UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
- NASHVILLE DIVISION -

BOOK 5150 PAGE 985

IN THE MATTER OF: MAY24 MISC B* 6.00 * 6.00

DONALD J. STOVER
Bankrupt

BANKRUPTCY NO. BK 76-1829

DOUGLAS R. BERRY, TRUSTEE
Plaintiff

v.

HILLMAN G. SNYDER, et ux,
HAROLD LAFEVER, et ux,
FRED RICH & SON LUMBER CO., and
THE METROPLOITAN GOVERNMENT OF
NASHVILLE-DAVIDSON COUNTY, TENN.
Defendants

Attest:
A True Copy: 5-19-77
Certified This
Paul E. Jennings
Ruth M. Kinnard
Referees in Bankruptcy
By
Clerk

HAROLD LAFEVER, et ux
Third Party
Plaintiffs

v.

MARY STOVER
Third Party
Defendant

IDENTIF. REFERENCE

MAY 24 3 42 PM '77
FELIX A. [illegible] REGISTER
DAVIDSON COUNTY, TENN.

E 06428

O R D E R

This is before the court upon the Complaint of the trustee in bankruptcy to sell, free and clear of liens, a certain piece of real property located at 5208 Nevada Avenue, Nashville, Davidson County, Tennessee, an asset of the bankrupt estate; with all valid liens attaching to the proceeds received from the said sale.

The trustee further asks the court to determine the validity and priority of all purported liens against the said real property. Mr. Douglas R. Berry appeared as attorney for the trustee; Mr. Howard Taradash appeared in behalf of Harold Lafever et ux; and Mr. Richard Hedgepath appeared as counsel for Hillman G. Snyder, et ux. No other appearances were made.

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The following consists of findings of fact [and certain stipulations of fact by counsel]; the determination of the validity and priority of all liens; and a determination of the rights, title and interests of all necessary parties in the said real property.

It appears that FRED RICH & SON LUMBER CO., who may or may not have a vendor's lien against the said real property, was served by proper Summons and Notice of Trial of the hearing had this date. It further appears that no answer was filed; and that no appearance was made at the hearing by any agents, officers and/or counsel of FRED RICH & SON LUMBER CO.

Accordingly, upon the motion of the trustee in bankruptcy for a default judgment, it is

1. ORDERED that the lien, if any, of FRED RICH & SON LUMBER CO. against the said real property located at 5208 Nevada Avenue, Nashville, Davidson County, Tennessee be and is hereby declared INVALID.

2. ORDERED that the trustee be directed to sell forthwith the said real property to Mr. and Mrs. Harold Lafever for the sum of FOUR THOUSAND SEVEN HUNDRED NINE DOLLARS SIXTY-NINE CENTS ($4,709.69) in cash; and in addition the sum representing interest at the rate of 8% per annum accruing from July 23, 1976 up to the date of closing; and property taxes, plus penalties and interest, due and owing to METROPOLITAN GOVERNMENT, Davidson County, Tennessee, for the calendar year 1969.

3. ORDERED that MARY STOVER, the wife of the bankrupt herein, who was made a proper party to this proceeding although she is not owner of record, be and is hereby declared to have no right, title, or interest in the proceeds from the sale of the said real property; and it is further

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ORDERED that MARY STOVER, who was a party to the original contract to sell the said real property to HAROLD LAFEVER et ux, be directed to join with the trustee in bankruptcy in the new contract of sale of the property to Mr. and Mrs. Lafever, it it appears that her signature is required.

4. ORDERED that the trustee in bankruptcy be directed to disburse the following payments from the proceeds of said sale as hereinafter set forth:

a. First priority: closing expenses of sale.

b. Second priority: statutory administrative expenses of the bankruptcy proceedings based upon net proceeds realized from the sale.

c. Third priority: property taxes, plus penalty and interest, for the years 1968 and 1969 now due and owing to Metropolitan Government of Nashville-Davidson County, Tennessee.

d. Fourth priority: principal amount of $3,609.00 due and owing to Hillman G. Snyder, et ux.

e. Fifth priority: interest, at the rate of 6% per annum, due and owing Hillman G. Snyder, et ux, in such as may have accrued from September 23, 1976 up to the date of payment.

f. Sixth priority: all remaining proceeds to be paid to the trustee in bankruptcy for the benefit of the unsecured creditors of the bankrupt estate.

Entered this 3rd day of May, 1977.

Ruth M. Kinnard

RUTH M. KINNARD
Bankruptcy Judge

jmt

COPY TO:

Douglas R. Berry, Esq.
Richard Hedgepath, Esq.
Howard M. Taradash, Esq.
Clark H. Tidwell, Esq.
Linda Farrar, Esq., Metro. Legal Dept.
Donald and Mary Stover
Fred Rich & Son Lumber Company

I certify that a copy of the above was this day mailed to:

5-4-77
Clerk Date