

This Instrument Prepared By:  
Thomas E. Reynolds, Esq.  
2001 Park Place North, Suite 1400  
Birmingham, Alabama 35203  
(205) 251-1000

STATE OF ALABAMA )

SHELBY COUNTY )

**TRUSTEE'S DEED**

This indenture, made as of the 26<sup>th</sup> day of August, 2004, between **THOMAS E. REYNOLDS, as Trustee in bankruptcy for the estate of ABRAHAM DAVIS and DOROTHY DAVIS**, presently pending in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, Case Number 02-02889-TBB-7 (hereinafter called "Grantor") and **CECIL F. DAVIS**, a married man (hereinafter called "Grantee").

**W I T N E S S E T H:**

WHEREAS, Grantor was appointed Interim Trustee in the bankruptcy case of Abraham Davis and Dorothy Davis, in Case Number 02-02889-TBB-7 as evidenced by the Order Appointing Interim Trustee dated April 19, 2002; and

WHEREAS, Grantor continues to serve in said capacity, there having been no election or substitution for the Trustee at the meeting of creditors held under Title 11, U.S.C. §341(a) or since; and

WHEREAS, Grantor did issue notice to all parties in said bankruptcy case of the proposed sale by sending a copy of the Trustee's Motion for Authority to Sell Assets Free and Clear of Liens and Notice of Sale dated June 3, 2004, which Motion proposed a sale of the subject property pursuant to 11 U.S.C. § 363(f)(2) (3) and (4), which Order directed service thereof to creditors as identified by the Clerk's Certificate of Those to Whom Notice is Required; and

WHEREAS, after hearing held and after notice to creditors, the Court did enter its Order dated July 26, 2004, approving and confirming the sale proposed by the Trustee free and clear of liens.

NOW, THEREFORE, by virtue of the power and authority granted the Grantor to sell the Property pursuant to the provisions of 11 U.S.C. §363 (f)(2) and (3), and the Court's Order mentioned hereinabove, and in consideration of the sum of Forty Eight Thousand and no/100




DOLLARS (\$48,000.00), lawful money of the United States, paid from Grantee to Grantor, the Grantor does hereby grant, bargain, sell and convey unto the Grantee all the right, title and interest of the bankruptcy estate, and all the right, title and interest possessed by Abraham Davis and Dorothy Davis at the time of the filing of the bankruptcy petition in Bankruptcy Case No. 02-02889-TBB-7, together with every contingent remainder and right of reversion, the real property described on Exhibit A attached hereto and located in Shelby County, Alabama.

Subject to ad valorem taxes for the current tax year, easements, rights-of-ways, and restrictions appearing of record.

**TO HAVE AND TO HOLD**, the premises herein granted unto the Grantee, his/her heirs and assigns, the aforementioned property free and clear of all liens and encumbrances, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

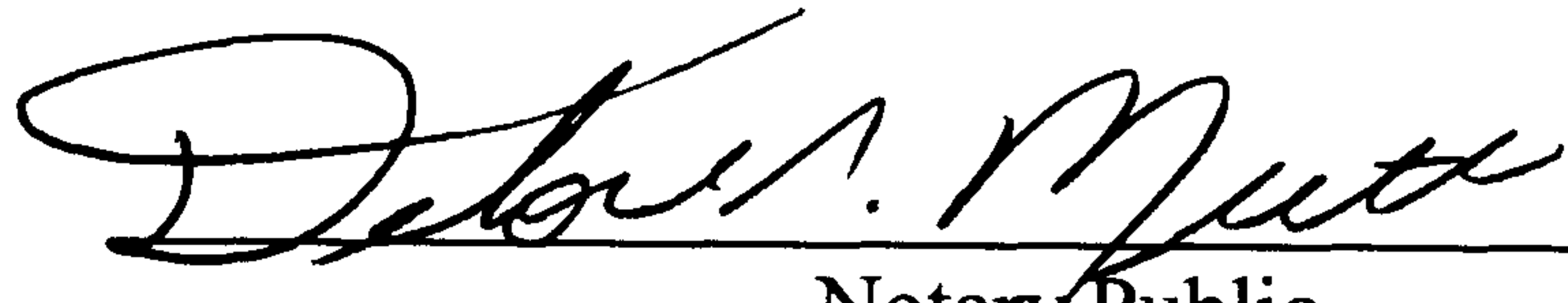
  
THOMAS E. REYNOLDS, As and Only as  
Trustee of the Bankruptcy Estate of  
Abraham Davis and Dorothy Davis

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **THOMAS E. REYNOLDS**, as Trustee of the Bankruptcy Estate of Abraham Davis and Dorothy Davis, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of such conveyance, he, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal, this the 26<sup>th</sup> day of August, 2004.

