

2009-005596

Klamath County, Oregon



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04/23/2009 11:15:38 AM

Fee: \$51.00

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA, EASTERN DIVISION

In Re:

Elwood C. Beiermeister

SSN: xxx-xx-7126

Lorraine A. Beiermeister

SSN: xxx-xx-2114

110 Lawson Gap Road

Boaz, Alabama 35957

Debtor(s).

Bankruptcy Case No.

08-40460-JJR-7

Chapter 7

TRUSTEE'S DEED

This indenture, made this the 14<sup>th</sup> day of April, 2009, by and between Rocco J. Leo, as and only as the Trustee of the above-named Debtor's bankruptcy estate, ("Grantor"), and Michael Long, ("Grantee"), be it therefore witnesseth that:

**WHEREAS**, Elwood C. Beiermeister and Lorraine A. Beiermeister filed a voluntary petition for relief in the United States Bankruptcy Court for the Northern District of Alabama, Eastern Division ("Bankruptcy Court") under Chapter 7 of Title 11 of the United States Code ("Bankruptcy Code") on March 7, 2008;

**WHEREAS**, Rocco J. Leo, was appointed Trustee of the above-styled bankruptcy estate, by Order of the Bankruptcy Court and having qualified as such Trustee and entered into a proper bond, and having continued to act and now acting and serving in such capacity as Trustee;

**WHEREAS**, Rocco J. Leo, has previously filed with the United States Bankruptcy Court and properly served a Trustee's Notice of Intent to Sell and Motion to Sell Free & Clear of All Liens, Interest or Other Encumbrances all of the Bankruptcy Estate's interest in the real property described below (a true and correct copy of said Notice of Intent to Sell is attached as Exhibit "A" and hereby incorporated by reference); and

**WHEREAS**, the Bankruptcy Court did issue an Order granting the Trustee's Notice of Intent to Sell on April 2, 2009 (A true and correct copy of said Order is attached as Exhibit "B" and hereby

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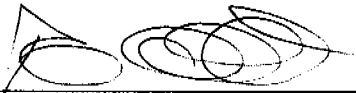
incorporated by reference).

**NOW, THEREFORE**, Rocco J. Leo, as and only as Trustee of the Bankruptcy Estate of Elwood C. Beiermeister and Lorraine A. Beiermeister, in consideration of the power and authority vested in him as Trustee, and upon the total payment to him of the sum of Six Thousand Dollars and 00/100 (\$6,000.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey all his and the above styled Bankruptcy Estate's right, title and interest unto Michael Long, in and to the following described real property situated in Klamath County, Oregon, to-wit:

Lots 8 and 9 in Block 14, second addition to Nimrod River Park, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

**TO HAVE AND TO HOLD** said Property, unto said Grantee, his and assigns, forever, subject, however, to those exceptions noted above.

**IN WITNESS WHEREOF**, Rocco J. Leo has hereunto set his hand and seal on this the 14<sup>th</sup> day of April, 2009.

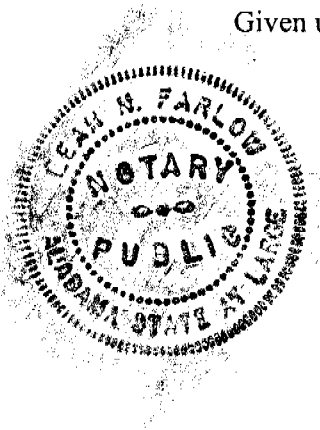


Rocco J. Leo, as and only as  
Trustee of the Bankruptcy Estate of  
Elwood C. Beiermeister and Lorraine A. Beiermeister

STATE OF ALABAMA           )  
  )  
JEFFERSON COUNTY         )

I, the undersigned authority, a Notary Public, in and for said State and County, hereby certify that Rocco J. Leo, whose name as Trustee of the bankruptcy estate of Elwood C. Beiermeister and Lorraine A. Beiermeister is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date that, being informed of the contents of the conveyance, he, in his capacity as such Trustee, executed the same voluntarily on the day same bears date.

Given under my hand and seal this the 14<sup>th</sup> day of April, 2009.



Notary Public

My commission expires: **MY COMMISSION EXPIRES: Oct 23, 2010**

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
BONDED WITH NOTARY PUBLIC UNDERWRITING

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA, EASTERN DIVISION

In Re:

Elwood C. Beiermeister  
SSN: xxx-xx-7126  
Lorraine A. Beiermeister  
SSN: xxx-xx-2114  
110 Lawson Gap Road  
Boaz, Alabama 35957

Debtor(s).

Bankruptcy Case No.

08-40460-JJR-7

Chapter 7

**TRUSTEE'S NOTICE OF INTENT TO SELL**

Notice is hereby given that the Trustee, Rocco J. Leo, intends to sell the Estate's interest in a two parcels of real property more particularly described on Exhibit "A," attached and incorporated herein by reference in Klamath County, Oregon (hereinafter referred to as "Property"), as follows:

1. The Bankruptcy Estate's interest in the Property will be sold to Michael Long for a purchase price of \$6,000.00 pursuant to the Contract attached as Exhibit "B" and hereby incorporated by reference.
2. The Trustee proposes to issue documents of conveyance to the above-referenced interest in the Property as may be appropriate, conveying the Trustee's right, title and interest in the Property.
3. The Property is sold "as is" with no warranty of any type whatsoever.

