

STATE OF ALABAMA)
JEFFERSON COUNTY)

TRUSTEE IN BANKRUPTCY DEED

KNOW ALL MEN BY THESE PRESENTS, that whereas, James G. Henderson, as the duly appointed and acting Trustee of the Bankruptcy Estate of **Thomas C. Cairns**, Bankruptcy Case No.: 12-00485-BGC-7, filed in the United States Bankruptcy Court, Northern District of Alabama, Southern Division, did offer the within described property for sale, and

WHEREAS, **Nicholas C. Cairns** agreed to pay the sum of Forty-Two Thousand Dollars and 00/100 (\$42,000.00), and other good and valuable consideration, for the purchase of the below described property, and

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

WHEREAS, the Trustee filed a Notice of Intent to Sell Trustee's Right, Title and Interest Only of Unencumbered Property of the Estate, a copy of which is attached hereto and incorporated herein as Exhibit "A," and


WHEREAS, the Bankruptcy Court did issue a Certificate of No Objections, dated September 13, 2012, a copy of which attached hereto and incorporated herein as Exhibit "B."

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 Forty-Two Thousand Dollars and 00/100 (\$42,000.00) and other good and valuable consideration to the Trustee, paid by **Nicholas C. Cairns**, the receipt of which is hereby acknowledged, James G. Henderson, as such Trustee, does hereby grant, bargain, sell and convey, subject to ad valorem taxes owed, and any and all restrictions of record, unto **Nicholas C. Cairns** all right, title and interest which the bankrupt Debtor had on the date of the commencement of the proceedings in bankruptcy, and all right, title and interest in the following real estate:

**Debtor's Interest in Real Property located at
SEE ATTACHED EXHIBIT "A"**

THE TRUSTEE 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.

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


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Shelby Cnty Judge of Probate, AL
10/02/2012 12:21:23 PM FILED/CERT

Shelby County, AL 10/02/2012
State of Alabama
Deed Tax: \$42.00

TO HAVE AND TO HOLD all the right, title and interest in and to said property unto the said, **Nicholas C. Cairns**, his heirs, successors and assigns forever, subject to ad valorem taxes owed, and all restrictions of record.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 20th day of Sept., 2012..

WITNESS:

Melodyl. Roberts

James G. Henderson

James G. Henderson, as
Trustee and only as Trustee
for the Bankruptcy Estate of
Thomas C. Cairns
Case No.: 12-00485-BGC-7

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that James G. Henderson, 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 20th day of Sept., 2012.


(SEAL)

Melodyl. Roberts
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 5, 2015
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument prepared by:
James G. Henderson, Trustee
800 Financial Center
505 North 20th Street
Birmingham, Alabama 35203-2605


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Shelby Cnty Judge of Probate, AL
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**United States Bankruptcy Court
NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION**

In re:
Thomas C Cairns
SSN: xxx-xx-9506

**Case No. 12-00485-BGC7
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.

James G Henderson
505 20th Street North Ste 800
Birmingham, AL 35203-4602

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: February 6, 2012

/s/ Benjamin G Cohen
United States Bankruptcy Judge

bke



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Shelby Cnty Judge of Probate, AL
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EXHIBIT "A"



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Shelby Cnty Judge of Probate, AL
10/02/2012 12:21:23 PM FILED/CERT

Objection Deadline: 9/10/12

Hearing Date: 9/12/12 @ 10:00 a.m.

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

In the Matter of:

Thomas C. Cairns,

Debtor.

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)
)
)


**BANKRUPTCY NO.: 12-00485-BGC-7
CHAPTER 7**

**NOTICE OF INTENT TO SELL TRUSTEE'S
RIGHT, TITLE AND INTEREST ONLY OF
UNENCUMBERED PROPERTY OF THE ESTATE**

Notice is hereby given that the Trustee, James G. Henderson, intends to sell the below described property of the estate in the manner as set out herein:

ANY OBJECTIONS TO THE SALE SHOULD BE FILED ON OR BEFORE September 10, 2012, AND SHOULD STATE SPECIFICALLY WHY THE SALE SHOULD NOT BE CONSUMMATED, AND SHOULD BE SERVED UPON THE CLERK OF THE BANKRUPTCY COURT LOCATED AT THE FINANCIAL CENTER, 505 NORTH 20TH STREET, 4TH FLOOR, BIRMINGHAM, ALABAMA 35203, AND THE TRUSTEE, JAMES G. HENDERSON, LOCATED AT 505 NORTH 20TH STREET, SUITE 800, BIRMINGHAM, ALABAMA 35203. **Unless a timely objection is filed and a hearing requested, no hearing will be held, and the sale shall take place as scheduled and proposed in this notice.**

