

STATE OF ALABAMA     )  
                                  )  
COUNTY OF SHELBY     )

*This instrument prepared by*  
Daniel D. Sparks  
Bradley R. Hightower  
Christian & Small LLP  
505 No. 20<sup>th</sup> St., #1800  
Birmingham, AL 35203

### **TRUSTEE IN BANKRUPTCY DEED**

KNOW ALL MEN BY THESE PRESENTS, that whereas, André M. Toffel, is the duly qualified and acting Trustee of the Bankruptcy Estate of **Industrial Concrete Contractors, Inc.**, Bankruptcy Case No. **04-06671-TOM-7** filed in the United States Bankruptcy Court, Northern District of Alabama, Southern Division, and

WHEREAS, by the December 17, 2007 Order of this court (the "Order" - a copy of which is attached hereto as Exhibit "A"), André M. Toffel, as such trustee is to sell the hereinafter described real property (the "Property") to Grantee (as hereinafter defined) pursuant to the terms and conditions set forth herein; and

WHEREAS, as contemplated by the Order; **Nancy Rydberg** (referred to hereinafter as "Grantee") agreed to pay the sum of **One Hundred Ninety Thousand Dollars (\$190,000.00)** for the purchase of the Property; and

WHEREAS, this instrument is in accordance with the terms of and duly authorized by 11 U.S.C. §363, and 11 U.S.C. §102(1),

NOW, THEREFORE, by virtue of and in execution of the power granted to him by the Bankruptcy Code and of every other power and authority granted to him, hereto enabling, and in consideration of the payment of **One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00)** to the Trustee paid by Grantee, the receipt of which is hereby acknowledged, André M. Toffel, as such Trustee, does hereby grant, bargain, sell and convey, subject to the matters set forth hereinbelow, unto Grantee all right, title and interest which the bankrupt debtor (Industrial Concrete Contractors, Inc.) had on the date of the commencement of the proceedings in bankruptcy and all right, title and interest in the following real property located in Shelby County, Alabama (previously defined as the "Property"):

COMMENCE AT THE NW CORNER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 15 EAST, THENCE RUN EASTERLY ALONG THE NORTH LINE THEREOF FOR 162.63 FEET; THENCE 55°24'03" RIGHT RUN SOUTHEASTERLY 187.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE LAST DESCRIBED COURSE FOR 466.53 FEET; THENCE 55°23'00" LEFT RUN EASTERNLY 168.00 FEET; THENCE 69°28'57" RIGHT FOR 151.75 FEET TO THE 397 CONTOUR OF LAY LAKE; THENCE (ALONG SAAID CONTOUR THE FOLLOWING DESCRIBED COURSES) 132°01'35" RIGHT FOR 18.66 FEET;

THENCE 86°18'51" LEFT FOR 13.02 FEET; THENCE 19°15'05" LEFT FOR 39.83 FEET;  
THENCE 3°11'47" LEFT FOR 52.25 FEET; THENCE 9°39'08" RIGHT FOR 34.85 FEET;  
THENCE 61°28'24" RIGHT FOR 44.90 FEET; THENCE 2°24'22" LEFT FOR 113.27 FEET;  
THENCE 13°01'25" RIGHT FOR 42.46 FEET; THENCE 10°05'01" RIGHT FOR 103.72 FEET;  
THENCE (LEAVING SAID CONTOUR) 40°23'41" RIGHT RUN NORTHWESTERLY 321.39  
FEET; THENCE 90°06'18" RIGHT FOR 120.00 FEET; THENCE 89°44'48" LEFT RUN  
NORTHWESTERLY 230.00 FEET TO THE EASTERLY R/W OF SHELBY COUNTY ROAD  
#47; THENCE 59°50'42" RIGHT RUN NORTHERLY ALONG SAID R/W FOR 41.96 FEET;  
THENCE 22°06'56" LEFT RUN ALONG SAID R/W FOR 31.99 FEET TO A 30 FOOT  
EASEMENT; THENCE 52°37'30" RIGHT RUN NORTHEASTERLY ALONG THE SOUTH  
LINE OF SAID EASEMENT FOR 124.97 FEET; THENCE 6°09'20" LEFT CONTINUE  
ALONG SAID EASEMENT FOR 85.74 FEET TO THE POINT OF BEGINNING.  
CONTAINING 5.04 ACRES. ALL ACCORDING TO THE SURVEY OF THOMAS SIMMONS  
DATED 12/1/2007.

