637

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

WALKER COUNTY POOL & SPA, INC. Debtor.	BKY CASE NO. 87-9941 CHAPTER 7 PROCEEDING
BRENT THORNLEY, TRUSTEE, Plaintiff, vs. LESA CAGLE and CHARLES HUGH McGREGOR, Defendants.	A.P. NO. 88-0594

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LIS PENDENS

STATE OF ALABAMA)
:
SHELBY COUNTY)

Notice is hereby given that an action has been commenced and is now pending in the above-styled Court on the Complaint of the above-named Plaintiff, Brent Thornley, Trustee, of the bankruptcy estate of Walker County Pool & Spa, Inc. against the above-named

Gordon Silberman

Defendants, Lesa Cagle and Charles Hugh McGregor. Plaintiff claims an interest in the property described below pursuant to the attached Order Granting Judgment And Excepting From Discharge which is incorporated by reference as fully set out herein. The real property in Shelby County, Alabama presently held in the name of Charles Hugh McGregor affected thereby is particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 21, Township 19 South, Range 2 West, and from the East line thereof, turn Northwesterly 46 deg. 08 min. and run Northwesterly 17.39 feet to the point of beginning; thence continuing along last described course, 610.74 feet to a point on the Southeasterly right of way of Indian Crest Road; thence right 89 deg. 49 min. and run Northeasterly along said right of way 105.15 feet to the point of curve of a curve to the right, having a radius of 1,146.24 feet and a central angle of 9 deg. 24 min; thence Northeasterly along the arc of said curve 188.05 feet to the point of tangent; thence right 106 deg. 54 min. 22 sec. from the tangent of said curve and run Southeasterly 664.13 feet to the point of beginning; being situated in Shelby County, Alabama.

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MARK P. WILLIAMS, Attorney
for Brent Thornley, Trustee

OF COUNSEL:
GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.
1500 Colonial Bank Building
Birmingham, Alabama 35203
(205) 328-0640

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

IN RE:	)	
	)	Case No. BK 87-09941
WALKER COUNTY POOL & SPA, INC.	)	
	)	
DEBTOR	)	Chapter 7
	)	
	)	AP No. 88-0594
BRENT THORNLEY, TRUSTEE	)	
	)	
PLAINTIFF	)	
	)	
VS.	)	
	)	
LESA CAGLE AND CHARLES HUGH MCGREGOR	)	
	)	
DEFENDANT	)	

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ORDER GRANTING JUDGMENT AND EXCEPTING FROM DISCHARGE

The complaint of Brent Thornley, Trustee, for the collection of a debt notwithstanding bankruptcy having been duly set for hearing on proper service of Summons and Complaint, and the matter coming on to be heard upon the appearance of the parties and attorneys of record, and the parties agreeing in open court by and through their attorneys of record to settle and compromise this matter, the Court finds that relief should be granted the plaintiff and judgment rendered and for good cause shown.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED:

1. That the plaintiff, Brent Thornley, Trustee, recover of the defendants, Lesa Cagle and Charles Hugh McGregor, the sum of One Hundred Forty Five Thousand and No/100 ($145,000.00) Dollars, and the sum of One Hundred Twenty and No/100 ($120.00) Dollars costs of court, the said debt shall be excepted from discharge of the defendants, Lesa Cagle & Charles Hugh McGregor, under Section 523(a)(2).

2. It is further ordered that the full judgment of $145,000.00 may be satisfied in full by the payment of the sum of $100,000.00 with interest at 10% per annum from date. Such $100,000.00 to be paid as follows:

(a) **JASPER PROPERTY.** A deed to the Jasper property will be executed by the defendant, Charles Hugh McGregor, to Brent Thornley, Trustee, within three days. McGregor will be responsible for the $1,165.00 monthly payment until the property is sold (McGregor will collect rent during the pending sale). After the property is sold, the net proceeds realized, will be credited on the $100,000.00.

(b) **DEFICIENCY.** The deficiency will be paid within thirty days or in monthly installments due one month after deficiency determined in (a) above, plus 10% per annum, over a period of two and one-half years. Such deficiency will be secured by a recorded third mortgage to be given by McGregor on his Shelby County home. McGregor will pay current monthly first and second mortgage payments.

(c) **DEFAULT.** In the event of failure to comply with all the provisions for the payment of the $100,000.00, then the full nondischargeable judgment of $145,000.00, with interest at the legal rate of interest from date would be due and payable and execution may issue forthwith.

3. It is further ordered by the Court that payment of the proceeds of the judgment and costs herein shall be made directly to attorney(s) of record for the plaintiff and that, upon receipt thereof, such attorney(s) will satisfy said judgment of record of this Court. FURTHER, no execution and no Certificate of Judgment shall be issued pending the agreed satisfaction of such judgment.

DONE AND ORDERED this 1 day of March, 1989.

GEORGE S. WRIGHT
U.S. BANKRUPTCY JUDGE

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mbm
Copy to: Debtor - Walker County Pool & Spa, Inc.
Attorney - Jack Davis
Trustee - Brent Thornley
Atty. for Trustee - Mark Williams
Defendant - Lesa Cagle
c/o Jack Davis, Atty.
Defendant - Charles Hugh McGregor
c/o Dwight L. Driskill, Atty.
Helen Ellis, Estate Analyst
Clerk, U.S. Bankruptcy Court (2)

STATE OF ALA. SHELBY
I CERTIFY THIS
INSTRUMENT WAS FILED

89 MAR -9 AM 10: 28

JUDGE OF PROBATE

Rec. 10.00
Ind 1.00
1.00