If an objection is filed and a hearing is held, the Trustee is going to propose that the Court nevertheless approve and confirm the sale, and to order the Trustee to hold any consideration paid to him on the date of the sale until any disputes can be resolved by motion, agreement or an adversary proceeding. All timely filed objections made to the sale will be heard before the Bankruptcy Court on the 12th day of September, 2012 at 10:00 a.m. in Courtroom No.: 2, located in The Financial Center, 505 North 20th Street, 4th Floor, Birmingham, Alabama 35203.


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Shelby Cnty Judge of Probate, AL
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PROPERTY TO BE SOLD

The Debtor's interest on the date the petition was filed in the below described real estate:

A one-third (1/3) interest in the following real property

See attached Exhibit "A"

TERMS AND CONDITIONS OF PRIVATE SALE

Purchaser: Nicholas C. Cairns

Purchase Price: \$42,000.00

**All property is to be sold as is, subject to any
ad valorem taxes, if any..**

**PLEASE CONTACT THE TRUSTEE
IF YOU HAVE ANY QUESTIONS REGARDING THIS SALE:**

Respectfully submitted this 16 day of August, 2012.


JAMES G. HENDERSON

Chapter 7 Bankruptcy Trustee

800 Financial Center, 505 North 20th Street

Birmingham, Alabama 35203 (205) 328-9190



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EXHIBIT "A"



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Shelby Cnty Judge of Probate, AL
10/02/2012 12:21:23 PM FILED/CERT

This instrument was prepared by:
WALLACE, ELLIS, FOWLER & READ, ATTORNEYS
P.O. Box 587
Columbiana, Alabama 35051

Send Tax Notice To:

STATE OF ALABAMA)
SHELBY COUNTY)

(value \$5,000)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of One Dollar and Other Good and Valuable Considerations to the undersigned grantor, Meadowlark South Company, an Alabama General Partnership, in hand paid by Grantee named herein, the receipt of which is hereby acknowledged, the said Meadowlark South Company, an Alabama General Partnership, does by these presents grant, bargain, sell and convey unto NICHOLAS C. CAIRNS, THOMAS C. CAIRNS, III, and CHRISTOPHER G. CAIRNS (hereinafter referred to as "Grantee", whether one or more) the following described real estate, situated in Shelby County, Alabama, to-wit:

A parcel of land lying in the South 1/2 of the SW 1/4 of Section 26, Township 20 South, Range 3 West, being more particularly described as follows:

Begin at the NE Corner of the SW 1/4 of the SW 1/4 of Section 26, Township 20 South, Range 3 West, said point being the southeast corner of Lot 49, Second Sector Portsmouth, as recorded in Map book 6, Page 37 in the office of the Judge of Probate, Shelby County, Alabama; thence run S 89 degrees 21' 14" W, 202.07' along the south line of said Lot 49 to the southeast corner of Lot 48 of said Second Sector Portsmouth; thence run S 89 degrees 24' 05" W, 184.87', along the south line of said Lot 48 to the southwest corner of said Lot 48, said southwest corner being the southeast corner of Lot 47, Resurvey of Lots 46, 47, 50, & 51 of Second Sector of Portsmouth as recorded in Map Book 6, Page 60 in the office of the Judge of Probate, Shelby County, Alabama; thence run S 89 degrees 32' 30" W, 195.61', along the south line of said Lot 47 to the southwest corner of said Lot 47, said southwest corner being the southeast corner of Lot 26, First Sector Portsmouth as recorded in Map Book 6, Page 22 in the office of the Judge of Probate, Shelby County, Alabama; thence run S 89 degrees 26' 50" W, 140.01' along the south line of said Lot 26 to a point on the Northeast Right-of-Way line of Shelby County Highway #95 (120' Right-of-Way); thence run S 46 degrees 48' 50" E, 180.93', along said right-of-way to the beginning of a curve to the right said curve having a central angle of 9 degrees 08' 16" and a radius of 1915.51', said curve being subtended by a chord which bears S 42 degrees 14' 38" E, a distance of 305.17'; thence run southeasterly along said right-of-way and along the arc of said curve, 305.50', to a point on the northwest right-of-way of Shelby County Highway #64 (80' Right-of-Way); thence run N 54 degrees 35' 27" E, 299.55' along said right-of-way to the beginning of a curve to the right, said curve having a central angle of 13 degrees 42' 56", and a radius of 1602.47', said curve being subtended by a chord which bears N 61 degrees 26' 56" E, a distance of 382.68'; thence run northeasterly 383.60' along the arc of said curve and along said right-of-way to the southeast corner of Lot 2, Kingwood as recorded in Map Book 6, Page 40 in the office of the Judge of Probate, Shelby County, Alabama; thence run N 89 degrees 52' 44" W, 194.85', along the south line of said Lot 2 to the Point of Beginning.

