

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

This instrument prepared by
Daniel D. Sparks
Christian & Small LLP
505 No. 20th 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 Grantees (as hereinafter defined) pursuant to the terms and conditions set forth herein; and

WHEREAS, as contemplated by the Order; **Chris Rutherford and Kelly Rutherford, husband and wife**, (referred to hereinafter as "Grantees") agreed to pay the sum of **One Thousand Dollars (\$1,000.00)** 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 Thousand and 00/100 Dollars (\$1,000.00)** to the Trustee paid by Grantees, 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 Grantees 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 in the following real property located in Shelby County, Alabama (previously defined as the "Property"):

A PARCEL OF LAND SITUATED IN NW ¼ OF THE NW ¼ OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 15 EAST, SHELBY COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 15 EAST, SHELBY COUNTY, ALABAMA; THENCE S 86 DEG. 2 MIN. 0 SEC. EAST A DISTANCE OF 281.89'; THENCE SOUTH 15 DEG. 14 MIN. 56 SEC. WEST A DISTANCE OF 41.90' TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST

DESCRIBED COURSE A DISTANCE OF 140.00'; THENCE SOUTH 44 DEG. 51 MIN. 59 SEC. EAST A DISTANCE OF 160.00'; THENCE NORTH 45 DEG. 1 MIN. 56 SEC. EAST A DISTANCE OF 120.00'; THENCE NORTH 44 DEG. 51 MIN. 59 SEC. WEST A DISTANCE OF 230.00' TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS .58 ACRES, MORE OR LESS.

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. Any easements, rights of way, and any other form of access right or 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.

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 Grantees, their heirs, successors and assigns forever.

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

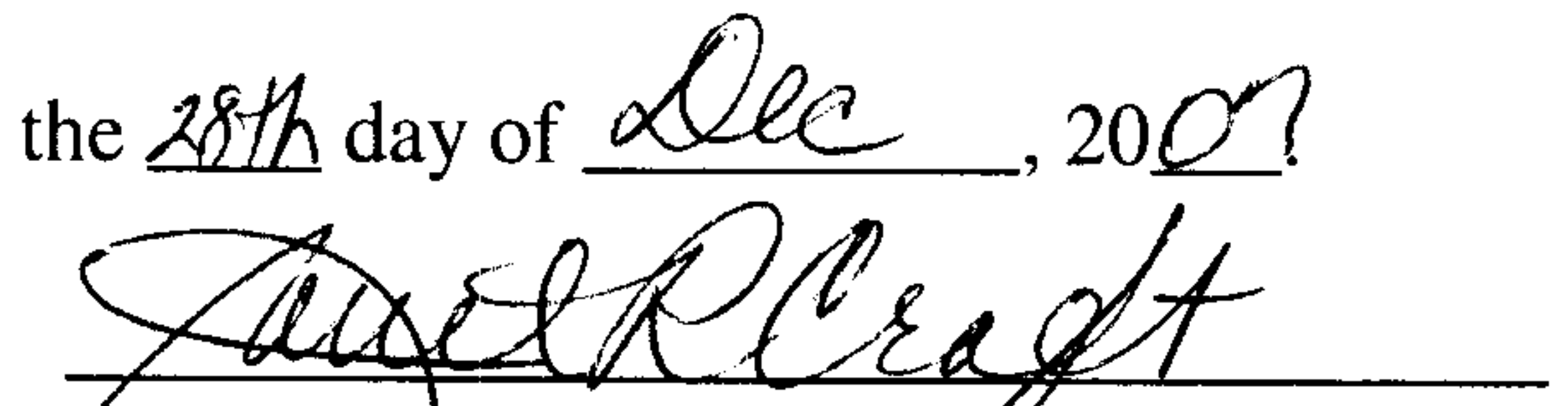
WITNESS:


André M. Toffel
as Trustee 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 28th day of Dec, 2007


NOTARY PUBLIC
My Commission Expires: 2/27/08

20071228000583330 4/6 \$27.00
Shelby Cnty Judge of Probate, AL
12/28/2007 03:52:15PM FILED/CERT

EXHIBIT A
TO
TRUSTEE IN BANKRUPTCY DEED
IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In Re:)
)
INDUSTRIAL CONCRETE) Case No. 04-06671-TOM-7
CONTRACTORS, INC.,)
)
Debtor.)

