

**TRUSTEE'S DEED**

THIS DEED made this the 26<sup>th</sup> day of February, 2003, between the Bankruptcy Estate of Gary D. Wheat and Frances H. Wheat, who is one and same person as Frances Tate Headley, by and through its duly appointed Trustee in Bankruptcy, Andre' M. Toffel, in his capacity as Trustee and not individually, in case number 01-00722-BGC-7, United States Bankruptcy Court, Northern District of Alabama, Southern Division (hereinafter referred to as "Grantor") and JOSEF BURROUGHS and ALFRED BURROUGHS, (hereinafter referred to as "Grantees"), pursuant to and authorized by Order of the said Bankruptcy Court dated February 11, 2003, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

**WITNESSETH**

WHEREAS, on February 1, 2001, a voluntary petition for relief under Chapter 7 of the Bankruptcy Code was filed by the debtor, Gary D. Wheat and Frances H. Wheat in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, case number 01-00722-BGC-7.

WHEREAS, on or about February 7, 2001, 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 January 10, 2003, pursuant to the Grantor's Notice of Intent to Sell and Motion to Sell Real Property Free and Clear of All Liens, Interests or Other Encumbrances by Private Sale to Josef Burroughs and Alfred Burroughs, and the Bankruptcy Court having issued its Order Authorizing the 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, having obtained the consent of Randy Eugene Headley, and in consideration of the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) 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 at 126 Oliver Street, Pelham, Alabama in Shelby County, Alabama, to-wit:

**Parcel I:**

Begin at the SW corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24, Township 20, Range 3 West, and run East along the South boundary of said  $\frac{1}{4}$   $\frac{1}{4}$  section 921 feet to East boundary line of Highway 31; thence run North 19 deg. 30' West along the said Highway 438 feet to North line of a road; thence run North 87 deg. 25' East 400 feet; thence run North 19 deg. 39' West 204 feet; thence run South 89 deg. West 158 feet for point of beginning of lands here conveyed; thence run South 89 deg. West 92 feet; thence run South 19 deg. 30' East 82 feet; thence run North 89 deg. East 92 feet; thence run northerly to point of beginning.

**Parcel II:**

A part of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24, Township 20, Range 3 West, more particularly described as follows:

Begin at the SW corner of said  $\frac{1}{4}$   $\frac{1}{4}$  section and run thence East along the South line thereof 921 feet to the East line of the Birmingham-Montgomery Highway, as same is now located; thence run North 19 deg. 30' West along the East side of said Highway a distance of 438 feet to the North line of a road; thence run North 87 deg. 25' East a distance of 400 feet to a point; thence run North 19 deg. 30' West 118 feet to point of beginning of land herein described; thence run South 87 deg. 25' West a distance of 88 feet; thence run North 19 deg. 30' West 88 feet; thence run North 89 deg. East 88 feet; thence run South 19 deg. 30' East 88 feet to a point of beginning.

ALSO, an undivided one-fifth part of well located near lands described herein, together

with the right of ingress and egress thereto and the usage of water therefrom.

ALSO, a part of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24, Township 20, Range 3 West, in Shelby County, Alabama, described as follows:

Commencing at the SW corner of said SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  and running thence Easterly along the South boundary of said Section a distance of 921 feet to the East line of the Birmingham-Montgomery Highway as the same was situated on the 21<sup>st</sup> day of November, 1955; thence North 19 deg. 30' West along the East line of said highway 438 feet to the North line of a settlement road; thence North 87 deg. 25' East 400 feet; thence North 19 deg. 30' West 204 feet; thence South 89 deg. West to the point of beginning of the lot herein described; thence continue in the same direction 72 feet; thence South 19 deg. 30' East 88 feet; thence North 89 deg East 72 feet; thence North 19 deg. 30' West 88 feet to point of beginning.

(A  $\frac{1}{5}$  interest in well situated on the part of the said SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ )

All being situated in 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 February 11, 2003, attached as Exhibit "A", and is made subject to all restrictions and exceptions of record.

TO HAVE AND TO HOLD unto the said JOSEF BURROUGHS and ALFRED BURROUGHS, 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  
GARY D. WHEAT AND FRANCES H. WHEAT

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 Gary D. Wheat and Frances H. Wheat, 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 24<sup>th</sup> day of February 2003.

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



Exhibit "A"  
AMT ✓

RECEIVED  
FEB 18 2003  
ANDRE' TOFFEL, P.C.

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

IN RE: )  
 )  
GARY D. WHEAT and ) CASE NO. 01-00722-BGC  
FRANCES H. WHEAT, )  
 )  
DEBTOR. ) CHAPTER 7

ORDER

This matter having come before the Court for hearing on February 10, 2003, to consider the Trustee's Notice of Intent to Sell and Motion to Sell Real Property located at 126 Oliver Street Free and Clear of All Liens, Interests or Other Encumbrances by Private Sale to Josef and Alfred Burroughs, proper notice having been given, no objections having been filed; appearing was Steven D. Altmann, attorney for the Trustee.

The Court, having considered the pleadings and oral arguments 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 126 Oliver Street, Pelham, Alabama by private sale to Josef and Alfred Burroughs.

It is so ORDERED this 10<sup>th</sup> day of Feb, 2003.

20030226000119070 Pg 5/5 53.00  
Shelby Cnty Judge of Probate, AL  
02/26/2003 14:15:00 FILED/CERTIFIED

  
BENJAMIN COHEN  
United States Bankruptcy Judge

xc: Debtor  
Shea Carroll, Esq.  
Steven D. Altmann, Esq.  
Andre' M. Toffel, Trustee  
J. Thomas Corbett, Esq.

**ENTERED**  
  
FEB 11 2003  
Clerk, U.S. Bankruptcy Court  
Northern District of Alabama  
By: \_\_\_\_\_

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

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