

**TRUSTEE'S DEED**

THIS DEED made this the 12 day of July, 2005, between the Bankruptcy Estate of Troy Howard Greenawalt and Malissa Carol Greenawalt, by and through its duly appointed Trustee in Bankruptcy, Max C. Pope, in his capacity as Trustee and not individually, in case number 05-00733-BGC-7, United States Bankruptcy Court, Northern District of Alabama, Southern Division (hereinafter referred to as "Grantor") and Jose Rodriguez and Maria I. Arceo, (hereinafter referred to as "Grantees"), pursuant to and authorized by Order of the said Bankruptcy Court dated June 29, 2005, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

**WITNESSETH**


WHEREAS, on, to-wit, on January 24, 2005, a voluntary petition for relief under Chapter 7 of the Bankruptcy Code was filed by the debtors, Troy Howard Greenawalt and Malissa Carol Greenawalt in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, case number 05-00733-BGC-7.

WHEREAS, on or about January 25, 2005, 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 June 8, 2005, pursuant to the Grantor's Motion for Authority to Sell Real Property Located at 123 Heather Ridge 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 \$184.050.00 of the consideration was paid from the proceeds of a purchase money mortgage closed simultaneously herewith.



Exhibit "A":

  
20050718000356000 2/4 \$40.50  
Shelby Cnty Judge of Probate, AL  
07/18/2005 09:39:58AM FILED/CERT

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 FOUR THOUSAND FIVE HUNDRED DOLLARS (\$204,500.00) 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 12, according to a Survey of Heather Ridge, as recorded in Map Book 17, Page 22, 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 June 29, 2005, attached as Exhibit "A", and is made subject to all restrictions and exceptions of record.

TO HAVE AND TO HOLD unto the said Jose Rodriguez and Maria I. Arceo, jointly with right of survivorship, 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  
TROY HOWARD GREENAWALT AND  
MALISSA CAROL GREENAWALT

By:   
Max C. Pope, as and only as Trustee  
in Bankruptcy and not individually

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, Harold A. Gungor a Notary Public in and for said County, in said State, hereby certify that Max C. Pope, as Trustee in Bankruptcy and not individually, whose name as Trustee in Bankruptcy of Troy Howard Greenawalt and Malissa Carol Greenawalt, 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 11<sup>th</sup> day of July, 2005.

  
NOTARY PUBLIC  
My commission expires 5/27/07



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

IN RE: )  
)  
TROY HOWARD GREENAWALT ) CASE NO. 05-00733-BGC  
MALISSA CAROL GREENAWALT, )  
)  
DEBTORS. ) CHAPTER 7

ORDER GRANTING THE TRUSTEE'S MOTION TO SELL REAL PROPERTY BY PRIVATE  
SALE FREE AND CLEAR OF ALL LIENS, INTERESTS OR OTHER ENCUMBERANCES

This matter having come before the Court on June 28, 2005, to consider the Trustee's Notice of Intent to Sell and Motion to Sell Real Property by Private Sale Free and Clear of All Liens, Interests or Other Encumbrances (the "Motion"); appearing was E.B. Harrison Willis, attorney for the Trustee. Proper notice of the hearing on the Motion having been given, upon good cause shown, no opposition thereto, and this Court having reviewed the pleadings and arguments of counsel, it is:

**ORDERED, ADJUDGED AND DECREED** that the Trustee's Motion to Sell Property Free and Clear of All Liens, Interests or Other Encumbrances is **GRANTED**, and the Trustee is authorized to sell the Debtors' house located at 123 Heather Ridge Drive, Pelham, AL 35124, to Jose Rodriguez for a purchase price of \$204,500.00, free and clear of any interest in such property of an entity other than the estate, in accordance with the following:

(1) The Debtors' combined Homestead Exemption, pursuant to the Debtors' consent, is reduced to a maximum of \$6,961.00. The Trustee is authorized to pay the Debtors' homestead exemption within a reasonable time after the sale is completed.

(2) The Trustee is authorized to pay all ordinary and necessary costs associated with the sale of the aforementioned property.

**ORDERED** this 29<sup>th</sup> day of June, 2005.

/s/Benjamin Cohen  
BENJAMIN COHEN  
United States Bankruptcy Judge

This Order prepared by:  
Steven D. Altmann, Esquire  
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