



20051202000623910 1/5 \$238.00
Shelby Cnty Judge of Probate, AL
12/02/2005 09:57:54AM FILED/CERT

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

IN RE:

HUBERT EDWARD MOORE, JR. and
SUSAN S. MOORE,

Debtors.

)
) BANKRUPTCY CASE NO:
) 05-07407-TOM-7
)
)
)

TRUSTEE'S DEED

This Deed executed this the 21st day of November, 2005, by James G. Henderson, as and only as the Trustee of the above named debtors' bankruptcy estate ("Henderson"), be it therefore witnesseth that:

WHEREAS, Hubert Edward Moore, Jr., and Susan S. Moore ("Moores") filed a bankruptcy proceeding in the United States Bankruptcy Court for the Northern District of Alabama Southern Division on August 4, 2005, assigned case number 05-07407-TOM-7, being a proceeding under Chapter 7.

WHEREAS, Henderson was appointed Trustee of the Moores bankruptcy estate by Order of the Bankruptcy Court, and Henderson having qualified as such Trustee, and entered into a proper bond, and Henderson having continued to act and now acting and serving in such capacity as Trustee.

WHEREAS, Henderson filed a motion for authority to sell the real estate described in Exhibit A to John H. Nuckols and Brenda G. Nuckols in the above bankruptcy case.

WHEREAS, the Bankruptcy Court did authorize said sale by the Order attached hereto and incorporated herein as Exhibit B dated the 31st day of October, 2005.

NOW THEREFORE, Henderson, as and only as Trustee of the bankruptcy estate of Moores, in consideration of the power and authority vested in him as Trustee, and based upon the Court's Order, and upon the payment to him of the sum of \$215,000.00, the receipt of which is hereby acknowledged, does hereby remise, release, quitclaim, grant, sell and convey to John H. Nuckols and Brenda G. Nuckols, as joint tenants with right of survivorship, ("Grantees"), any right, title, interest and claim in and to the property described in Exhibit A that the debtors had on the date that the petition in the above case was filed.

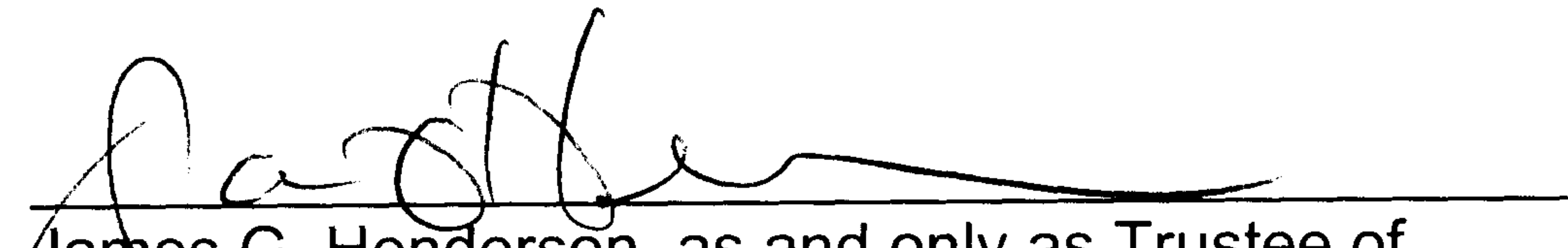
HENDERSON HAS MADE NO AFFIRMATION OF FACT AND HAS MADE NO PROMISE RELATING TO THE REAL PROPERTY SUBJECT TO THIS CONVEYANCE WHICH HAS BECOME ANY BASIS OF THE BARGAIN MADE OR HAS CREATED OR AMOUNTED TO AN EXPRESSED WARRANTY THAT THE REAL PROPERTY

DESCRIBED HEREIN ABOVE CONFORMS TO ANY SUCH AFFIRMATION OR PROMISE.

HENDERSON IS SELLING THE ABOVE-DESCRIBED REAL PROPERTY "AS IS, WHERE IS", AND DISCLAIMS ANY IMPLIED WARRANTIES WITH RESPECT TO SUCH REAL PROPERTY.

TO HAVE AND TO HOLD, said real property unto said Grantees, John H. Nuckols and Brenda G. Nuckols, as joint tenants with right of survivorship, their heirs and assigns, forever.

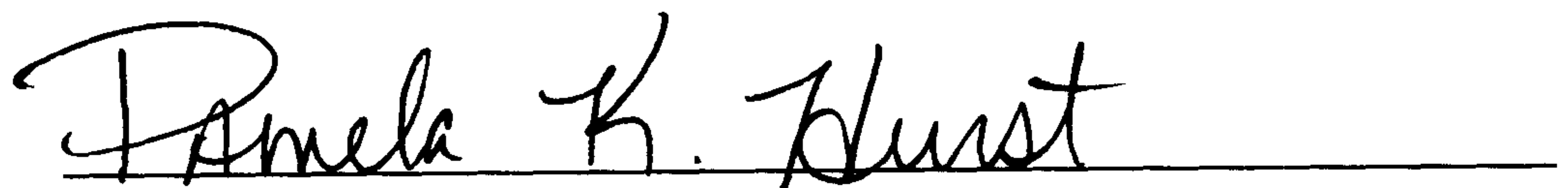
WITNESS WHEREOF, James G. Henderson has hereunto set his hand and seal on this the 21st day of November, 2005.


