

20051130000620390 1/5 \$87.00
Shelby Cnty Judge of Probate, AL
11/30/2005 04:03:51PM FILED/CERT

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

IN RE:

H. DAVID MOORE,

BARBARA MOORE,

DEBTORS.

BK: 05-03661-TBB-7

Shelby County, AL 11/30/2005
State of Alabama

Deed Tax: \$64.00

**QUITCLAIM DEED
BY TRUSTEE IN BANKRUPTCY**

This Deed made this the 28th day of October 2005, between the bankruptcy Estate of H. David Moore and wife, Barbara Moore, by and through its duly appointed Trustee in Bankruptcy, Andre' M. Toffel, in his capacity as Trustee and not individually, in case number 05-03661-TBB-7, in the United States Bankruptcy Court, Northern District of Alabama, Southern Division (hereinafter referred to as "Grantor") and William H. Smith and Meredith T. Smith, (hereinafter referred to as "Grantees"), pursuant to and authorized by Order of the said Bankruptcy Court dated October 21, 2005, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A."

WITNESSETH

WHEREAS, on or about, to wit, January 10, 2005, a voluntary petition for relief under chapter 7 of the Bankruptcy Code was filed by the Debtors, H. David Moore and wife, Barbara Moore, in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, case number 05-03661-TBB-7, and,

WHEREAS, on or about, to-wit, April 14, 2005, Grantor was duly appointed as Trustee of the said estate, that he is 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 the said bankruptcy case as required by the Clerk's Certificate of Those to Whom Notice is Required, pursuant to the Grantor's Motion to Sell Property by Private Sale, and the Bankruptcy Court having issued its Order approving the said Motion, the 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. § 363, and in consideration of the sum of Three Hundred Twenty Thousand and no/100 dollars (\$320,000.00) of the lawful money of the United States and other good and valuable consideration, to him in hand paid by the Grantees, receipt of which is hereby acknowledged, the Grantor does hereby remise, release, quitclaim and convey into the said "Grantees," William H. Smith and Meredith T. Smith, all the

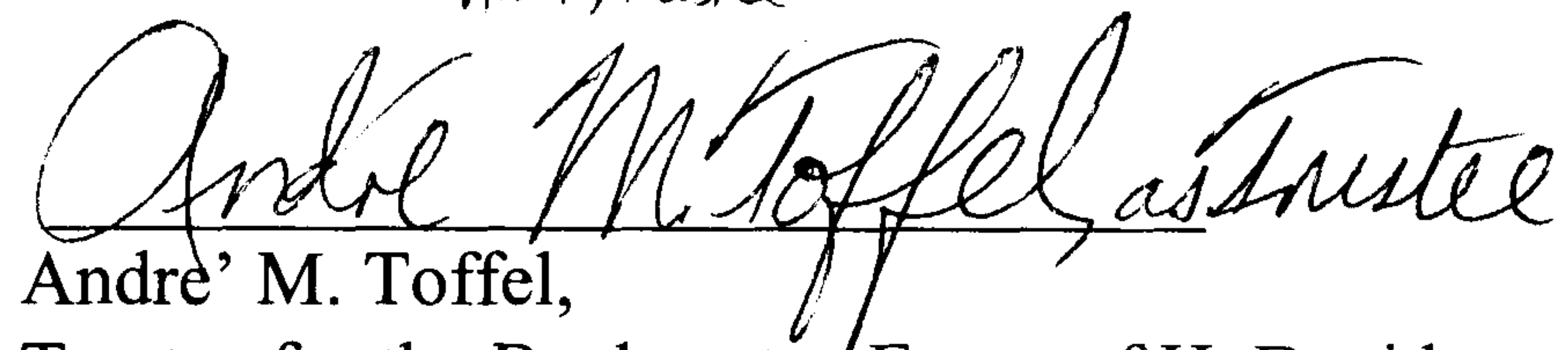
Atchison

right, title, interest, and claim I have as Trustee of the Bankruptcy Estate of H. David Moore and wife, Barbara Moore, in and to the following described real estate located in Jefferson County, State of Alabama, to-wit:

See Attached Exhibit B.

\$256,000.00 of the above consideration was paid from a mortgage recorded simultaneously herein. **TO HAVE AND TO HOLD** unto the 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.

