

This Instrument Prepared By:

C. Ryan Sparks, Attorney
2635 Valleydale Road, Suite 200
Birmingham, Alabama 35244
DIRECT: 205-215-8433

Send Tax Notice To Grantees Address:

Bilal Eljishi
109 Runnymede
Maylene, Alabama 35114

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

**CASE NO. 16-50102-KKS
CHAPTER 7**

IN RE:

**TYNER, KATHY D.,
Debtor,**

TRUSTEE'S DEED

**STATE OF ALABAMA
COUNTY OF SHELBY**

KNOW ALL MEN BY THESE PRESENTS,

THIS DEED executed this the 19th day of September, 2018, by Mary W. Colon, as and only as the Trustee of the above named debtor's bankruptcy estate ("Tyner"), be it therefore witnesseth that:

WHEREAS, a chapter 7 bankruptcy proceeding was filed on behalf of Kathy D. Tyner (a/k/a Kathy A. Tyner) in the **UNITED STATES BANKRUPTCY COURT NORTH DISTRICT OF FLORIDA PANAMA CITY DIVISION CASE NO. 16-50102-KKS** on April 1, 2016. The Order for Relief was entered on September 6, 2018.

WHEREAS, Colon was appointed Trustee of the Tyner bankruptcy estate by Order of the Bankruptcy Court, and Colon having qualified as such Trustee, and entered into a proper bond, and Colon having continued to act and now acting and serving in such capacity as Trustee.

WHEREAS, Colon filed a Motion for Authority to Sell Free and Clear of Liens and Other Interests the real estate described herein below (the "Property").

WHEREAS, the Bankruptcy Court did authorize said sale by the Order attached hereto and incorporated herein as "Exhibit A" dated September 6, 2018.

NOW THEREFORE, Colon, as and only as Trustee of the bankruptcy estate of Tyner, in consideration of the power and authority vested in her as Trustee, and based upon the Court's Order, and upon payment to her of the sum of **ONE HUNDRED SIXTY FIVE THOUSAND AND NO/100 (\$165,000.00) DOLLARS**, and other good and valuable consideration, this day in hand paid to the undersigned GRANTORS **MARY W. COLON, AS BANKRUPTCY TRUSTEE FOR THE ESTATE OF KATHY D. TYNER (UNITED STATES BANKRUPTCY COURT NORTH DISTRICT OF FLORIDA PANAMA CITY DIVISION CASE NO. 16-50102-KKS) and KIMBERLY M. TYNER,**



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Shelby Cnty Judge of Probate, AL
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an unmarried woman, (herein referred to as "Grantors"), in hand paid by the Grantee herein, the receipt whereof is hereby acknowledged, the Grantors do hereby give, grant, bargain, sell and convey unto the GRANTEE, BILAL ELJISHI, (herein referred to as "Grantee"), Grantee's heirs and assigns, any and all of the respective Grantors' interest in the following-described Real Estate situated in, SHELBY COUNTY, ALABAMA, to wit:

Lot 108, according to the Survey of Cedar Grove at Sterling Gate Sector 2 Phase 11, as recorded in Map Book 37, Page 27, in the Probate Office of Shelby County, Alabama.

Subject to:

1. General and special taxes or assessments for the year 2018 and subsequent years not yet due and payable.
2. Municipal improvements, taxes, assessments, and fire district dues against subject property, if any.
3. Mineral and mining rights not owned by Grantors.
4. Any applicable zoning ordinances.
5. Easements, encroachments, building set back lines, rights-of-ways as shown of record by recorded plat or other recorded instrument, including any amendments thereto.
6. All matters, facts, easements, restrictions, assessments, covenants, agreements and all other terms and provisions in Map Book 37, Page 27.
7. Building setback line of 20 feet reserved from Runnymede as shown per plat.
8. Utility easements as shown by recorded plat, including 15 feet along the rear and 7.5 feet on the easterly side.
9. Restrictions, covenants and conditions as set out in Inst. No. 20060615000285670, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin.

Kathy D. Tyner is one and the same person as Kathy A. Tyner.

The purchase of the herein described real property is being financed in whole or in part by the proceeds of a purchase money mortgage being executed simultaneously herewith.

COLON HAS MADE NO AFFIRMATION OF FACT AND HAS MADE NO PROMISE RELATING TO THE REAL PROPERTY SUBJECT OF 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 ABOVE CONFORMS TO ANY SUCH AFFIRMATION OR PROMISE.

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

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said Grantee, Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on this day of September 19, 2018.