Along with a dominant estate in the following non-exclusive easements which easements shall run with the land and be appurtenant to the Property:

1. A non-exclusive easement for ingress and egress over the existing 30± feet wide roadway running from the Property to Shelby County Highway 46.

LESS AND EXCEPT: Title to sub-surface rights and minerals underlying captioned lands with mining rights and privileges belonging thereto, as reserved in Deed Book 145, Page 165 and in the Real Record 072, Page 171, in the Probate office, or otherwise existing.

Subject, however, to the following:

1. Assessments for Real Property Taxes or Ad Valorem taxes of any kind;
2. Municipal easements on the Property;
3. Residential subdivision covenants, restrictions and building lines of record, and all other matters of record;
4. Assessments for Fire District dues;
5. Flood rights acquired by Alabama Power Company as recorded in Deed Book 242, Page 369, in the Probate Office;
6. Subject to conditions as shown in deeds recorded in Real Record 72, Page 171 and

in Real Record 72, Page 86, in the Probate office;

7. 50-foot building set back line from Lay Lake for field lines as shown on survey of Joseph E. Cohn, Jr. Reg. No. 9049, dated May 5, 1986, in the Probate Office
8. Transmission lines, if any, in evidence through use;
9. Any and all septic tank system and field lines easements from adjoining property;
10. Any utility easements serving the Property;
11. Any and all septic tank system and field lines easements from adjoining property;
12. Restrictions in Instrument Number 2000-19404.
13. Rights of other parties in and to the use of the easements described herein.
14. All easements, rights of way, and any other form of access right or other form of hereditament evidenced by an instrument of record.

**ANDRÉ M. TOFFEL 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 CONFORMS TO ANY SUCH  
AFFIRMATION OR PROMISE.**

**(Remainder of Page left Blank)**

ANDRÉ M. TOFFEL IS SELLING THE BANKRUPTCY ESTATE'S INTEREST IN 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 all the right, title and interest in and to the Property unto Grantee, her heirs, successors and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 28th day of December, 2007.

WITNESS:

André M. Toffel as Trustee  
André M. Toffel  
as Trustee and only as Trustee  
for the Bankruptcy Estate of  
**Industrial Concrete Contractors, Inc.**  
Chapter 7 Bankruptcy Case # 04-06671-TOM-7

