

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


IN RE:)	
)	
TERESA KAY MOORE,)	#12-04367-TBB-7
)	CHAPTER 7 CASE
)	
DEBTOR(S).)	

**ORDER ON TRUSTEE'S MOTION TO SELL PROPERTY FREE AND CLEAR
OF LIENS, INTEREST, OR OTHER ENCUMBRANCES BY AUCTION, OUTSIDE
THE ORDINARY COURSE OF BUSINESS**

This matter came on for hearing on April 9, 2013. Based on arguments of counsel, the pleadings, the evidence before the Court, and the findings of fact and conclusions of law set forth on the record and incorporated herein by reference, the Trustee's motion is GRANTED, with all liens and encumbrances attaching to the proceeds to the same extent and priority said liens and encumbrances attached to the real property.

Dated: April 12, 2013

/s/ Thomas B. Bennett
Thomas B. Bennett
United States Bankruptcy Judge


20130624000257450 1/5 \$24.00
Shelby Cnty Judge of Probate, AL
06/24/2013 12:44:36 PM FILED/CERT

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

IN RE:

TERESA KAY MOORE,

DEBTOR(S).

)
)
)
)
)
)

**#12-04367-TBB-7
CHAPTER 7 CASE**



20130624000257450 2/5 \$24.00
Shelby Cnty Judge of Probate, AL
06/24/2013 12:44:36 PM FILED/CERT

**MOTION FOR AUTHORITY TO SELL REAL PROPERTY
FREE AND CLEAR OF ALL LIENS, INTERESTS OR OTHER ENCUMBRANCES BY AUCTION,
OUTSIDE THE ORDINARY COURSE OF BUSINESS**

COMES NOW André M. Toffel, the duly appointed Trustee in the above-styled case and gives notice, pursuant to the Federal Rules of Bankruptcy Procedure 2002(a)(2), 2002(c)(1) and 6004, of his intent to sell certain property free and clear of liens, interests and/or other encumbrances pursuant to Title 11 United States Code Section 363(b) and (f)(4) as described below, and moves this Honorable Court for an Order authorizing the Trustee to sell the property and as grounds for said motion, states the following:

PROPERTY TO BE SOLD

The Trustee proposes to sell all of the bankruptcy estate's right, title, and interest in real property located at 1231 Crosscut Road, Pelham, AL consisting of 64 +/- acres. This is unimproved real property. The legal description of said real property is listed below.

Lot 1 of the Final Plat of moore Estate Subdivision, a Residential Subdivision located in the South ½ of the Southwest ¼ of Section 3, Township 21 South, Range 2 West, as recorded in the Office of Probate Shelby County, Alabama, in Map Book 41, Pages 8A and 8B. This property consists of approximately 64.23 acres, more or less.

TERMS AND CONDITIONS OF SALE

The Trustee proposes to sell the property "as is" and free and clear of any and all liens, interests and/or other encumbrances by **Public Auction** on or about the 25th day of April, 2013. The public auction will be conducted by Granger Thagard & Associates, Inc.

The Trustee is informed and believes that the above described real property is jointly owned by the Debtor, Helen Crenshaw and Jordan Rhea Moore Linderman and not subject to any liens or encumbrances, and that the Trustee, Ms. Crenshaw and Ms. Linderman have an interest in the property to be sold at Public Auction.

The real property is being sold as is, where is, with no warranties or guarantees at all, except as are authorized by the Bankruptcy Court.

Any objections to the sale shall be filed on or before three (3) days before the date scheduled on the attached Notice of Hearing. Any objection shall state specifically why the sale should not be consummated. Unless a timely objection is filed and/or made at the time of the hearing, the sale shall take place as scheduled, or on such different terms as the Court may see fit to impose.

Pursuant to the motion to Shorten the Applicable Notice Period filed simultaneously herewith, the Trustee hereinbelow will give not less than ten (10)) days notice of the present Notice of Intent to Sell Assets Subject to all Liens and Encumbrances by mailing a copy of the same, along with the Notice of Hearing, to the persons and entities at the respective addresses shown on the certified matrix provided to him by the Clerk of the Bankruptcy Court, and will certify same by filing a Certificate of Notice of Mailing with the Bankruptcy Court.