GRANTOR:

Mary W. Colon, as Chapter 7 Trustee
Mary W. Colon, as Bankruptcy Trustee for the Estate of Kathy D. Tyner
(United States Bankruptcy Court North District of Florida Panama City
Division Case No. 16-50102-KKS)

STATE OF Florida
COUNTY OF Leon

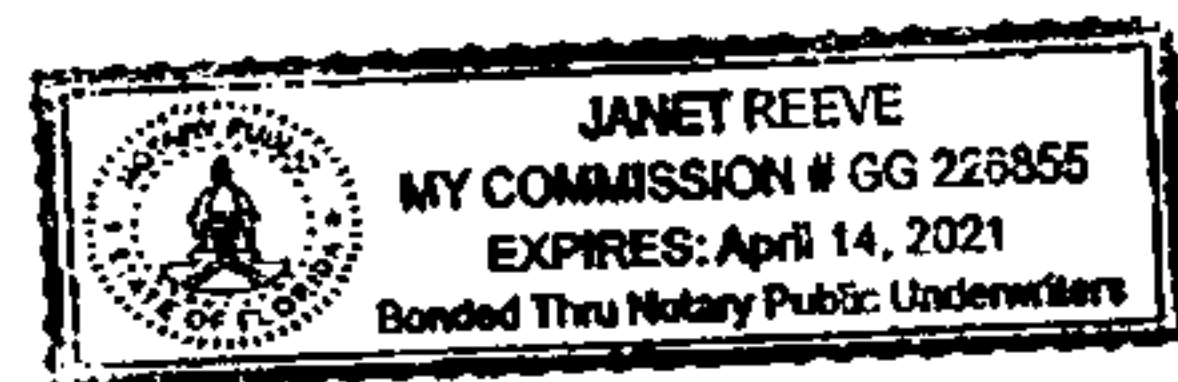
I, the undersigned, a Notary Public, in and for said State and County, do hereby certify that Mary W. Colon, as Bankruptcy Trustee for the Estate of Kathy D. Tyner (United States Bankruptcy Court North District of Florida Panama City Division Case No. 16-50102-KKS), whose name is signed to the above and foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, Mary W. Colon, as Bankruptcy Trustee for the Estate of Kathy D. Tyner (United States Bankruptcy Court North District of Florida Panama City Division Case No. 16-50102-KKS) executed the same voluntarily with full authority as said Trustee, on the day the same bears date.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hands and seals on this day of September 19, 2018.

Janet Reeve
State of Florida, Notary Public

My Commission Expires: 4-14-21


[Affix Seal Here]



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IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on this day of September 20, 2018.

GRANTOR:


Kimberly M. Tyner

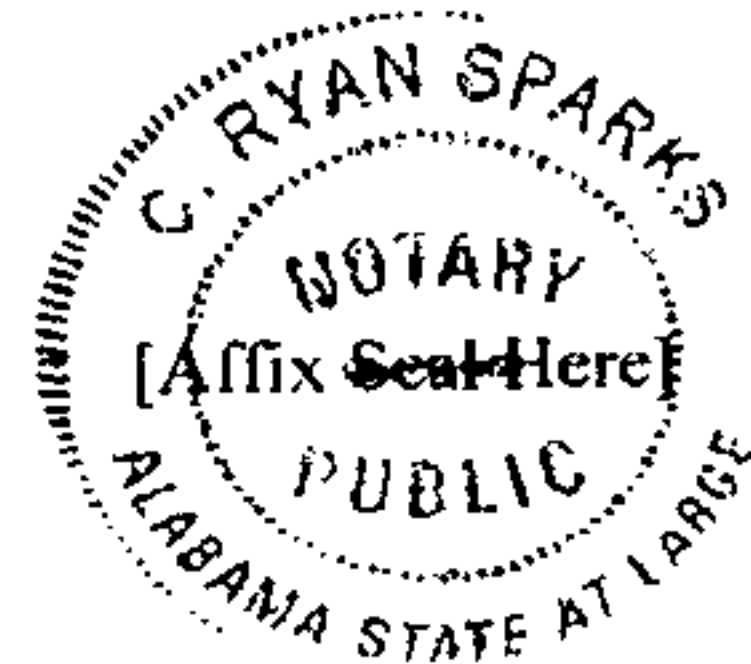
**STATE OF ALABAMA
COUNTY OF SHELBY**

I, the undersigned, a Notary Public, in and for said State and County, do hereby certify that Kimberly M. Tyner, whose name is signed to the above and foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, Kimberly M. Tyner executed the same voluntarily with full authority, on the day the same bears date.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hands and seals on this day of September 20, 2018.


C. Ryan Sparks, Notary Public

My Commission Expires: December 14, 2019



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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	Mary W. Colon, Trustee	Grantee's Name	Bilal Eljishi
Mailing Address	Kimberly M. Tyner	Mailing Address	
	109 Runnymede		109 Runnymede
	Maylene, Alabama 35114		Maylene, Alabama 35114
Property Address	109 Runnymede	Date of Sale	9/20/18
	Maylene, Alabama 35114	Total Purchase Price	\$ 165,000.00
		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

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 9/20/18

Print C. Ryan Sparks

Sign

(Grantor/Grantee/Owner/Agent) circle one

Unattested

(verified by)