This the 11<sup>th</sup> day of March, 2009.

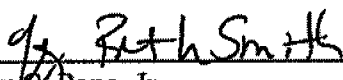
  
\_\_\_\_\_  
Max Pope, Jr.  
Joy Beth Smith  
Attorneys for Rocco J. Leo, Trustee  
P. O. Box 2958  
Birmingham, Alabama 35202  
(205) 327-5566

Exhibit "A"

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11 day of March, 2009, I have served a copy of the foregoing **Trustee's Notice of Intent to Sell** on the parties listed below by depositing the same in the United States Mail, postage prepaid and properly addressed, or if the party being served is a registered participant in the CM/ECF System for the United States Bankruptcy Court for the Northern District of Alabama, service has been made by a "Notice of Electronic Filing" pursuant to FRBP 9036 in accordance with subparagraph II.B.4. of the Court's Administrative Procedures.

Robert J. Landry, III  
Bankruptcy Administrator  
1129 Noble Street, Room 117  
Anniston, Alabama 36201

Steven V. Smith  
Post Office Box 363  
Albertville, Alabama 35950

Michael E. Long  
Michael E. Long, Inc.  
Post Office Box 1148  
Sherwood, OR 97140

Joy Beth Smith  
Max C. Pope, Jr.  
Joy Beth Smith

**EXHIBIT "A"**

Lots 8 and 9 in Block 14, second addition to Nimrod River Park, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA - EASTERN DIVISION**

**In the Matter of:**

Elwood C Beiermeister

SSN: XXX-XX-7126

Lorraine A Beiermeister

SSN: XXX-XX-2114

DEBTOR(S).

}  
}  
}  
}  
}

**Case No: 08-40460-JJR7**

**ORDER APPROVING**

This matter came before the Court on Thursday, April 02, 2009 09:30 AM, for a hearing on the following:

RE: Doc #185; Trustee's Notice of Intent to Sell Real Property in Klamath County, Oregon to Michael Long for a purchase price of \$6,000.00

Proper notice of the hearing was given and appearances were made by the following:

Max C. Pope Jr, attorney for Rocco J Leo (Trustee)

**It is therefore ORDERED ADJUDGED and DECREED that:**

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 Notice of Intent to Sell Real Property in Klamath County, Oregon to Michael Long for a purchase price of \$6,000.00 is APPROVED.

Dated: 04/02/2009

/s/ JAMES J. ROBINSON

JAMES J. ROBINSON

United States Bankruptcy Judge

Exhibit "B"

STATE OF Oregon  
Klamath COUNTY

**REAL ESTATE SALES CONTRACT**

THIS AGREEMENT, made and entered into this 9th day of March, 2009, by and between Rocco J. Leo, as Trustee (hereinafter referred to as "Seller") and Michael Long (hereinafter referred to as "Buyer");

WITNESSETH:

THAT, FOR AND IN CONSIDERATION of the mutual covenants herein contained, and the sum of six thousand and 00/100 Dollars (\$6,000.00) and other good and valuable consideration, the Seller agrees to sell to Buyer, and the Buyer agrees to purchase from Seller, the hereinafter described real property according to the terms and conditions herein contained, to wit:

1. **DESCRIPTION:** The real property made the subject of this contract is situated in Klamath County, Oregon, and is more particularly described below:

Lots 8 and 9 in Block 14, second addition to Nimrod River Park, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

2. **PURCHASE PRICE:** The purchase price for the above-described real property shall be \$6,000.00. The entire purchase price shall be paid in full at or before closing.

3. **CONTINGENCIES:** The sale provided for in this agreement is contingent upon the following:

- a. The sale provided for in this agreement is contingent upon the Buyer's ability to close the sale within 45 days of the date of this agreement. If the Buyer is unable to close the sale contemplated herein by the payment of the full purchase price within 45 days of the date of this agreement, the Buyer will forfeit 20% of the purchase price.
- b. The sale provided for in this agreement is contingent upon the approval of the U.S. Bankruptcy Court in Case No.: 08-40460-JJR-7.

4. **CONVEYANCE.** The above-described real property shall be conveyed by the Seller to the Buyer, or nominee of same, by Trustee's Deed.

5. **TITLE INSURANCE.** The buyer will purchase title insurance at his own expense.

6. **TAXES.** The Buyer will pay all ad valorem taxes.

7. **CLOSING.** The purchase and sale provided for herein shall be closed within 45 days of the execution of this instrument, or at such time as the parties may mutually agree upon. The Seller and Buyer do not anticipate hiring a closing attorney, but in the event this is necessary, the parties will divide equally the fees of the closing attorney.

IN WITNESS WHEREOF the parties have set their hands on the date first written above.

SELLER, Rocco J. Leo, as Trustee of the Bankruptcy  
Estate of Elwood and Lorraine Beiermeister

  
BUYER, Michael Long

Exhibit "B"