

CORRECTIVE DEED

TRUSTEE'S DEED

20021108000558190 Pg 1/3 18.00
Shelby Cnty Judge of Probate, AL
11/08/2002 13:10:00 FILED/CERTIFIED



20030106000009650 Pg 1/8 33.00
Shelby Cnty Judge of Probate, AL
01/06/2003 11:38:00 FILED/CERTIFIED

THIS DEED made this the 6th day of November, 2002, between the Bankruptcy Estate of Kenneth M. Byrne, by and through its duly appointed Trustee in Bankruptcy, Andre' M. Toffel, in his capacity as Trustee and not individually, in case number 02-0909-BGC-7, United States Bankruptcy Court, Northern District of Alabama, Southern Division (hereinafter referred to as "Grantor") and Steven J. Stelk and Marilyn J. Stelk, (hereinafter referred to as "Grantees"), pursuant to and authorized by Order of the said Bankruptcy Court dated November 5, 2002, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

WITNESSETH

WHEREAS, on, to-wit, on February 5, 2002, a voluntary petition for relief under Chapter 7 of the Bankruptcy Code was filed by the debtor, Kenneth M. Byrne in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, case number 02-0909-BGC-7.

WHEREAS, on or about February 12, 2002, Grantor was 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 September 26, 2002, pursuant to the Grantor's Motion for Authority to Sell Real Property Located at 3917 Cannock Drive Free and Clear of All Liens, Interests or Other 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 TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$275,000.00) paid to Grantor in hand 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 174, according to the Survey of Brook Highland, an Eddleman Community, 6th Sector, 1st Phase, as recorded in Map Book 14, Page 83 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 free and clear of all liens and encumbrances as authorized by that certain Order of the United States Bankruptcy Court dated November 5, 2002, attached as Exhibit "A", and is made subject to all restrictions and exceptions of record.

TO HAVE AND TO HOLD unto the said United States Steel Corporation^{*}, 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.

* This Corrective Deed is being filed to change the name of the Grantee from United States Steel Corporation, as shown on page two, to reflect the name of the true Grantees, Steven J. Stelk and Marilyn J. Stelk, as shown on page 1.

THE BANKRUPTCY ESTATE OF
KENNETH M. BYRNE

By: Andre M. Toffel as Trustee
Andre' M. Toffel, as and/or 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 Kenneth M. Byrne, 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 6th day of November, 2002.

Janet Ross Craft
NOTARY PUBLIC
My commission expires 3/7/04

EXHIBIT A

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

IN RE:

KENNETH M. BYRNE,

DEBTOR.

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CASE NO. 02-00909-BGC

**ORDER
ON SALE OF REAL PROPERTY**

This matter having come before the Court for hearing on November 4, 2002, to consider the Trustee's Notice of Intent to Sell and Motion to Sell Real Property Located at 3917 Cannock Drive Free and Clear of All Liens, Interests or Other Encumbrances, proper notice having been given, and no objections having been filed; appearing were Steven D. Altmann, attorney for the Trustee and Stephen P. Leara, attorney for Edwin West. The Court, having considered the pleadings and arguments of counsel has determined that the Motion is due to be **GRANTED**; now therefore,

It is hereby **ORDERED, ADJUDGED and DECREED** that the Trustee is authorized to sell the real property located at 3917 Cannock Drive, Birmingham, Alabama 35242 by private sale to Steven J. Stelk and Marilyn J. Stelk for the purchase price of \$275,000.00, free and clear of any and all interests in such property of an entity other than the estate, in accordance with the following:

(1) The Closing Attorney is authorized to pay the Mortgage held by Chase Manhattan Mortgage Corporation in full;

(2) The Closing Attorney is authorized to pay the Mortgage held by CitiFinancial in full;

(3) The Closing Attorney is authorized to pay \$3,945.28 to J.R. Prewitt & Associates in full satisfaction of its judgment lien;

(3) The Closing Attorney is authorized to pay \$23,500.00 to Edwin L. West in full satisfaction of its judgment lien pursuant to the Consent Order entered in A.P. No. 02-224, Andre' M. Toffel, Trustee v. Edwin L. West;

(4) The Closing Attorney is authorized to pay \$695.00 to Brook Highland Homeowner's Association, Inc. in full satisfaction of its lien;


(5) The Closing Attorney is authorized to pay \$10,000.00 to Lauren Byrne, representing her share of her 1/2 interest in the property pursuant to the Consent Order entered in A.P. No. 02-223, Andre' M. Toffel, Trustee v. Lauren Byrne;

(6) The Closing Attorney is authorized to pay \$5,000.00 to Kenneth Byrne representing his homestead exemption;

(7) The Closing Attorney is authorized to pay all ordinary and necessary costs associated with the sale of the aforementioned property;

(8) Any and all remaining funds are to be disbursed to the Trustee for payment of administrative and unsecured claims in this case.

It is so ORDERED this 5th day of November, 2002.


BENJAMIN COHEN
United States Bankruptcy Judge

xc: Debtor
Lauren Byrne
Andre' M. Toffel, Trustee
Steven D. Altmann, Esq.
Stephen P. Leara, Esq.
Bankruptcy Administrator

This Order prepared by:
Steven D. Altmann, TOFFEL & ALTMANN, P.C.
1929 Third Avenue North, Fourth Floor Farley Building
Birmingham, AL 35203 (205) 252-7115

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

ENTERED

NOV 05 2002

Clerk, U.S. Bankruptcy Court
Northern District of Alabama
By: _____

IN RE:

KENNETH M. BYRNE,

DEBTOR.

CASE NO. 02-00909-BGC

ORDER
ON SALE OF REAL PROPERTY

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It is so ORDERED this 5th day of November, 2002.


BENJAMIN COHEN
United States Bankruptcy Judge

xc: Debtor
Lauren Byrne
Andre' M. Toffel, Trustee
Steven D. Altmann, Esq.
Stephen P. Leara, Esq.
Bankruptcy Administrator

This Order prepared by:
Steven D. Altmann, TOFFEL & ALTMANN, P.C.
1929 Third Avenue North, Fourth Floor Farley Building
Birmingham, AL 35203 (205) 252-7115

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

RE: Kenneth M. Byrne

CASE NUMBER: 02-00909-BGC

20030106000009650 Pg 8/8 33.00
Shelby Cnty Judge of Probate, AL
01/06/2003 11:38:00 FILED/CERTIFIED

I, RICHARD K. MAUK, ACTING CLERK of Bankruptcy Court in and for said District, do hereby certify that the attached copy of ORDER ON SALE OF REAL PROPERTY in the case of Kenneth M. Byrne debtors, Case No. 02-00909 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 6th day of November, 2002.

RICHARD K. MAUK
Acting Clerk of Bankruptcy Court

By: Randy W. Charles
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]
Date of issuance: 11-6-02