

This Instrument Prepared By:
Thomas E. Reynolds, Esq.
2001 Park Place North, Suite 1400
Birmingham, Alabama 35203
(205) 251-1000

Send Tax Notice to:
Mr. David Pope
251 Victoria Station
Maylene, Alabama 35114

STATE OF ALABAMA)
SHELBY COUNTY)

TRUSTEE'S DEED

This indenture, made as of the 31st day of March, 2008, between **THOMAS E. REYNOLDS, as Trustee in bankruptcy for the estate of RUSSELL SHERMAN HAMLIN**, presently pending in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, Case Number 07-04239-TBB-7, and **CHERIE E. HAMLIN**, husband and wife (hereinafter called "Grantor") and **DAVID M. POPE** (hereinafter called "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor was appointed Interim Trustee in the bankruptcy case of Russell Sherman Hamlin, in Case Number 07-04239-TBB-7 as evidenced by the Order Appointing Interim Trustee dated September 24, 2007; and

WHEREAS, Grantor continues to serve in said capacity, there having been no election or substitution for the Trustee at the meeting of creditors held under Title 11, U.S.C. §341(a) or since; and

WHEREAS, Grantor did issue notice to all entities named or identified in the Trustee's Motion for Authority to Sell Assets by Private Sale Free and Clear of Liens and Notice of Sale dated December 13, 2007, which Motion proposed a sale of the subject property pursuant to 11 U.S.C. § 363(f)(2) and (3) and (h) to permit the sale of both the estate's interest in the property as well as that of the co-owner of record, Cherie E. Hamlin; and

WHEREAS, after hearing held and after notice to creditors, the Court did enter its Order dated January 20, 2008, approving and confirming the sale proposed by the Trustee.

NOW, THEREFORE, by virtue of the power and authority granted the Grantor to sell the Property pursuant to the provisions of 11 U.S.C. §363 (f), and the Court's Order mentioned hereinabove, and in consideration of the sum of One Hundred Fifty-Four Thousand Five Hundred and no/100 DOLLARS (\$154,500.00), lawful money of the United States, paid from Grantee to Grantor, the Grantor does hereby grant, bargain, sell and convey unto the Grantee all the right, title and interest of the bankruptcy estate, and all the right, title and interest possessed by Russell Sherman Hamlin at the time of the filing of the bankruptcy petition in Bankruptcy Case No. 07-04239-TBB-7, and all the right, title and interest of Cherie E. Hamlin, together with every contingent remainder and right of reversion, the real property described as follows:

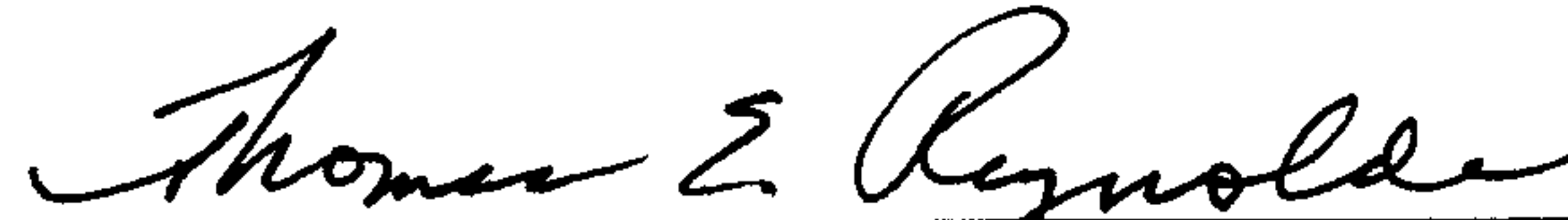
Lot 134, according to the Map of Cedar Grove at Sterling Gate, Sector 2, Phase 3, as recorded in Map Book 26, Page 122, in the Probate Office of Shelby County, Alabama.

\$138,000.00 of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.

Subject to ad valorem taxes for the current tax year, easements, rights-of-ways, and restrictions appearing of record.

TO HAVE AND TO HOLD, the premises herein granted unto the Grantee, his heirs and assigns, together with every contingent remainder and right of reversion.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.