SUBJECT TO THE FOLLOWING EXCEPTIONS AND CONDITIONS:

1. General and special taxes or assessments for 1992 and subsequent years not yet due and payable.
2. Transmission Line Permit granted to Alabama Power Company as recorded in Deed Book 55 page 454 in Probate Office.

Jones: Waldrop

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Shelby Cnty Judge of Probate, AL
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3. Right of Way granted to Shelby County as recorded in Deed Book 271 page 745 in Probate Office.
4. Easement to Plantation Pipeline Co. as recorded in Deed Book 91 page 231 in Probate Office.
5. Permit to South Central Bell as recorded in Deed Book 293 page 334 in Probate Office.
6. Permit to Alabama Power Company and South Central Bell as recorded in Deed Book 317 page 272 in Probate Office.
7. Right of Way to South Central Bell as recorded in Deed Book 320 page 887 in Probate Office.

TO HAVE AND TO HOLD to said Grantees, Nicholas C. Cairns, Thomas C. Cairns, III, and Christopher G. Cairns, their heirs and assigns, forever.

Grantor, Meadowlark South Company, an Alabama general partnership does for itself, its successors and assigns covenant with the said grantees, their heirs and assigns, that it is lawfully seized in fee simple of said premises; that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall warrant and defend the same to the said grantees, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Meadowlark South Company, an Alabama general partnership has hereunto set its hand by its duly authorized partners, this 1st day of February, 1992.

MEADOWLARK SOUTH COMPANY, an
Alabama general partnership

By: Nicholas C. Cairns
Nicholas C. Cairns
General Partner

By: Thomas C. Cairns, III
Thomas C. Cairns, III
General Partner

By: Christopher G. Cairns
Christopher G. Cairns
General Partner

BOOK 392 PAGE 443

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DOCUMENT WAS FILED
92 MAR -3 PM 4:03
JUDGE OF PROBATE

1. Deed Tax	\$15.00
2. Mig. Tax	
3. Recording Fee	\$5.00
4. Indexing Fee	\$4.00
5. No Tax Fee	
6. Certified Fee	\$1.00
Total	\$25.00

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Nicholas C. Cairns, Thomas C. Cairns, III, and Christopher G. Cairns, whose names as General Partners in Meadowlark South Company, an Alabama General Partnership, are signed to the foregoing conveyance; and who are known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing conveyance, they, as such general partners and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this 1st day of February, 1992.

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Shelby Cnty Judge of Probate, AL
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Notary Public
My Commission Expires: 4/30/92

EXHIBIT "B"

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

In the matter of:

Thomas C. Cairns,

Debtors.

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Case No. 12-00485-BGC-7

CERTIFICATE OF NO OBJECTIONS

This matter is before the Court on the Trustee's Notice of Intent to Sell Trustee's Right, Title and Interest Only of Unencumbered Property of the Estate (identified as Proceeding #37 on the Court's docket sheet).

After notice, a hearing was held on September 12, 2012. James G. Henderson, Trustee, and Jon A. Dudeck, attorney with the Bankruptcy Administrator's office, appeared.

No objections were filed at or prior to the hearing.

Dated: September 13, 2012

By: Bonnie Filasek, Courtroom Deputy

Scott W. Ford, Clerk
United States Bankruptcy Court

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Shelby Cnty Judge of Probate, AL
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Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name James G. Henderson
Mailing Address 505 North 20th St.
Suite 800
B'ham, AL. 35203

Grantee's Name N. C. Cairns
Mailing Address Industrial Rd.
Alabaster, AL. 35007

Property Address Industrial Rd.
Alabaster, AL. 35007

Date of Sale 12 Sept. '12
Total Purchase Price \$ 40,000.00
or
Actual Value \$
or
Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale
☐ Sales Contract
☐ Closing Statement

☒ Appraisal
☒ Other per bankruptcy code

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 2 Oct. '12

Print N. C. Cairns

☐ Unattested

Sign N. C. Cairns

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

Form RT-1

