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U.S. Bankruptcy Court
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Deputy Clerk

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A. NORTHCUTT
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BOOK 8579 PAGE 954

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

JAMES ROBERT FITZGERALD

Debtor.

BK. NO. 391-11193
CHAPTER 13
JUDGE PAINE

AGREED ORDER SETTING ASIDE SUCCESSOR TRUSTEE'S DEED AND REINSTATING HUD'S DEED OF TRUST

It appears to the Court's satisfaction, as evidenced by the signatures below, that the parties are in agreement as follows:

1. The debtor filed this Chapter 13 petition on November 22, 1991.

2. The U.S. Department of Housing and Urban Development (HUD) foreclosed the debtor's residence securing its claim on November 26, 1991, was the highest bidder, and recorded a Successor Trustee's Deed in Book 8494, Page 823, Register of Deeds Office, Davidson County, Nashville, Tennessee.

3. This foreclosure was relative to the deed of trust dated May 30, 1980 from the debtor to HUD, recorded in Book 5607, Page 812, Register of Deeds Office, Davidson County, Nashville, Tennessee.

4. The parties are in agreement that, pursuant to 11 U.S.C. § 549, this sale is a voidable sale. Moreover, the parties are in agreement that the Successor Trustee's Deed should be set aside and the property returned in the name of the debtor, subject to the deed of trust in favor of HUD found in Book 5607, Page 812, Register of Deeds Office, Davidson County, Nashville, Tennessee.

CERTIFICATE OF MAILING
The undersigned deputy clerk hereby certifies that a copy of the document on which this stamp appears was mailed this date to all parties as indicated on routing stamp as required by the Bankruptcy Code and Rules.

FEB 25 1992

A. NORTHCUTT, Deputy Clerk

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5. By Order Confirming Chapter 13 Plan entered January 7, 1992, the debtor has provided for the continuing payments and arrearage on said deed of trust to the satisfaction of HUD, and in anticipation of the entry of this Order.

IT IS SO ORDERED.

ENTER:

FEB 24 1992

GEORCE C. PAINE, II
UNITED STATES BANKRUPTCY JUDGE

APPROVED FOR ENTRY:

ERNEST W. WILLIAMS
United States Attorney for the
Middle District of Tennessee

BY: _____
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JAMES ROBERT FITZGERALD
Debtor

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DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

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