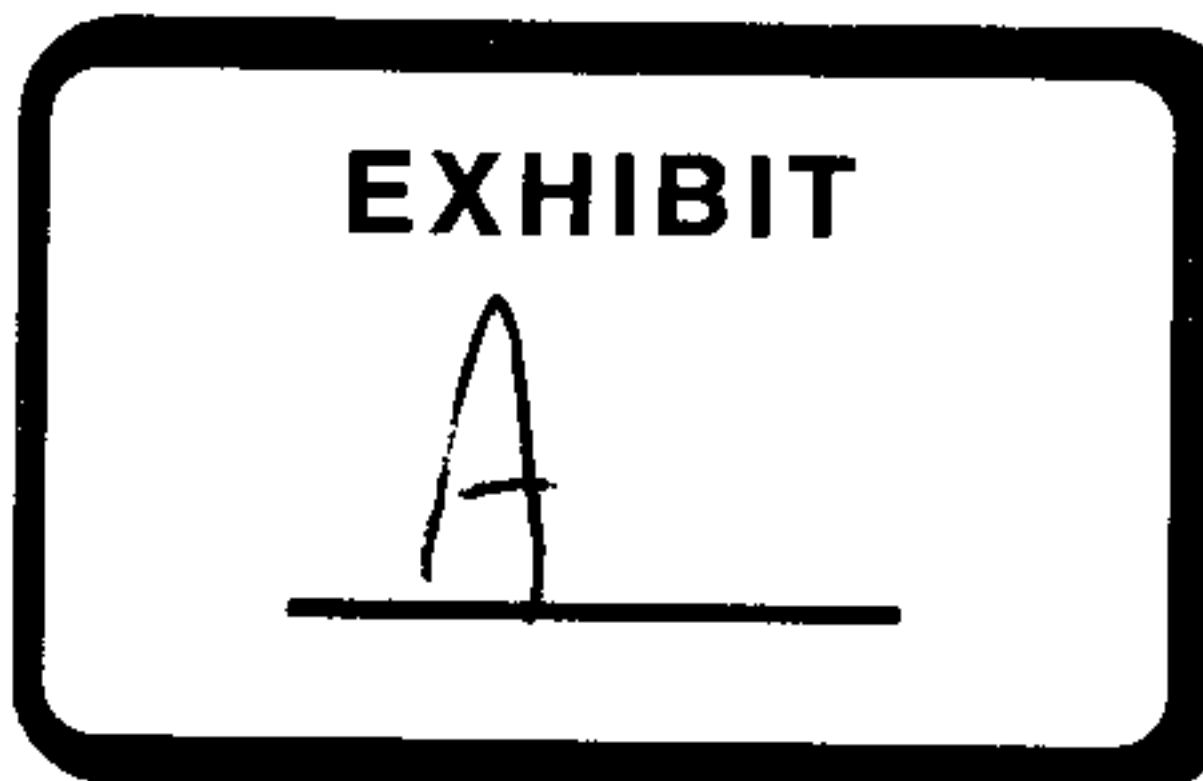
STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that André M. Toffel, whose name as Trustee is signed to the foregoing Trustee in Bankruptcy Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said Trustee in Bankruptcy Deed, he, in his capacity as Trustee, executed the same voluntarily and with full authority on the day the same bears date.

Given under my hand and official seal, this the 28 day of Dec, 2007.

Amel R Craft  
NOTARY PUBLIC  
My Commission Expires: 2/27/08

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



In Re:

INDUSTRIAL CONCRETE  
CONTRACTORS, INC.,

Debtor.

Case No. 04-06671-TOM-7

**ORDER**

This matter came before this Court on December 17, 2007, on the Trustee's Motion for Authority to Sell Property of the Estate by Private Sale Free and Clear of Liens and Other Interests to George D. Howard and Ellen D. Howard. Appearances were noted in the record.

The property sought to be sold is as described on the survey attached as Exhibit A hereto, and is located in Shelby County Alabama. The sale is specifically subject to a field line easement in favor of Dennis Sammons, an adjoining landowner.

There were no objections filed prior to the hearing and none were voiced at the hearing. At the hearing the Trustee received bids in excess of the proposed sales price. As a consequence, the Motion to Sell was amended in open court to change the name of the purchaser to Nancy Rydberg and to changed the sales price to \$190,000.00.

According, it is ORDERED, ADJUDGED AND DECREED that the Trustee's Motion for Authority to Sell Property of the Estate by Private Sale Free and Clear of Liens and Other Interest to George D. Howard and Ellen D. Howard is hereby APPROVED as amended in open court and as stated herein, such that the purchaser is Nancy Rydberg and the sales price is \$190,000.00. Should said Nancy Rydberg fail to consummate the sale on or before December 31, 2008, then a sale to the next highest offeror, Mark Henderson at \$185,000.00 is approved instead.

Done this the 17<sup>th</sup> day of December, 2007.

A handwritten signature in black ink, appearing to read "Tamara O. Mitchell".

