

UNITED STATES BANKRUPTCY COURT
For the Northern District of Alabama
Southern Division

20060718000347330 1/4 \$24.00
Shelby Cnty Judge of Probate, AL
07/18/2006 04:33:38PM FILED/CERT

RE:

BLAZER FABRICATING, LLC
SHELBY STEEL, LLC

DEBTORS

CASE NO. 04-01551-BGC-7

I, ELIGAH DANE CLARK, Clerk of the United States Bankruptcy Court in and for said District, do hereby certify that the attached copy of the **ORDER GRANTING MOTION FOR AUTHORITY TO SELL/ASSIGN PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS AND OTHER INTERESTS** in the above stated case has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this the July 18, 2006.

ELIGAH DANE CLARK
Clerk of Court
United States Bankruptcy Court

By:


Deputy Clerk

[Seal of the U.S. Bankruptcy Court]
Date of issuance: July 18, 2006

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

IN RE:

**BLAZER FABRICATING, LLC,
SHELBY STEEL, LLC,**

Debtors.

)
)
)
)
)
)
)

**BANKRUPTCY NO: 04-01551-BGC-7
CHAPTER 7**

**ORDER GRANTING MOTION FOR AUTHORITY TO SELL/ASSIGN PROPERTY
OF THE ESTATE FREE AND CLEAR OF LIENS AND OTHER INTERESTS**

This matter came before the Court for hearing after notice to all creditors and parties in interest on a MOTION FOR AUTHORITY TO SELL/ASSIGN INTEREST IN PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS AND OTHER INTERESTS (proceeding #453)("Motion") filed by the Trustee James G. Henderson pursuant to Bankruptcy Code Section 363(b) and Federal Rules of Bankruptcy Procedure 2002(a)(2), 2002(c)(1) and 6004(c) for authority to sell/assign property of the estate that is described below ("The Property"), free and clear of liens and other interests.

The Court finds that the notice of this sale sent pursuant to Rule 9014 is sufficient to apprise all parties in interest of the sale/assignment and their right to be heard on the same. No objections were offered to the sale/assignment at the hearing.

The Court finds that the sale/assignment is other than in the ordinary course of business of the debtor and The Property is not all or substantially all of the debtor's property. The Court hereby authorizes and approves the Trustee's sale/assignment of The Property shown in the motion, free and clear of all liens and encumbrances to NSV, LLC ("NSV"), c/o Harry McDowell, CPA, The Luckie Building, Suite 300, 600 Luckie Drive, Birmingham, AL 35223. The Property to be sold/assigned consists of the estates interest in real property described on Exhibit A attached hereto.

The purchase price due at closing is \$544,265.00 less earnest money of \$20,000.00. The Property is transferred/assigned free and clear of liens and other interests, as is, where is without warranties or representations of any kind.

National Canada Finance Corp., PNC Bank, National Association and Compass Bank may have a lien on The Property. This sale is specifically free and clear of the claims of said listed entities. Specifically, the sale is free and clear of the following liens:

1. UCC recorded in Inst. No. 2005-48954 filed by PNC Bank.
2. Mortgage recorded in Inst. No. 2001-45427 filed by Compass Bank.
3. Mortgage recorded in Inst. No. 2001-45426 filed by Compass Bank.

4. UCC Financing Statement filed under UCC No. 2001-45428 filed by Compass Bank.
5. UCC Financing Statement filed under UCC No. 2001-45429 filed by Compass Bank.

The sale is authorized by 11 U.S.C. §363.

At the closing the Trustee will withhold from the sale proceeds the following:

- | | | |
|----|-------------|--|
| a. | \$32,655.90 | To be held for payment to Graham & Co., upon approval of their fee application by this Court. |
| b. | \$16,327.95 | Representing the 506(c) claim of the Trustee for the sale of The Property. |
| c. | \$1,659.25 | To pay the lien in favor of the Town of Vincent. |
| d. | \$unknown | An amount sufficient to pay the cost of the owners title search and title policy as regards The Property. |
| e. | \$unknown | Tax proration for current year. This amount will reduce the purchase price of The Property. |
| f. | \$unknown | Any additional amounts as required by the Contract to sell/assign the interest in The Property attached to the Motion. |

Items (d) and (f) shall be paid by the Trustee without further orders of the court.

Taxes will be prorated.

Each party shall pay its own attorney's fees.

The net amount of the sale (being the sales price less the above deductions and reductions) shall then be held by the Trustee pending further orders of this Court with liens attaching to the proceeds in the amount, extent and priority as they exist as regards the Property.

At the closing, Compass will execute the documents necessary to release its lien(s) as regards the Property.

The Trustee is authorized to sell/assign and convey The Property as approved herein and pursuant to Federal Rule of Bankruptcy Procedure 6004(f)(2) he is further authorized to execute any instrument necessary to effect the transfer(s).

Time is of the essence in this sale/assignment. Accordingly, the ten (10) day stay period provided for in FRBP 6004(g) is not applicable and this sale can close immediately upon entry of this Order approving said sale.

DONE and ORDERED this 14th day of July, 2006 .

/s/Benjamin Cohen

Benjamin Cohen

United States Bankruptcy Judge

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


20060718000347330 4/4 \$24.00
Shelby Cnty Judge of Probate, AL
07/18/2006 04:33:38PM FILED/CERT