



20240607000169570 1/5 \$38.00
Shelby Cnty Judge of Probate, AL
06/07/2024 10:24:10 AM FILED/CERT

When Recorded Return to:

Jason L. Pettie
Taylor English Duma LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

Current Owner(s): Nanaline N. Davis Rotter

Deed in Chain of Title: Quit Claim Deed
Instrument No. 2024013000023850

Property: Commonly known as 2701 Indian Crest Drive
Indian Springs, Shelby County, Alabama, 35124

Legal Description:

LOT 1, ACCORDING TO THE PATE SURVEY, AS RECORDED IN MAP
BOOK 44, PAGE 25, IN THE OFFICE OF THE JUDGE OF PROBATE OF
SHELBY COUNTY, ALABAMA.

AFFIDAVIT AFFECTING TITLE

STATE OF GEORGIA
COUNTY OF COBB

BEFORE ME, the undersigned, a Notary Public in and for said County, State of Georgia,
on this day personally appeared JASON L. PETTIE (“**Affiant**”) to me well known, and who,
after being by me duly sworn, deposes and says that:

1. My name is Jason L. Pettie. I am over eighteen (18) years of age, fully
competent, and I am personally familiar with, and have actual knowledge of, the facts
recited in this Affidavit.

2. I make this affidavit in accordance with O.C.G.A. § 44-2-20(a).

3. I have been appointed the Chapter 7 Trustee (the “**Trustee**”) for the
bankruptcy estate (the “**Bankruptcy Estate**”) of Harry Gerald Rotter, II (“**Debtor**”) (In re:
{02785819-1 }



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Case No. 24-53517-BEM), which was filed as a Chapter 7 proceeding on April 4, 2024 (the “**Petition Date**”), and it is currently pending in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division. See attached notice marked as Exhibit “A,” and incorporated herein by reference.

4. By virtue of the *Warranty Deed (Joint Right of Survivorship)* (the “**Deed**”) dated May 22, 2014, James U. Leonard, Personal Representative of the Estate of Conroe D. Pate, deceased (Shelby County, Alabama, Probate No. Pr-2013-000241) conveyed the Property to Debtor and Nanaline N. Davis Rotter (“**Ms. Rotter**”). The Deed was recorded on the real estate records of the Shelby County, Alabama Judge of Probate Court (hereafter, the “**Probate Property Records**”) on May 30, 2014, Instrument No. 20140530000162590.

5. By virtue of the *Quit Claim Deed* (the “**Second Deed**”) dated January 29, 2024, Debtor conveyed his undivided one-half interest in the Property to Ms. Rotter. The Second Deed was recorded on the Probate Property Records on January 30, 2024, Instrument No. 2024013000023850 (together, the “**Transfers**”).

6. The Transfers are avoidable by the Trustee pursuant to applicable federal bankruptcy and Alabama state law. As such the Property (or the Bankruptcy Estate’s interest therein) is subject to the jurisdiction of the Bankruptcy Court and administration by Trustee.

6. I make this affidavit based on the facts known to me.

Affiant does hereby swear under penalty of perjury that the foregoing information is true and correct in all respects.

FURTHER AFFIANT SAITH NOT.

Sworn to and subscribed before me this
15 day May, 2024:

Pamela E. Bicknell

Notary Public

My Commission Expires: January 18, 2026

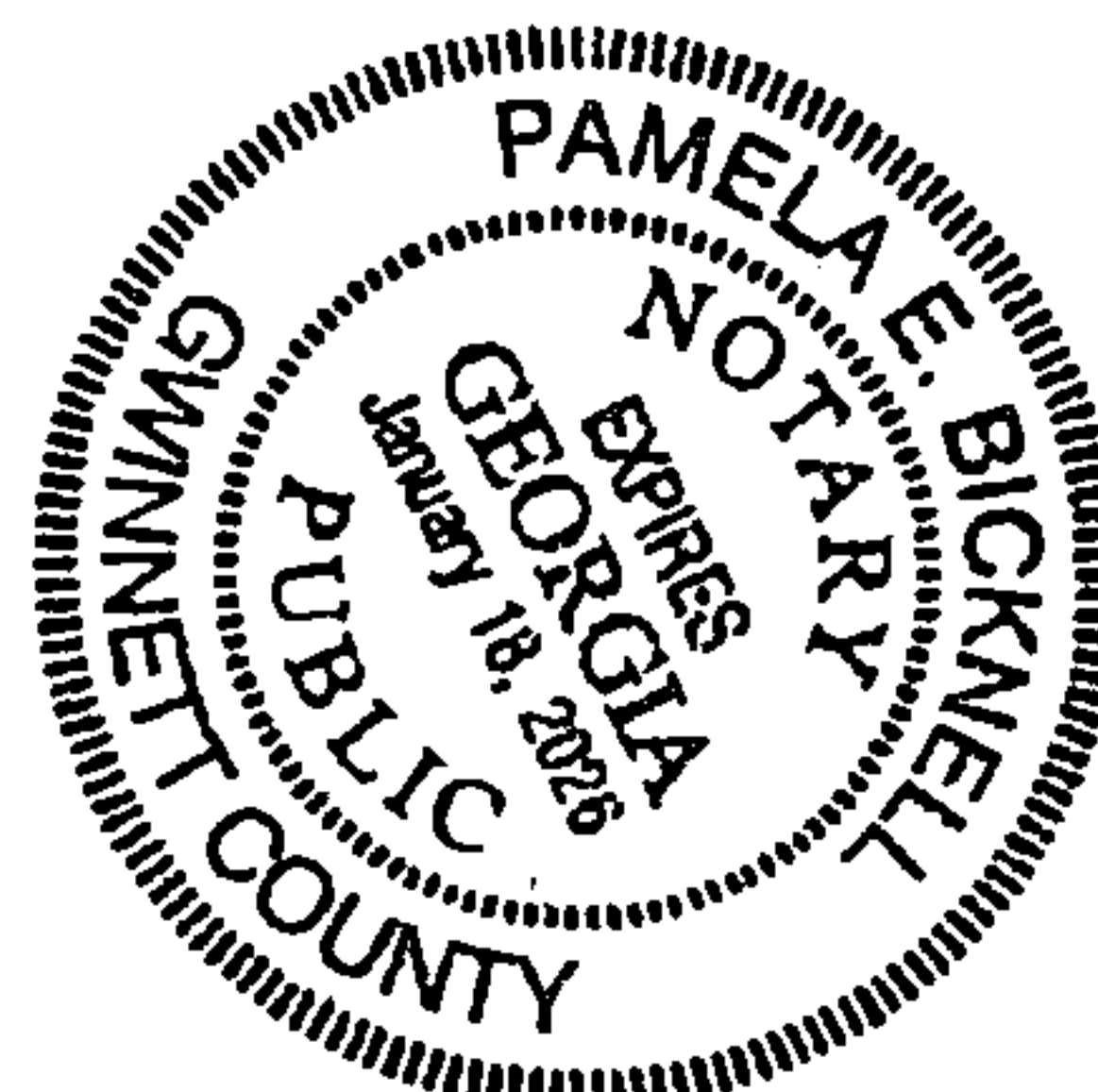
Signed, sealed, and delivered in the presence of:

Ang M. Ford

Unofficial Witness

Executed this 15 day of May, 2024.

Jason L. Pettie





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EXHIBIT "A" FOLLOWS

Information to identify the case:

Debtor 1 **Harry Gerald Rotter II**

First Name Middle Name Last Name

Social Security number or ITIN **xxx-xx-5221**

EIN - - - - -

Debtor 2

(Spouse, if filing)

First Name Middle Name Last Name

Social Security number or ITIN - - - - -

EIN - - - - -

United States Bankruptcy Court **Northern District of Georgia**

Court website: www.qanb.uscourts.gov

Date case filed for chapter **7** **4/4/24**

Case number: **24-53517-bem**

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

10/20

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>). Copy fees or access charges may apply. A free automated response system is available at 866-222-8029 (Georgia Northern). You must have case number, debtor name, or SSN when calling.

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Harry Gerald Rotter II	
2. All other names used in the last 8 years		
3. Address	117 Bowen Circle SW Atlanta, GA 30315	
4. Debtor's attorney Name and address	Charles M. Clapp Law Offices of Charles Clapp, LLC 5 Concourse Parkway NE Suite 3000 Atlanta, GA 30328 Contact phone (404) 585-0040 Email: charles@lawcmc.com	
5. Bankruptcy trustee Name and address	Jason L. Pettie Taylor English Duma Suite 200 1600 Parkwood Circle SE Atlanta, GA 30339	Contact phone 678-336-7226

For more information, see page 2 >



6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov .	Vania S. Allen Clerk of Court 1340 United States Courthouse 75 Ted Turner Drive SW Atlanta, GA 30303	Office Hours: <u>8:00 a.m. – 4:00 p.m.</u> Court website: www.ganb.uscourts.gov Contact phone 404-215-1000
7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Bring a copy of this notice with you. Creditors may attend, but are not required to do so. Cellular phones and other devices with cameras are not allowed in the building.	May 2, 2024 at 09:30 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket. TO THE DEBTOR: Bring an original government issued photo ID and confirmation of social security number. Provide the Trustee a copy of your most recently filed tax return seven days prior to the meeting, but DO NOT FILE WITH THE COURT.	Location: Zoom video meeting. Go to Zoom.us/join, Enter Meeting ID 256 559 9086, and Passcode 4850211462, OR call 1 (470) 924-8993 For additional meeting information go to https://www.justice.gov/ust/moc
8. Presumption of abuse If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.	The presumption of abuse does not arise.	
9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	<div style="display: flex; justify-content: space-between;"> <div> File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none"> • if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or • if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6). You must file a motion: <ul style="list-style-type: none"> • if you assert that the discharge should be denied under § 727(a)(8) or (9). </div> <div> Filing deadline: 7/1/24 </div> </div> <div style="margin-top: 20px;"> Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection. </div> <div style="text-align: right; margin-top: 10px;"> Filing deadline: 30 days after the <i>conclusion</i> of the meeting of creditors </div>	
10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
11. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at https://pacer.uscourts.gov . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	