Tamara O. Mitchell  
United States Bankruptcy Judge

This Order prepared by  
Daniel D. Sparks  
205-795-6588

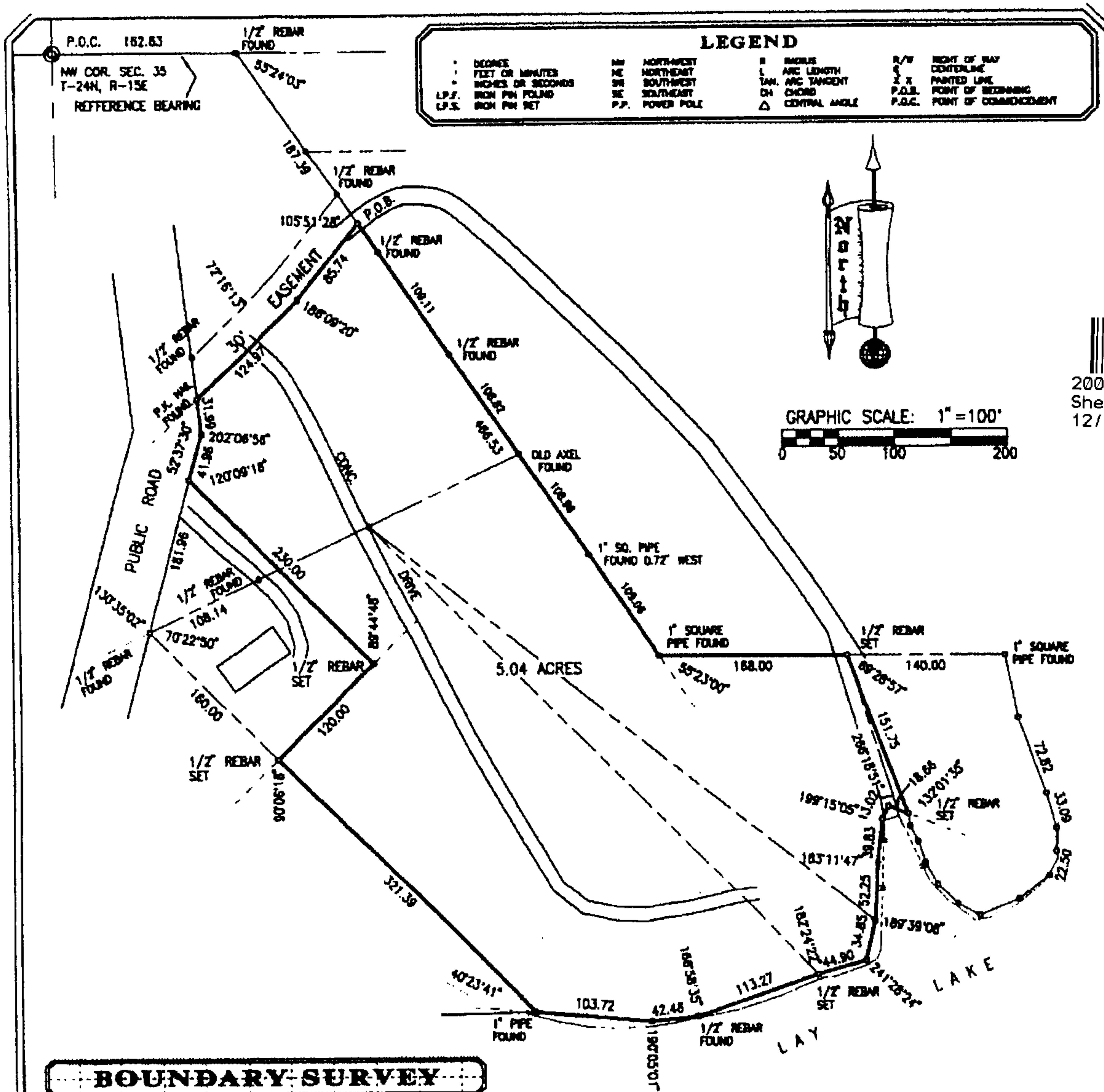


EXHIBIT  
A

20071228000583320 6/6 \$216.00  
Shelby Cnty Judge of Probate, AL  
12/28/2007 03:52:14PM FILED/CERT

