

UNITED STATES BANKRUPTCY COURT  
For the Northern District of Alabama  
Southern Division

RE: FRANK E STANLEY

CASE NUMBER: 00-07367-TBB-7

I, RICHARD K. MAUK, ACTING CLERK of Bankruptcy Court in and for said District, do hereby certify that the attached copy of Order Approving Motion for Authority to Sell Property of the Estate by Private Sale Free and Clear of Liens and Other Interests in the case of Frank E Stanley debtor, Case No. 00-07367-TBB-7 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this 22nd day of June, 2001.

RICHARD K. MAUK  
Acting Clerk of Bankruptcy Court

By: Shewana Callies  
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]  
Date of issuance: June 22, 2001

Inst # 2001-26479

06/27/2001-26479  
10:32 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
004 MB 20.00

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

**ENTERED**

JUN 06 2001

Clerk, U.S. Bankruptcy Court  
Northern District of Alabama  
By: [Signature]

In the Matter of: )

FRANK E. STANLEY, )

Debtor. )

Case No. 00-07367-TBB-7

**ORDER APPROVING MOTION FOR AUTHORITY TO SELL  
PROPERTY OF THE ESTATE  
BY PRIVATE SALE FREE AND CLEAR OF LIENS AND OTHER INTERESTS**

**THIS MATTER** came before this Court on June 5, 2001, on the Motion For Authority to Sell Property of the Estate By Private Sale Free and Clear of Liens and Other Interests (the "Motion") filed by Max C. Pope ("Pope"), as Trustee of the Estate of Frank E. Stanley. Appearing at the hearing were Pope, William W. Thomley, attorney for Pope, and Gail Weiss of RealtySouth, real estate agent for Pope. No objections were filed to the Motion. Accordingly, it is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1.

The Motion is hereby **GRANTED**.

2.

The Trustee and the Debtor's wife, Christy M. Stanley, have entered into a contract to sell certain real property of the estate located at 5165 Meadowbrook Road, Birmingham, Alabama 35242 described as follows:

Lot 59, according to the Map and Survey of Meadow Brook, 6<sup>th</sup> Sector, as recorded in Map Book 8, Page 44, in the Probate Office of Shelby County, Alabama.

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(hereinafter, the "Property") to Andrew D. and Maria S. Kennedy (the "Purchasers") for a total purchase price of \$155,000.00. The Trustee is hereby **AUTHORIZED** to convey the estate's one-half interest in the Property to the Purchasers in consideration of \$77,500.00, one-half of the total purchase price. The estate's one-half interest in the Property shall be sold free and clear of all liens and encumbrances.

3.

Upon the running of the time for appeal from this Order, the following shall take place: The Trustee shall execute all necessary documents to transfer the estate's one-half interest in the Property to the Purchasers in consideration of \$77,500.00, one-half of the total purchase price. At closing, Pope is authorized to pay the following amounts from the estate's share of the proceeds of this sale: (1) to Frank E. Stanley, the Debtor, in consideration of his homestead exemption in the Property -- \$5,000.00; (2) to Jefferson Title, one-half of the cost of the owner's title insurance policy; (3) to HomeSide Lending, Inc., one-half of the balance of the first mortgage on the Property; and (4) to SouthTrust Bank of Alabama, N.A., one-half of the balance of the second mortgage on the Property. Pope shall pay one-half of the sellers's costs of home warranty and termite bond and at closing. The current year's ad valorem taxes on the Property shall be prorated between the sellers and Purchasers, and Pope shall either pay one-half of the sellers's share at closing, or credit the Purchasers for one-half of the sellers's share. Pope shall pay one-half of the balance of past due taxes on the Property, if any. All other sale proceeds of the bankruptcy estate of Frank M. Stanley shall be held in escrow, and shall not be distributed without further order of the Court. Pope and the Purchasers are hereby

authorized to execute such documents as may be necessary, in Pope's judgment, to effect an assignment and transfer of the estate's interest in the Property to the Purchasers.

DONE this 5<sup>th</sup> day of June, 2001.

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

This Order prepared by:

William W. Thomley  
Attorney for Max C. Pope, Trustee  
P. O. Box 26284  
Birmingham, AL 35260  
(205) 824-1313

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