gutters as set out and described in mechanic lien statement recorded in Book 115 at page 501 in the Probate Office of Shelby County, Alabama.
 - H. Mechanic lien claim of Pelham Marble Company as set out and described in mechanic lien statement recorded in Book 122 at page 459 in the Probate Office of Shelby County, Alabama.
 - I. Lis Pendens filed by Pelham Marble Company recorded in Book 122 at page 812 in the Probate Office of Shelby County, Alabama.
 - J. Mechanic lien claim of Gary R. Crow as set out and described in mechanic lien statement recorded in Book 133 at page 384 in the Probate Office of Shelby County, Alabama.
 - K. Mechanic lien claim of Issis & Sons as set out and described in mechanic lien statement recorded in Real Book 135 at page 941 in the Probate Office of Shelby County, Alabama.

But excepting the following:

1. Current year's ad valorem taxes.
2. Easement as shown by recorded map.

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3. Restrictions appearing of record in Vol. 14, page 536, Real 76, page 607 and amended in Vol. 17, page 550, and Vol. 34, page 549, in the Probate Office of Shelby County, Alabama.
4. Agreement with Alabama Power Company recorded in Misc. Book 30, page 428 in said Probate Office.
5. Restrictions with Alabama Power Company recorded in Misc. Book 30, page 443 in said Probate Office.
6. Mineral and mining rights and rights incident thereto recorded in Vol. 127, page 140, in the Probate Office of Shelby County, Alabama.
7. Association dues, if any, due Riverchase Homeowners' Association.
8. Any and all requirements of Architectural Control Committee of Riverchase Residential Association.

unto the Party of the Second Part, Gary R. Crow, the following described real property, to-wit:

Lot 48, according to the survey of Riverchase West, Third Addition, Residential Subdivision, as recorded in Map Book 7, page 139 in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the said Gary R. Crow, his heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal on this the 23 day of June, 1987.


M. CHARLES STERNE, as Trustee
of the Estate of Burns
Brothers Construction
Company, Inc.

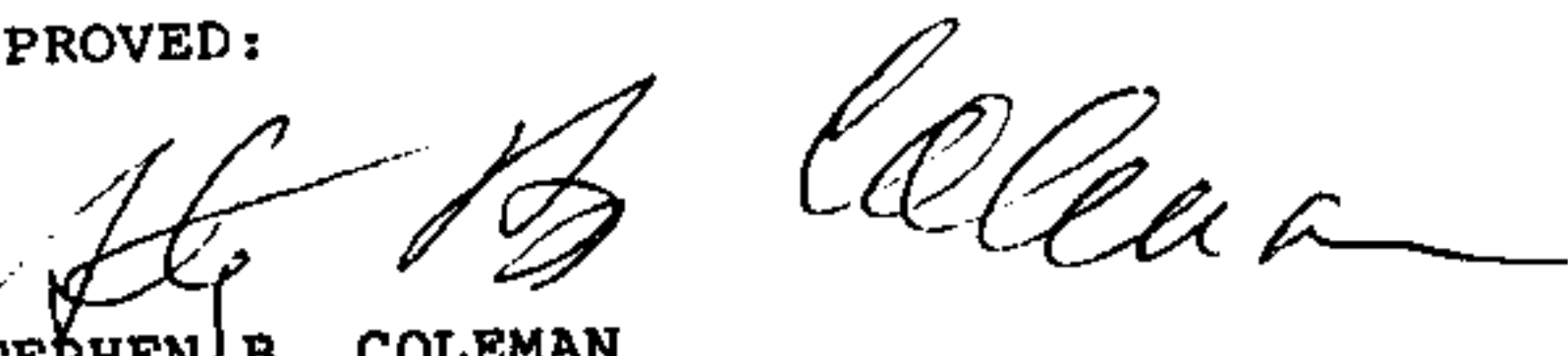
STATE OF ALABAMA)
JEFFERSON COUNTY)

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 Estate of Burns Brothers Construction Company, 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 the 23 day of June, 1987.


NOTARY PUBLIC

APPROVED:


STEPHEN B. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

This instrument was prepared by:
J. N. HOLT of Holt, Cooper & Upshaw
529 Frank Nelson Building
Birmingham, Alabama 35203

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1987 JUL 24 AM 9:47


JUDGE OF PROBATE

1. Deed Tax	\$ <u>4.00</u>
2. Mtg. Tax	<u> </u>
3. Recording Fee	<u>12.50</u>
4. Indexing Fee	<u>8.00</u>
TOTAL	<u>24.50</u>