# **BOUNDARY SURVEY**

DATE: NOVEMBER 01ST, 2007

## **PROPERTY DESCRIPTION:**

COMMENCE AT THE NW CORNER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 15 EAST, THENCE RUN EASTERLY ALONG THE NORTH LINE THEREOF FOR 162.83 FEET; THENCE 55°24'03" RIGHT RUN SOUTHEASTERLY 187.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE LAST DESCRIBED COURSE FOR 488.53 FEET; THENCE 55°23'00" LEFT RUN EASTERLY 168.00 FEET; THENCE 69°28'57" RIGHT FOR 151.75 FEET TO THE 397' CONTOUR OF LAY LAKE; THENCE (ALONG SAID CONTOUR THE FOLLOWING DESCRIBED COURSES) 132°01'35" RIGHT FOR 18.88 FEET; THENCE 86°18'51" LEFT FOR 13.02 FEET; THENCE 18°15'05" LEFT FOR 38.83 FEET; THENCE 3°11'47" LEFT FOR 52.25 FEET; THENCE 9°39'08" RIGHT FOR 34.85 FEET; THENCE 61°28'24" RIGHT FOR 44.90 FEET; THENCE 2°24'22" LEFT FOR 113.27 FEET; THENCE 13°01'25" RIGHT FOR 42.46 FEET; THENCE 10°05'01" RIGHT FOR 103.72 FEET; THENCE (LEAVING SAID CONTOUR) 40°23'41" RIGHT RUN NORTHWESTERLY 321.39 FEET; THENCE 90°08'18" RIGHT FOR 120.00 FEET; THENCE 89°44'48" LEFT RUN NORTHWESTERLY 230.00 FEET TO THE EASTERLY R/W OF SHELBY COUNTY ROAD #47; THENCE 58°50'42" RIGHT RUN NORTHERLY ALONG SAID R/W FOR 41.96 FEET; THENCE 22°08'36" LEFT RUN ALONG SAID R/W FOR 31.99 FEET TO A 30 FOOT EASEMENT; THENCE 52°37'30" RIGHT RUN NORTHEASTERLY ALONG THE SOUTH LINE OF SAID EASEMENT FOR 124.97 FEET; THENCE 6°09'20" LEFT CONTINUE ALONG SAID EASEMENT FOR 85.74 FEET TO THE POINT OF BEGINNING. CONTAINING 5.04 ACRES.

## **STATE OF ALABAMA SHELBY COUNTY**

I, THOMAS E. SIMMONS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, DO HEREBY STATE, SUBJECT TO THE NOTES SHOWN HEREON, THAT THE FOREGOING MAP OR SKETCH PREPARED BY MYSELF OR UNDER MY SUPERVISION SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO MY SURVEY THIS 01ST DAY OF NOVEMBER, 2007

NOTE: THIS DRAWING IS FOR INFORMATION PURPOSES ONLY AND DOES NOT CONSTITUTE AS AN AUTHENTIC SURVEY IF NOT ACCOMPANIED BY SIGNATURE AND RED STAMPED OR EMBOSSED REGISTERED LAND SURVEYOR SEAL.

**Simmons Surveying**  
P.O. BOX 895 108 PINSON PLAZA  
PINSON, ALABAMA 35128  
(205) 881-3878

DRAWING NO.: 990821 B DRAFTSMAN: DATE: 11/01/2007

ALABAMA  
REGISTERED  
No. 12945  
PROFESSIONAL  
THOMAS E. SIMMONS  
P. O. BOX 895 PINSON, AL 35128  
TEL: (205) 881-3878

HOWARD