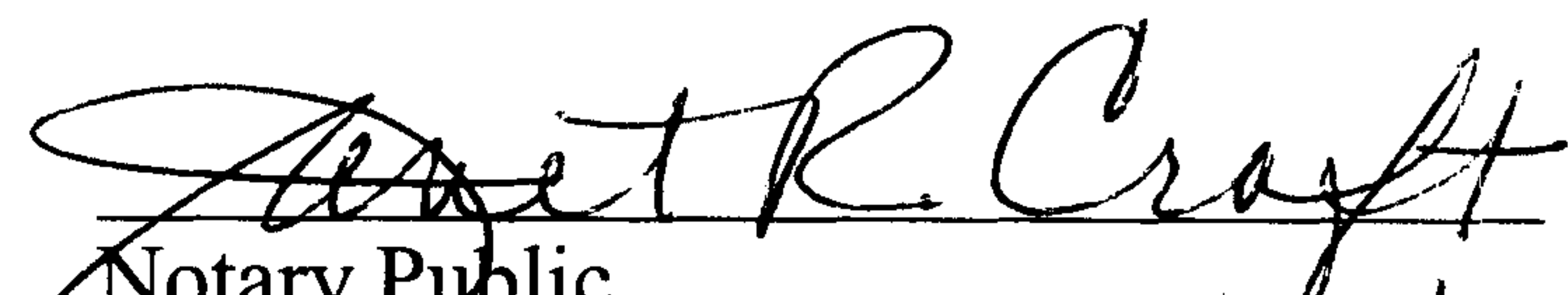
WITNESS my hand and seal this the 28th day of ^{October}~~June~~ 2005.
AMT, Trustee


Andre' M. Toffel,
Trustee for the Bankruptcy Estate of H. David
Moore and Barbara Moore, and not in my
individual capacity

STATE OF ALABAMA]
JEFFERSON COUNTY]

I, the undersigned authority, a Notary Public in and for said State, hereby certify that Andre' M. Toffel, whose name 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 this conveyance, he in his capacity as trustee in Bankruptcy aforesaid, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 28th day of October 2005.


Notary Public
My commission expires: 2/27/08

This instrument is prepared by:
Marvin E. Franklin,
Attorney for Trustee, Andre' M. Toffel
Fourth Floor Farley Building
1929 Third Avenue North
Birmingham, Alabama 35203



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EXHIBIT "A"

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

IN RE:

H. DAVID MOORE,

BARBARA MOORE,

DEBTOR(S).

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BK: 05-03661-TBB-7

**ORDER AUTHORIZING SALE OF PROPERTY
OF THE ESTATE FREE AND CLEAR OF LIENS AND OTHER INTERESTS**

This Matter coming before the Court on October 18, 2005, on the Motion for Authority to Sell Property of the Estate Free and Clear of Liens and other Interests ("Motion") of the Trustee, Andre' Toffel, seeking authority to sell real property of the estate located at 19389 River Drive, Shelby County, Alabama 35143, more particularly described in the Motion and exhibits, free and clear of liens and other interests, and appearing at the hearing were Andre' Toffel, Trustee, John Dudeck, attorney for the Bankruptcy Administrator's Office and Chad Hanson, attorney for the Debtors, and the Court having considered the evidence, the pleadings, and applicable law, it is, by the Court,

ORDERED, ADJUDGED AND DECREED:

1. The Motion of the Trustee to sell the real property located at 19389 River Drive, Shelby County, Alabama 35143 to William H. and Meredith Smith, more particularly described in the Motion, is hereby GRANTED.
2. The sale shall be free and clear of all mortgages, liens and encumbrances attaching to H. David Moore and Barbara Moore's interest in the subject real estate, including, but not limited to, the judgment lien of Alfa Mutual Insurance Company.
3. The Trustee and/or the closing agent is authorized to disburse at closing sales proceeds necessary to pay the mortgages on the property and other normal costs of sale as set out

in the sales contract attached to the Motion. The remaining sales proceeds shall be paid to the Trustee to be held pending further orders of the court.

Dated: October 21, 2005



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/s/Thomas B. Bennett
United States Bankruptcy Judge



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EXHIBIT "B"
LEGAL DESCRIPTION

Lot 10 and 11 in Shelby Shores, recorded in Map Book 4, Page 75, Office of the Judge of Probate of Shelby County, Alabama.
ALSO a triangular parcel of land adjacent to said Lot 11 in Shelby Shores described as follows: Begin at the southernmost corner of said Lot 11 and run northwesterly along the southwest boundary of said Lot 11 for 222.02 feet to a point on the southeast right-of-way line of River Drive; thence turn an angle of 96 degrees 09 minutes to the left and run along said right-of-way for 30.00 feet to a point; thence turn an angle of 91 degrees 36 minutes 45 seconds to the left and run 220.83 feet to the point of beginning.