

STATE OF ALABAMA)
SHELBY COUNTY)

TRUSTEE'S DEED

THIS DEED made this the 22nd day of October, 2002, between the Bankruptcy Estate of Dale Hower and Elizabeth Hower, by and through its duly appointed Trustee in Bankruptcy, Andre' M. Toffel, in his capacity as Trustee and not individually, in case number 02-01788-BGC-7, United States Bankruptcy Court, Northern District of Alabama, Southern Division (hereinafter referred to as "Grantor") and Dale Hower and Elizabeth Hower, (hereinafter referred to as "Grantees"), pursuant to and authorized by Order of the said Bankruptcy Court dated August 20, 2002, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

WITNESSETH

WHEREAS, on, to-wit, on March 5, 2002, a voluntary petition for relief under Chapter 7 of the Bankruptcy Code was filed by the debtors, Dale and Elizabeth Hower in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, case number 02-01788-BGC-7.

WHEREAS, Grantor was subsequently duly appointed as Trustee of said estate, that he qualified as such Trustee and entered into proper bond, and that Grantor has continued to act and is now acting and serving as such Trustee, and,

WHEREAS, the Grantor issued notice to all parties in said bankruptcy case as required by the Clerk's Certificate of Those to Whom Notice is Required issued on July 11, 2002, pursuant to the Grantor's Motion for Sale of Debtors' Interest in Real Property Subject to Encumbrances, and the Bankruptcy Court having issued its Order Authorizing the said Sale, said Order being attached hereto as Exhibit "A":

NOW THEREFORE, by virtue of the power and authority granted the Grantor to sell property of the Bankruptcy Estate pursuant to the provisions of 11 U.S.C. Section 363, and in consideration of the sum of FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$52,500.00). Said sum was paid to Grantor in hand paid by the Grantees, receipt of which is hereby acknowledged, the Grantor does hereby transfer unto the said Grantees, all of the Grantor's right, title and interest, including any rights of redemption, in and to the following described real property located in Shelby County, Alabama, to-wit:

Lot 59, 2nd Sector, according to the Survey of Altadena Woods 2nd and 5th Sectors, as recorded in Map Book 10, Page 54 A&B, in the Probate Office of Shelby County, Alabama.

together with all of the appurtenances, fixtures and improvements thereon and also all of the estate which the said Grantor had in said premises at the date of the present conveyance.

This conveyance is made subject to the mortgage interest of Major Mortgage's lien in the amount of \$112,529.26 and otherwise made free and clear of all other encumbrances or liens as authorized by that certain Order of the United States Bankruptcy Court dated August 20, 2002, attached as Exhibit "A", and is made subject to all restrictions and exceptions of record.

TO HAVE AND TO HOLD unto the said Dale Hower and Elizabeth Hower, forever, said real property being conveyed "as is" and Grantor gives no guarantee or warranty

regarding the condition, fitness, or environmental status of the real property conveyed herein.

IN WITNESS WHEREOF, the Grantor, in his representative capacity as Trustee in Bankruptcy and not individually, has hereunto set his hand and seal the day and year first above written.

THE BANKRUPTCY ESTATE OF
DALE HOWER & ELIZABETH HOWER

By Andre M. Toffel as Trustee
Andre' M. Toffel, as and only as Trustee
in Bankruptcy and not individually

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Janet Ross Craft, a Notary Public in and for said County, in said State, hereby certify that Andre' M. Toffel, as Trustee in Bankruptcy and not individually, whose name as Trustee in Bankruptcy of Dale Hower and Elizabeth Hower, and not individually, signed the foregoing, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said instrument, he, in his capacity as such Trustee in Bankruptcy and not individually, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22nd day of October, 2002.

Janet Ross Craft

In re: Dale & Elizabeth Hower
Bankruptcy Case No.: 02-01788-BGC-7
Trustee's Deed
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NOTARY PUBLIC

My commission expires 3/7/04

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

20021031000536510 Pg 5/5 24.00
Shelby Cnty Judge of Probate, AL
10/31/2002 07:35:00 FILED/CERTIFIED

In the Matter of:

DALE HOWER

SSN: [REDACTED]

ELIZABETH HOWER

SSN: [REDACTED]

Debtor(s).

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}
}
}

Case No: 02-01788-BGC-7

Handwritten: 02/16/02
m/f
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ORDER

This matter came before the Court on Monday, August 12, 2002 at 1:30 p.m., for a hearing on the following:

TRUSTEE'S MOTION FOR SALE OF DEBTORS' INTEREST IN REAL PROPERTY SUBJECT TO ENCUMBRANCES AND OBJECTIONS, IF ANY

Proper notice of the hearing was given and appearances were made by the following:

JAMES G HENDERSON, ATTORNEY FOR DEBTOR

PAIGE OSBORN FOR STEVEN D. ALTMANN, ATTORNEY FOR TRUSTEE

It is therefore **ORDERED, ADJUDGED and DECREED** that:

BASED ON THE ARGUMENTS OF COUNSEL AND THE PLEADINGS, THE TRUSTEE'S MOTION IS GRANTED AND THE SALE IS APPROVED.

Dated: AUG 20 2002

Handwritten signature of Benjamin G. Cohen

BENJAMIN G. COHEN

United States Bankruptcy Judge

Courtroom Deputy: BONNIE FILASEK

Recorder: LINDA KIRKPATRICK

Date Prepared: 08/16/2002

EXHIBIT "A"

ENTERED

AUG 20 2002

Clerk, U.S. Bankruptcy Court
Northern District of Alabama

By: _____