The auctioneer, Grager Thagard & Assoc. Inc., may bring in merchandise at the above auction belonging to parties other than the above styled bankruptcy estate. These entities may be other bankruptcy estates or non-bankruptcy entities. In the event that the auction merchandise other than the items of property being sold to this estate are auctioned, the auctioneer will segregate and account separately for the items sold by each respective entity and file a report with this Court of the items of this estate sold and the price said items or each item or lot is sold at. In addition, if other entities (either other bankruptcy estates or non-bankruptcy estates) place items in the above auction, the cost of the sale shall be divided pro-rata among the said entities based upon the total sales price of the items included in the auction.

LIENS AGAINST PROPERTY

All liens, interests and/or encumbrances shall attach to the proceeds of such sale to the same extent and with the same priority as said liens, interests and/or encumbrances presently attach to the subject property. The Trustee reserves the right to contest the validity, priority and/or extent of any such claim, lien or other interest. The Trustee is not aware of any mortgages or liens on said real property.

The Trustee is hereby proposing to hold any sales proceeds, less any costs of sale including, but not limited to, payment of ad valorem taxes, and any other closing costs necessary to complete the sale. A separate Application will be filed regarding any auctioneer fees and expenses upon the sale of the property.

IF YOU CLAIM A LIEN ON OR AN INTEREST IN ANY OF THE PROPERTY WHETHER OR NOT IT IS SET FORTH HEREIN ABOVE, YOU SHOULD IMMEDIATELY MAKE SUCH LIEN

OR INTEREST KNOWN TO THE TRUSTEE AND THE COURT. THIS PROPOSED SALE MAY AFFECT YOUR RIGHTS UNDER TITLE 11 UNITED STATES CODE SECTION 363.

QUALIFICATIONS FOR SALE PURSUANT TO SECTION 363

The proposed sale qualifies under Bankruptcy Code Section 363(b) and (f)(4).

WHEREFORE, upon the above stated premises, Trustee moves this Honorable Court to:

A. To order and direct that service of this Notice and Motion be made in accordance with the Federal Rules of Bankruptcy Procedure 9014 on all parties in interest;

B. To order the date, time and place of the hearing on this Notice and Motion to Sell Property of the estate and the time within which objections to said Notice and Motion shall be filed and served upon the Trustee;

C. At such hearing, issue an Order authorizing the private sale free and clear of all liens, interests, and/or other encumbrances as proposed above and grant the Trustee the authority to execute any instruments necessary or ordered by the Court to effectuate the transfer of the real property described above;

D. Order that if there is a dispute among the lienholders or Trustee on the Property as to the validity, amount, or priority, of any such lien or claim, such sale is approved and confirmed on the basis requested, and the Trustee is directed to hold the net proceeds, subject to payment upon proper application for professional fees and other administrative expenses pursuant to Title 11 United States Code Sections 330, 506, 724 or any other applicable code sections and to bring an adversary proceeding to resolve said disputes. This right is reserved notwithstanding any other provision of this Order.


E. Grant such other, further and different relief as may be necessary to effectuate the sale of the assets.

Dated this the 4th day of April 2013.

/s/ Valrey W. Early, III
Valrey W. Early, III,
Attorney for Andre' M. Toffel, Trustee

OF COUNSEL:

JAFFE & ERDBERG, P.C.
817 Frank Nelson Building
205 North 20th Street
Birmingham, Alabama 35203
(205) 323-4500


20130624000257450 4/5 \$24.00
Shelby Cnty Judge of Probate, AL
06/24/2013 12:44:36 PM FILED/CERT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion has been served on the following electronically or by placing a copy of same in the U.S. Mail, first-class postage prepaid and properly addressed (unless indicated otherwise) on this the 4th day of April, 2013.

Bankruptcy Adm. Office
1800 5th Ave N
Birmingham, AL 35203

Brent W. Davis, Esq.
2 North 20th St, Ste 1150
Birmingham, AL 35203

Teresa Kay Moore
1231 Crosscut Rd
Alabaster, AL 35007


Jordan Linderman
50 Forest Park Dr Apt E
Hamilton, OH 45011

Granger Thagard & Assoc, Inc.
1806 Oxmoor Rd
Birmingham, AL 35209

Helen M. Crenshaw
60 Forest Trail
Millbrook, AL 36054

*all creditors or parties-in-interest listed
on mailing matrix with U. S. Bankruptcy
Court attached

/s/ Valrey W. Early, III
Of Counsel


20130624000257450 5/5 \$24.00
Shelby Cnty Judge of Probate, AL
06/24/2013 12:44:36 PM FILED/CERT