THOMAS E. REYNOLDS,

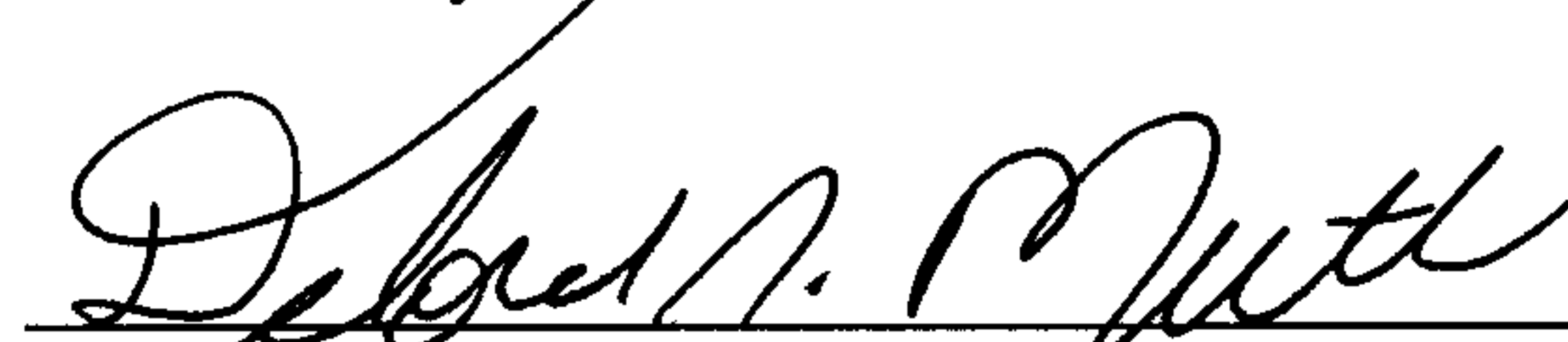
As and Only as
Trustee of the Bankruptcy Estate of
Russell Sherman Hamlin and as
authorized representative of
Cherie E. Hamlin

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **THOMAS E. REYNOLDS**, as Trustee of the Bankruptcy Estate of Russell Sherman Hamlin, and authorized representative of Cherie E. Hamlin, 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 such conveyance, he, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal, this the 31st day of March, 2008.

[NOTARIAL SEAL]


Notary Public
My Commission Expires 5/10/08

522784.1

Shelby County, AL 04/07/2008
State of Alabama

Deed Tax: \$16.50


20080407000139710 2/10 \$54.50
Shelby Cnty Judge of Probate, AL
04/07/2008 01:15:15PM FILED/CERT

**United States Bankruptcy Court
NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION**

In re:

Russell Sherman Hamlin

SSN: xxx-xx-[REDACTED]

Case No. 07-04239-TBB7

Chapter 7

Debtor(s)

**ORDER APPOINTING INTERIM TRUSTEE AND
APPROVING STANDING BOND**

It is **ORDERED** and notice is hereby given that:

1. The following interim trustee is hereby appointed, and the trustee's standing bond is fixed under the general blanket bond heretofore approved.

Thomas E Reynolds
Haskell Slaughter Young & Rediker
1400 Park Place Tower
2001 Park Place No
Birmingham, AL 35203

2. Unless the interim trustee files a rejection of this appointment within five (5) business days following receipt of this order, the trustee will be deemed to have accepted this appointment as provided by Rule 2008.

Dated: September 24, 2007

/s/ Thomas B Bennett
United States Bankruptcy Judge

ajp


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Shelby Cnty Judge of Probate, AL
04/07/2008 01:15:15PM FILED/CERT

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

In Re:)
)
RUSSELL SHERMAN HAMLIN,) **Case No. 07-04239-TBB-7**
)
Debtor.)

**MOTION FOR AUTHORITY TO SELL ASSETS
BY PRIVATE SALE FREE AND CLEAR OF LIENS
AND NOTICE OF SALE**

COMES NOW Thomas E. Reynolds, Trustee of the bankruptcy estate of the Debtor in the above-styled case, and gives notice pursuant to Bankruptcy Rules 2002 and 6004 of intent to sell the property described below free and clear of liens pursuant to 11 U.S.C. § 363(f)(2) and (3) and the Trustee requests authority to convey the interest of the co-owner in the property pursuant to 11 U.S.C. § 363(h) and as grounds for said motion, states as follows:

1. On September 24, 2007 the undersigned was appointed Trustee in the above-styled case, is duly qualified and continues to serve in said position.

2. The Trustee proposes to sell property of the bankruptcy estate located at 251 Victoria Station, Maylene, Shelby County, Alabama, more particularly described as:

Lot 134, according to the Map of Cedar Grove at Sterling Gate, Sector 2, Phase 3, as recorded in Map Book 26, Page 122, in the Office of the Judge of Probate of Shelby County, Alabama

(hereinafter referred to as the "Property").