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 Interest to Chris Rutherford and Kelly Rutherford. Appearances were noted in the record. The proposed sale is pursuant to the Trustee's Motion to Sell, and also pursuant to this Court's prior Order of June 18, 2007 authorizing said Motion to be filed.

The property sought to be sold is as follows and is to be sold "as is where is":

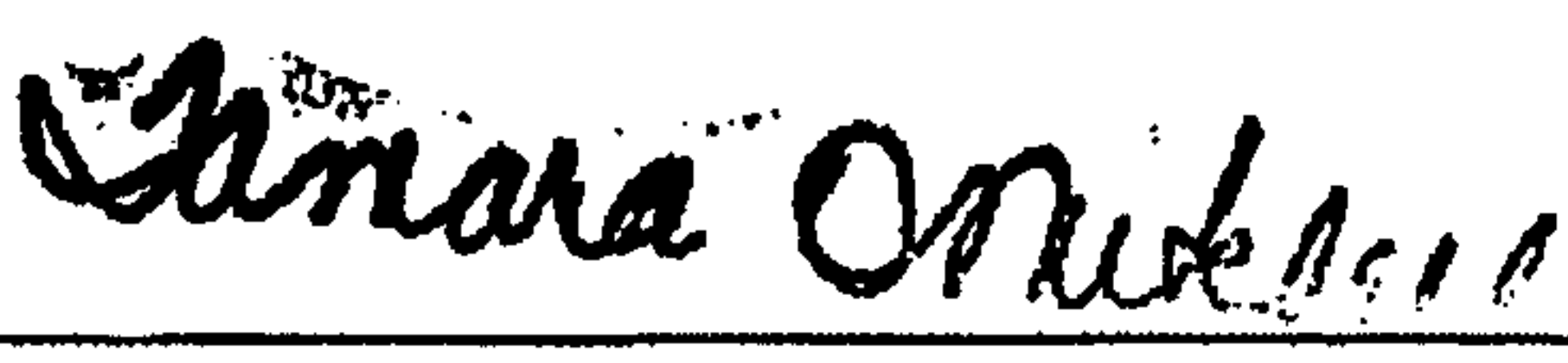
A parcel of land situated in Shelby County, Alabama, formerly owned by Industrial Communication Contractors, Inc, but then also subsequently transferred to Chris Rutherford and Kelly Rutherford by deed date recorded October 9, 2003, and made subject to subsequent litigation in this bankruptcy case. This sale is free and clear of any liens or encumbrances as regards the above bankruptcy estate, but specifically subject to any prior liens or encumbrances placed or allowed to be placed upon the property by Chris or Kelly Rutherford or their assigns during their period of prior ownership, including that certain mortgage in favor of Brown Lumber & Building Supply recorded at instrument number 20031028000718310 in the Probate Office of Shelby County, Alabama, said property is believed to be legally described as follows:

See Attached Exhibit A

There were no objections filed prior to the hearing and none were voiced at the hearing.

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 Chris Rutherford and Kelly Rutherford is hereby APPROVED.

Done this the 17th day of December, 2007.



Tamara O. Mitchell
United States Bankruptcy Judge

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



20071228000583330 5/6 \$27.00
Shelby Cnty Judge of Probate, AL
12/28/2007 03:52:15PM FILED/CERT



20071228000583330 6/6 \$27.00
Shelby Cnty Judge of Probate, AL
12/28/2007 03:52:15PM FILED/CERT

12222 hwy 47
Shelby, Alabama 35143

A parcel of land situated in NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 24 North, Range 15 East, Shelby County, Alabama being more particularly described as follows:

Commence at the NW corner of Section 35, Township 24 North, Range 15 East, Shelby County, Alabama; thence S86 deg. 2 min. 0 sec. East a distance of 281.89'; thence South 15 deg. 14 min. 56 sec. west a distance of 41.90' to the POINT OF BEGINNING; thence continue along the last described course a distance of 140.00'; thence South 44 deg. 51 min. 59 sec. East a distance of 160.00'; thence North 45 deg. 1 min. 56 sec. East a distance of 120.00'; thence North 44 deg. 51 min. 59 sec. West a distance of 230.00' to the POINT OF BEGINNING. Said parcel of land contains .58 acres, more or less.