[ NOTARIAL SEAL ]

  
Notary Public

My Commission Expires: 5/10/2008



## EXHIBIT "A"

20050407000163110 3/5 \$71.00  
Shelby Cnty Judge of Probate, AL  
04/07/2005 12:46:03PM FILED/CERT

### Parcel I:

Commence at the SE corner of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33, Township 20 South, Range 1 East, and run West 1200 feet, more or less, to the East line of that certain dirt road leading from Abraham Davis, Jr. and Dorothy Davis's home in a Southerly direction to County Highway No. 48; thence along said dirt road run in a Northeasterly direction 165.00 feet to the point of beginning; thence continue along said dirt road for a distance of 45.00 feet; thence East and parallel with the South line of said Twenty acres 210.0 feet; thence in a Southwesterly direction and parallel with said East line of said dirt road 92.00 feet; thence in a Northwesterly direction 210.00 feet, more or less, to the point of beginning; being situated in Shelby County, Alabama.

### Parcel II:

Commence where the Easterly line of the driveway or road leading from Abraham Davis, Jr. and Dorothy Davis's dwelling house crosses the South line of North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of Section 33, Township 20, Range 1 East, and run East along the South line of said 20 acres 210 feet; thence in a Northeasterly direction and parallel with the East line of said driveway or road 260 feet to the point of beginning; thence continue in a Northeasterly direction and parallel with the East line of said road 50 feet; thence West and parallel with the South line of said 20 acres 210 feet to the East line of said road; thence along same in a Southwesterly direction 50 feet; thence East and parallel with the South line of said 20 acres 210 feet to the point of beginning; being situated in Shelby County, Alabama.

### Parcel III:

Commence at the SE corner of the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 33, Township 20 South, Range 1 East, and run West 1200 feet, more or less, to the East line of that certain dirt road leading from Abraham Davis, Jr. and Dorothy Davis's home in a Southerly direction to County Highway No. 48; thence run in a Northeasterly direction along said dirt road 210 feet to the point of beginning; thence continue in the same direction along said dirt road 50 feet; thence East and parallel with the Southern line of said 20 acres 210 feet; thence in a Southwesterly direction and parallel with the East line of said dirt road 50 feet to the Northeast corner of Major Bolton, Jr. and Irene Bolton's lot; thence along same West and parallel with the South line of said 20 acres 210 feet to the point of beginning; being situated in Shelby County, Alabama.

All being situated in Shelby County, Alabama.



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

In Re: )  
 )  
ABRAHAM DAVIS and ) Bankruptcy Case No. 02-02889-TBB-7  
DOROTHY DAVIS, )  
Debtors. )

**ORDER APPROVING SALE FREE AND CLEAR OF LIENS**

This case came before the Court for hearing on July 23, 2004 to consider the Motion For Authority To Sell Assets Free And Clear Of Liens And Notice Of Sale (the "Motion"). The following appearances were made by parties in interest at the hearing: Thomas E. Reynolds appeared as Trustee and J.N. Holt appeared on behalf of Carraway Methodist Medical Center, Inc. ("Carraway"). There were no objections to the proposed sale filed with the Court and there were no objections raised by any party in interest at the hearing. (There was, however, an Answer filed on behalf of Carraway asserting a judicial lien against the Real Property and any proceeds received by the Trustee from the sale of the Real Property.)

The Motion proposes the sale of certain real property that is property of the bankruptcy estate described on Exhibit A attached hereto (the "Real Property"). The Trustee proposes to sell the Real Property to Cecil F. Davis, pursuant to a Contract for Sale attached to the Motion as an Exhibit, for a purchase price of \$48,000. The Trustee requests authority pursuant to 11 U.S.C. §363(f) to sale the Real Property free and clear of all liens and encumbrances.

Based upon the Court's review of the Motion, the Answer and the file in the bankruptcy case and there being no objection to the sale as proposed by the Trustee the Court finds that the Motion is due to be granted and the sale approved as proposed.

Shelby County, AL 04/07/2005  
State of Alabama

Deed Tax: \$48.00

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

The Motion is granted and the Trustee's proposed sale of the Real Property to Cecil F. Davis for a purchase price of \$48,000 is approved and the Trustee is authorized to sale, transfer and convey the Real Property to Cecil F. Davis, upon receipt of the stated consideration, pursuant to 11 U.S.C. § 363 (f) free and clear of all liens and encumbrances with all such liens and encumbrances attaching to the proceeds derived from the sale of the property to the same extent, and with the same order and priority as existed against the Real Property. The Trustee is authorized to pay the closing costs associated with the sale as is provided by the Contract of Sale. The Trustee is authorized to execute such documents as may be necessary and appropriate to consummate the sale and transfer the Real Property to the purchaser. The Trustee is directed to hold the balance of the sales proceeds realized from the sale pending further order of this Court.

Dated: July 26, 2004

/s/ Thomas B. Bennett

United States Bankruptcy Judge