3. The Property is not the Debtor's homestead.


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4 The Debtor has entered into a purchase contract with David Pope (the "Purchaser"). The Trustee proposes to assume the Debtor's interest in this purchase contract as Trustee for the Bankruptcy Estate of Russell Sherman Hamlin. The terms of the purchase contract is as follows:

Purchase Price	\$150,000
Down Payment Paid	10,000
Amount to be Financed	\$140,000

(Amortized at an interest rate of 7% over 20 year period, with monthly payments of \$1,085.42 beginning April 1, 2006, with a final balloon payment on March 1, 2008.)

Prior to the bankruptcy, the Purchaser remitted to the Debtor the down payment and the prescribed monthly payments with the result that,

- (1) If the loan is paid off during the month of February, 2008, the purchase price would be \$133,710.83; or
- (2) if the loan is paid off during the month of March, 2008, the purchase price would be \$133,405.40.

5. The Property is titled in the name of Russell S. Hamlin and Cherie E. Hamlin.

6. The Property is subject to a first mortgage to Wachovia Bank of Delaware, N.A. (formerly known as First Union National Bank of Delaware), which holds a security interest against the Property to secure a debt in the approximate amount of \$18,348.00.

7. The Property is subject to a second mortgage to Washington Mutual Bank, FA, which mortgage was assigned to Wells Fargo Bank, NA, which holds a security interest against the Property to secure a debt in the approximate amount of \$73,000.00.

8. The Trustee is authorized to sell the Property free and clear of the interest of Wachovia Bank of Delaware, NA and Wells Fargo Bank, NA pursuant to the provisions of 11

U.S.C. § 363(f) (3) in that the price for which the Property will be sold is greater than the aggregate value of all liens on the Property.

9. The Trustee requests authority pursuant to 11 U.S.C. §363(f) to sale the Property free and clear of all liens and encumbrances with the liens of said creditors attaching to the proceeds received from the sale to the same extent and with the same priority such liens held against the Property.

10. The Trustee proposes to sell the Property to the Purchaser. Since the title to the Property is held jointly by Russell S. Hamlin and Cherie E. Hamlin, such a sale contemplates the conveyance by the Trustee of both the interest of the bankruptcy estate as well as the interest of the co-owner. In support thereof, the Trustee asserts that:

- (a) partition in kind of such property among the estate and such co-owner is impracticable;
- (b) sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of such co-owner;
- (c) the benefit to the estate of sale of such property free of the interests of co-owners outweighs the detriment, if any, to such co-owner; and
- (d) such property is not used in the production, transmission, or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light or power.

11. From the proceeds realized from the sale, the Trustee proposes to pay Wachovia Bank of Delaware, NA and Wells Fargo Bank, NA, expenses of closing, and to hold the balance of the funds for the payment of allowed administrative expenses, for distribution to the co-owner, and for the benefit of the identified lienholders and other creditors.

12. The Trustee has not retained a real estate agent to assist in the sale of the Property, nor has an agent been identified for the Purchaser. Therefore, the Trustee does not anticipate that any commissions are payable from the sales proceeds.

WHEREFORE, the Trustee moves the Court as follows:

- A. To order pursuant to Bankruptcy Rule 2002(a)(2) that notice be given and certified to all creditors and indenture trustees.
- B. As required by Bankruptcy Rules 6004(c) and 2002(a)(2) and (c)(1), to order the date, time and place of hearing this motion, and the time within which objections to the proposed sale may be filed and served on the Trustee.
- C. On such hearing, to approve and confirm the proposed sale free and clear of all liens identified herein, with said liens attaching to the proceeds of the sale, and to authorize the Trustee to sell and convey the property to the purchaser pursuant to Bankruptcy Rule 6004(f)(2), to execute any instrument necessary or appropriate, to consummate the sale and transfer the property to the purchaser.