Form RT-1

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EXHIBIT B

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**


**CASE NO: 16-50102-KKS
CHAPTER 7**

**IN RE:
TYNER, KATHY D,**

Debtor(s),

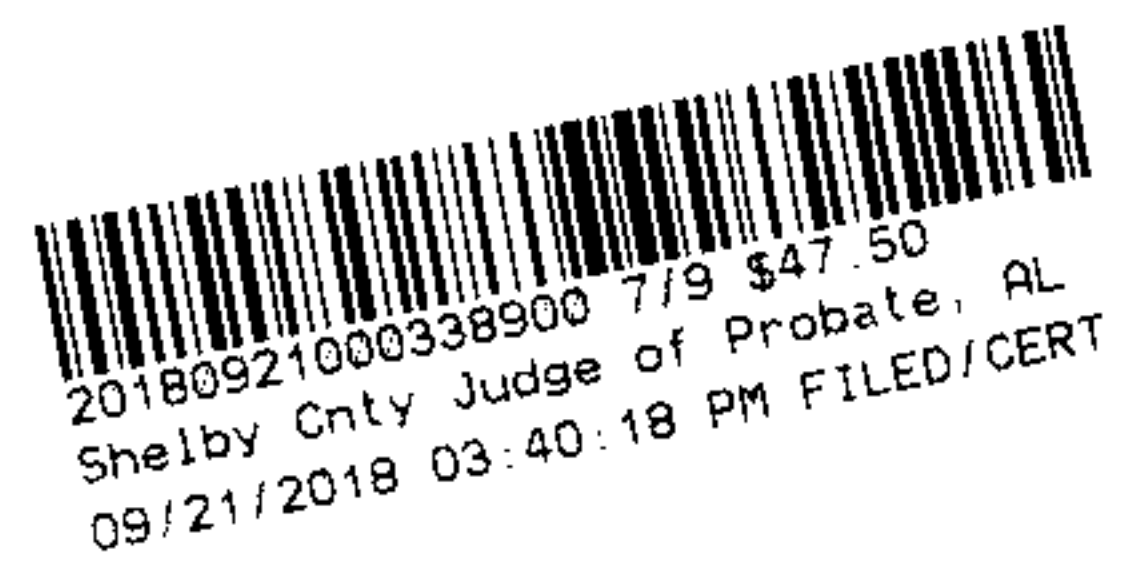
**ORDER GRANTING AMENDED MOTION
TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS,
ENCUMBRANCES AND INTERESTS (Doc. 69)**

UPON CONSIDERATION of the Motion to Sell Real Property Free and Clear of Liens, Encumbrances and Interests (Doc. 60), Trustee filing her Notice of Intent to Sell with a twenty-one day negative notice (Doc. 59), the motion and notice were properly served on all parties, an objection was filed on 8/23/2018 (Doc. 67), and the Amended Motion to Sell Real Property Free and Clear of Liens, Encumbrances and Interests (Doc. 69) was filed 8/29/2018. It appearing that adequate Notice of the Motion has been provided and that no further notice of said Motion need be given, a hearing was held on 8/30/2018, counsel for trustee and United Guaranty Residential Insurance Company of North Carolina were present, and the Court having determined that the relief sought in the Amended Motion should be granted.


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It is hereby **ORDERED**, as follows:

1. The Amended Motion is **GRANTED**.
2. The Trustee is authorized to sell the Property shown on debtor's schedules as located at 109 Runnymede, Maylene, Alabama 35114 but correctly described as 109 Runnymede, Alabaster, Alabama 35114, free and clear of all liens, encumbrances and interests of any party, including that of Regions Mortgage and United Guaranty Residential Insurance Company of North Carolina pursuant to those terms identified in the amended motion, for the price of \$165,000.00 to the current purchaser.
3. The Trustee is authorized to take any and all actions and to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale of the Property free and clear of all liens, encumbrances, or interests, including without limitation, executing a deed conveying the interests of the Debtor, or any other party claiming an interest in the Property, to the current purchaser.



4. The Trustee is authorized to pay certain expenses from the proceeds of the sale and that the proceeds shall be disbursed in the following manner:

a. Payoff to Regions Mortgage - \$119,996.67 plus additional fees and interest to date of closing

b. Payoff to second mortgage holder, United Guaranty Residential Insurance Company of approximately \$23,417.86

c. Brokerage Fees (6%) - \$9,900.00 (6%) to Keller Williams Realty - Vestavia.

d. One half of title premiums and settlement fees – \$756.25.

e. Property Taxes for 2018 - \$894.28 plus any additional pro-rated amount should closing occur after 10/2/18.

f. HOA Dues (delinquent) - \$1,553.87

g. HOA Transfer/Compliance fees - \$75.00

h. Pro-rated taxes - \$3.82

i. Buyer paid closing costs – not to exceed \$5,200.00

j. Pro-rated credits – (\$297.75)



k. Estate would recover a minimum of \$3,500.00

5. The Trustee upon execution and closing of the sale, shall deposit the net proceeds into the estate to be administered by the Trustee on behalf of the unsecured creditors in accordance with Bankruptcy procedure.

DONE AND ORDERED on September 6, 2018.



KAREN K. SPECIE
U.S. Bankruptcy Judge

Order Prepared by:
Mary W. Colón, Esq.

Trustee Mary Colón is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

THOMAS ABRAMS, Clerk of Court



Deputy Clerk



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