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JUN 22 1989
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IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

AMERICAN HOLDING CORPORATION,

Debtor.

CASE NO. 387-02989
Chapter 7
Judge Paine

BOOK 8015 PAGE 202

AGREED ORDER AUTHORIZING COMPROMISE AND COLLECTION OF PROMISSORY NOTE AND CONVEYANCE OF REAL ESTATE

As evidenced by the below signatures of counsel for the respective parties hereto, it is agreed as follows:

1. Samuel K. Crocker is the duly appointed and acting Trustee in the above-captioned bankruptcy proceeding.

2. At the time of the filing of the bankruptcy petition herein, the Clerk and Master of Metropolitan Government of Nashville and Davidson County ("Clerk & Master") was in possession of a promissory note in the amount of $57,000.00, at 10-percent interest per annum from Mark A. Parrish ("Parrish"), dated August 14, 1986. This note was given to the Clerk and Master in consideration of the purchase of certain real estate known as 1006 Forrest Avenue, Nashville, Tennessee, pursuant to a Chancery Court Order in the case of Kathleen Loveday Thompson v. American Holding Corporation, Chancery Court No. 84-2273-II. Pursuant to Order of the Bankruptcy Court entered on December 29, 1987, said note was turned over to Samuel K. Crocker, Trustee.

3. The Chancery Court Order was appealed to the Court of Appeals and application for permission to appeal to the Tennessee Supreme Court was subsequently made and denied. It is the position of Parrish that he had no beneficial use of the property purchased in consideration of the note during this appeal

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process. Further, due to the bankruptcy filing, Parrish has demanded that the Trustee join with the Clerk and Master in a deed conveying the property prior to or contemporaneous with his payment of the note.

4. The Trustee desires to compromise the amount of the note and accept $60,000.00 in full satisfaction of the indebtedness and the Clerk and Master does not object. Said parties further desire to convey whatever interest they have in said property in consideration of payment of the compromised amount.

5. It is agreed among the parties that the $60,000.00 payment shall be made to the Trustee for the benefit of the Bankruptcy Estate, and all properly perfected liens on the property, including any real estate taxes owed, shall attach to these funds and be paid by the Trustee. It is further agreed that the Clerk and Master shall claim no interest in these funds.

WHEREFORE, PREMISES CONSIDERED, it is ORDERED as follows:

1. Mark A. Parrish shall pay to the Trustee the sum of $60,000.00 in full satisfaction of the aforesaid note to the Clerk and Master of Metropolitan Government of Nashville and Davidson County.

2. The Trustee and the Clerk and Master shall convey to Mark A. Parrish all of their interest in certain real estate known as 1006 Forrest Avenue, Nashville, Tennessee, in consideration of the $60,000.00 payment.

3. The Trustee shall pay all properly perfected liens, including any property taxes owed, and the balance of the funds paid to Trustee shall be distributed to creditors, pursuant to the United States Bankruptcy Code.

4. The Trustee, within five days after entry of this Order, shall mail a copy of this Order to all persons listed on the mailing matrix for the bankruptcy case, and certify such mailing with the Bankruptcy Court. Any party objecting to this Order shall file a written objection with the Bankruptcy Court and serve a copy on the Trustee at Suite 2909, The Tower Atop Stouffer, 611 Commerce Street, Nashville, Tennessee 37203, within 20 days from the date the Order is mailed. In the event any party in interest files a written objection within the time set forth above, this Order shall not be effective until such time as said objection or objections are withdrawn or the Court orders otherwise. In the event that no objections are properly made within the time set forth above, this Order shall be effective as of the date of the entry this Order.

It is SO ORDERED.

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IDENTIFICATION REFERENCE
DEC 29 | 39 PM '88
DAVIDSON COUNTY, TN.
MAIL ENV.

George C. Paine, II
United States Bankruptcy Judge

Approved for Entry:

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