James G. Henderson, as and only as Trustee of
the Bankruptcy Estate of Hubert Edward Moore, Jr.
and Susan S. Moore


STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a notary public in and for said state and county, hereby certify that James G. Henderson, whose name as Trustee of the bankruptcy estate of Hubert Edward Moore, Jr., and Susan S. Moore, is signed to the foregoing Trustee's Deed, and who is known to me, acknowledged before me on this date, he, in his capacity as Trustee, executed the same voluntarily on the date same bears date.

Given under my hand and seal this the 21st day of November, 2005.


Notary Public
My Commission expires: 1-1-06

Stewart Title Guaranty Company


20051202000623910 3/5 \$238.00
Shelby Cnty Judge of Probate, AL
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ALTA COMMITMENT

Agent's File Number: 7447

Commitment Number: 050725295

Schedule A, Legal Description, Continuation Page

TRACT A:

BEGIN AT THE SW CORNER OF THE SW 1/4 OF NE 1/4 OF SECTION 34, TOWNSHIP 24, RANGE 15 EAST, RUN EAST 150 FEET ALONG THE SOUTH BOUNDARY OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 570 FEET; THENCE WEST 217 FEET; THENCE SOUTH 270 FEET; THENCE EAST 67 FEET; THENCE SOUTH 300 FEET TO THE POINT OF BEGINNING.

SOURCE OF TITLE: ESTATE OF HUBERT E. MOORE, SR., CASE NO. 38362, JEFFERSON COUNTY, ALABAMA. DEED BOOK 250, PAGE 670; INST. 1994-10338; DEED BOOK 243, PAGE 631 AND DEED BOOK 137, PAGE 636. SHELBY COUNTY.

LESS AND EXCEPT ANY PORTION OF THE SUBJECT PROPERTY UNDER WATER AND ROAD RIGHT OF WAYS OF RECORD.

TRACT B:

PARCEL I:

BEGIN AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4, SECTION 34, TOWNSHIP 24, RANGE 15 EAST FOR POINT OF BEGINNING OF THE LAND HEREIN CONVEYED; THENCE RUN NORTH 200 FEET; THENCE WEST 67 FEET; THENCE SOUTH 200 FEET TO THE SOUTH LINE OF SAID FORTY; THENCE EAST 67 FEET TO THE POINT OF BEGINNING.

PARCEL II:

BEGIN AT THE SW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SECTION 34, TOWNSHIP 24, RANGE 15 EAST AND RUN NORTH A DISTANCE OF 200 FEET ALONG THE WEST BOUNDARY OF SAID 1/4 1/4 SECTION LINE TO THE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED; CONTINUE ALONG SAID WEST BOUNDARY LINE NORTH A DISTANCE OF 100 FEET; THENCE RUN WEST A DISTANCE OF 67 FEET, THENCE RUN SOUTH A DISTANCE OF 100 FEET, THENCE RUN EAST A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED.

SITUATED IN SHELBY COUNTY, ALABAMA

SOURCE OF TITLE: DEED BOOK 291, PAGE 893; DEED BOOK 291, PAGE 894 and Instrument 20050607000276540.

ALTA Commitment
Closers' Choice

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

IN RE:)
)
HUBERT EDWARD MOORE, JR. and) **BANKRUPTCY CASE NO:**
SUSAN S. MOORE,) **05-07407-TOM-7**
)
)
Debtors.)

ORDER

This matter came before this Court on October 31, 2005, on the Trustee's First Motion for Authority to Sell Property of the Estate by Private Sale Free and Clear of Liens and Other Interests (Proceeding No. 43). Appearances were noted in the record.

The motion proposes to sell certain real estate and from the sale proceeds to pay \$145,000.00 to the first mortgage holder on the subject real estate with the balance of the funds held with any remaining lien, if any, of the mortgage holder to attach to the extent and priority of their mortgages.


The holder of the first mortgage, Mortgage Electronic Registration Systems, Inc., filed a Response to Trustee's First Motion for Authority to Sell (Proceeding No. 84) wherein they do not object to the sale but request their entire claimed balance is paid at closing.

The Trustee filed a Response to Mortgage Electronic Registration Systems, Inc.'s, Response to Trustee's First Motion for Authority to Sell (Proceeding No. 86) indicating that there is a dispute as to the proper amount due on the first mortgage.

Having reviewed the file and heard arguments from counsel the Court rules as follows:

Accordingly, **it is ORDERED, ADJUDGED AND DECREED** that the Trustee's First Motion for Authority to Sell Property of the Estate by Private Sale Free and Clear of Liens and Other Interests (Proceeding No. 43) is hereby **APPROVED**. At the closing, the Trustee shall pay Mortgage Electronic Registration Systems, Inc., \$146,000.00.

The balance of the funds from closing, less normal closing costs, shall be held by the Trustee with liens attaching thereto in the order and extent that they were on the real estate being sold.


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Done this 31st day of October, 2005.

Shelby County, AL 12/02/2005
State of Alabama

Deed Tax: \$215.00

/s/ Tamara O. Mitchell
TAMARA O. MITCHELL
UNITED STATES BANKRUPTCY JUDGE

This Order prepared by
William Dennis Schilling
205-328-0464