/s/ Thomas E. Reynolds, Trustee

Thomas E. Reynolds
Trustee of the Bankruptcy Estate of
Russell Sherman Hamlin

OF COUNSEL:

HASKELL SLAUGHTER YOUNG & REDIKER, LLC
2001 Park Place North, Suite 1400
Birmingham, Alabama 35203
(205) 251-1000



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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel of record by placing a copy of same in the United States mail, first class postage prepaid and addressed as follows:

Russell Sherman Hamlin
141 Red Bay Drive
Maylene, AL 35114

Cherie E. Hamlin
141 Red Bay Drive
Maylene, AL 35114

Andre M. Toffel, Esq.
1929 Third Avenue North
Birmingham, AL 35203

Wells Fargo Bank, NA
Post Office Box 10335
Des Moines, IA 50306

Diane Murray, Esq.
Attorney for Wells Fargo Bank, NA
Post Office Box 55887
Birmingham, AL 35255

Wachovia Bank of Delaware, NA
Post Office Box 96074
Charlotte, NC 28296-0074

DONE this the 13th day of December, 2007.

/s/ Thomas E. Reynolds
Of Counsel

512261.1



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Shelby Cnty Judge of Probate, AL
04/07/2008 01:15:15PM FILED/CERT

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

In Re:)
)
RUSSELL SHERMAN HAMLIN,) **Case No. 07-04239-TBB-7**
)
Debtor.)

ORDER APPROVING SALE OF REAL PROPERTY

THIS case came before the Court for hearing on January 15, 2008, on the Motion for Authority to Sell Assets By Private Sale Free and Clear of Liens and Notice of Sale (the "Motion"), filed by Thomas E. Reynolds, the Trustee in the above styled Chapter 7 bankruptcy case. A limited objection was filed on behalf of the Debtor and Cherie Hamlin, a co-owner of the property proposed to be sold by the Trustee. Thomas E. Reynolds appeared at the hearing to advocate the Motion and E. B. Harrison Willis appeared at the hearing to advocate the objection.

The Trustee in the Motion proposes to sell certain real property of the bankruptcy estate located at 251 Victoria Station, Maylene, Shelby County, Alabama, more particularly described as follows:

Lot 134, according to the Map of Cedar Grove at Sterling Gate, Sector 2, Phase 3, as recorded in Map Book 26, Page 122, in the Office of the Judge of Probate of Shelby County, Alabama

hereinafter referred to as the "Property").

The Trustee proposes to sell the Property to David Pope (the "Purchaser") for a purchase price of \$150,000 pursuant to a purchase contract entered into by the Debtor and the Purchaser (the "Contract"). The Trustee requests authority to sell the Property pursuant to the provisions of 11 U.S.C. § 363 (f) free and clear of all liens and encumbrances.

Based upon the Court's review of the Motion and the arguments of counsel at the hearing, the Court notes that the limited objection of the Debtor and Cherie Hamlin relates to the distribution of the sales proceeds by the Trustee and not to the merits of the sale proposed by the Trustee, and accordingly finds that the Motion is due to be granted and the sale approved as proposed.

It is therefore, ORDERED AND ADJUDGED, AND DECREED as follows:


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Shelby Cnty Judge of Probate, AL
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Pursuant to the provisions of 11 U.S. C. § 363 (f) the Trustee is authorized to transfer and convey both the interest of the bankruptcy estate and the interest of Cherie Hamlin in the Property to the Purchaser upon receipt of the sales price of \$150,000. The sale is authorized to be made by the Trustee pursuant to the provisions of 11 U.S.C. 363(f) free and clear of liens and encumbrances with such liens and encumbrances attaching to the proceeds of the sale to the same extent and with the same priority as the liens existed against the property being sold. Out of the closing proceeds received from the sale, the Trustee is authorized to pay the closing expenses that are payable by the Seller pursuant to the Contract, to pay and satisfy the debts secured by mortgages held by Wells Fargo Bank, N.A., as assigned from Washington Mutual Bank, F.A., and by Wachovia Bank of Delaware, N.A. (formerly known as First Union Bank of Delaware), and to hold the balance of the funds realized from the sale, pending further Order of this Court, for the payment of allowed administrative expenses, for the satisfaction of the rights and interests of Cherie Hamlin, the co-owner of the property, and for the benefit of the remaining creditors of this bankruptcy estate. Following the closing of the sale, the Trustee is directed to file with the Court a report of sale providing a detailed accounting of the sales proceeds received and the expenses incurred in connection with the closing of the sale, the amounts required to payoff the mortgage debt on the property and the net amount realized from the sale.

Dated: January 20, 2008

/s/ Thomas B. Bennett
United States Bankruptcy Judge

This Order Prepared at the Court's Request by:
Thomas E. Reynolds


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Shelby Cnty Judge of Probate, AL
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