TRUSTEE'S DEED

Name and Address of New Owner: Citizens Bank
P. O. Box 195
Carthage, TN 37030

****
*****
STATE OF TENNESSEE)
)
COUNTY OF SMITH)

BOOK 1149 5 PG. 359

The actual consideration or value, whichever is greater, for this transfer is 220,000.00.

Affiant

Sworn to and subscribed before me, the 26 day of March, 1999.

Notary Public

My Commission Expires: 7-12-99

****
*****
Send Tax Notices to: Citizens Bank, P.O. Box 195, Carthage, Tennessee, 37030

****
*****
Map and Parcel: 102-12-105
****
*****

WHEREAS, default was made in the terms, conditions and payments made and provided for in the deed of trust dated April 21, 1983 executed by Albert H. Buckingham and wife, Vilia A. Buckingham, to W.G. Birdwell, Jr., Trustee, which is recorded in Book 6042, Page 813, and extended by extension agreement of record in Book 8910, Page 631, said Registers Office, to both instrument reference is made, the entire indebtedness having been declared due and payable, payment not having been made as demanded and having been requested so to do by the lawful holder and owner of the indebtedness secured by the said deed of trust,

Prepared by:
Bass & Bass
Attorneys at Law
P.O. Box 500
Carthage, TN 37030

PICK-UP

99 MAY 26 PM 2:15

0591704

I, W. G, Birdwell, Jr., Trustee, caused said real estate to be advertised in accordance with the provisions of the said deed of trust, advertising that said property would be sold on March 19, 1999, at 11:00 O'clock (local time) at the South Door of the Courthouse of Davidson County in Nashville, Tennessee, to the highest, best and last bidder for cash, in bar of all equities of redemption, homestead, dower and all other rights and exemptions of every kind and character, all of which were expressly waived in said deed of trust, but subject to any taxes that might be a lien against the property and any superior deeds of trust, liens or deed restrictions and at the time and place stated in the advertisement, I, W. G. Birdwell, Jr., Trustee, personally appeared and offered said property for sale at public outcry, and the highest, best and last bid received was the Two Hundred Twenty Thousand and N0/100 Dollars ($220,000.00) by the Citizens Bank, Carthage, Tennessee, and said property was knocked off and sold to Citizens Bank for said sum.

NOW, THEREFORE, IN CONSIDERATION of the premises and the sum of One and N0/100 ($1.00), cash paid by the Citizens Bank and crediting aforesaid sum of the indebtedness secured by said deed of trust, I, W. G. Birdwell, Jr., Trustee, have this day bargained and sold, and by these presents do transfer and convey unto the Citizens Bank, its successors and assigns, a certain tract or parcel of land located and situated in Davidson County, Tennessee, described as follows, to-wit:

Land in Davidson County Tennessee, being Lot No. 269 on the Plan of Hillwood Subdivision, Section 1, as of record in Book 3700, Page 140, Register's Office for said County.

Said Lot No. 269 fronts 122.0 feet on the Southwesterly side of Hillwood Boulevard and extends back 538.6 feet on the Northwesterly line and 527.6 feet on the Southeasterly line, to a line in the rear on which it measures 122.5 feet.

Being the same property conveyed to Albert H. Buckingham and wife, Vilia A. Buckingham by deed from J. Douglas Wright, Jr. and wife, Marilyn Joan Wright of record in Book 4880, page 351, Register's Office for said County, and the property conveyed to Albert H. Buckingham by Quit Claim Deed from Vilia A Buckingham, of record in Book 11233, Page 791, in said Register's Office.

This is improved property located at 715 Hillwood Blvd., Nashville, Tennessee, 37205.

TO HAVE AND TO HOLD the said tract of parcel of land with the appurtenances, estate, title and interest thereto belonging to Citizens Bank, its successors and assigns, forever. I covenant that I am lawfully seized and possessed of said real estate as Trustee only by the terms of the above mentioned deed of trust; have a good right to sell and convey; and that the same is unencumbered, except for any and all taxes, any superior deeds of trust or other liens that may be a lien against the property.

I DO FURTHER COVENANT and bind myself, my successors and assigns, to warrant and forever defend the title to the said real estate to the said Citizens Bank, its successors and assigns, against the lawful claims of all persons claiming by or through me as Trustee, but no further or otherwise.

BOOK 11495 PG. 361

WITNESS MY HAND on this 26 day of May, 1999.

W. G. Birdwell, Jr., Trustee

ACKNOWLEDGEMENT

STATE OF TENNESSEE

COUNTY OF SMITH

Personally appeared before me, the undersigned authority, a Notary Public in and for the County and State aforesaid, W. G. Birdwell,, Jr., the within named bargainor, with whom I am personally acquainted or proven to me on the basis of satisfactory evidence and who acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at Offices, Smith County, Tennessee, on this the 26 day of May, 1999.

Notary Public

My commission expires:
7-12-99

845.00 03CHECK 0101 05/26 9:01

RECEIVED FOR ENTRY

MAY 26 1999

BY M. WALL
DEPUTY CLERK

BOOK 11435 PG. 362

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:	
	)
ALBERT H. BUCKINGHAM,	) Case No. 399-02405-GP3-11
	) Chapter 11
Debtor.	) Judge George C. Paine, II
ALBERT H. BUCKINGHAM,	)
Movant,	)
v.	)
CITIZENS BANK OF CARTHAGE,	)
Respondent.	)

UNITED STATES BANKRUPTCY COURT ★ SEAL

Attest:
A True Copy
Certified this 5-26-99
U.S. Bankruptcy Court
By V. Counts
Deputy Clerk

FINDING OF FACTS AND ORDER

This matter came to be heard upon the motion of the Debtor for contempt sanctions against Citizens Bank of Carthage for continuing of certain foreclosure proceedings following the refiling of Debtor's Chapter 11 case. From the pleadings, Court record and argument, the Court finds as follows.

1. On March 19, 1999 Debtor refiled his Chapter 11.

2. Debtor's original Chapter 11 case was dismissed December 8, 1998.

3. Citizens Bank of Carthage held its foreclosure despite its knowledge of the refiling.

4. Citizens asserts ineligibility to refile a case pursuant to the provisions of 11 U.S.C. § 109(g).

Upon review of the record in Case Nos. 398-05616 and 399-02405 the Court finds the provisions of 11 U.S.C. § 109(g)

2.7

19

applicable. Thus, debtor was not eligible to refile as case under the Code. Obviously, the provision of 11 U.S.C. § 362 were not invoked to stay the foreclosure action. The Debtor's motion for contempt sanctions is accordingly denied.

It is so ORDERED.

BOOK 11495 PG. 363

George C. Paine, II
Chief United States Bankruptcy Judge

MAY 25 1999

Submitted for Entry:

Paul E. Jennings
Jennings & Ramer, P.C.
805 South Church Street, Suite 3
Murfreesboro, TN 37130
(615) 895-7200

Attorney for Citizens Bank of Carthage

MAIL TO:

_____ All creditors and/or parties in interest
__✓__ Debtor(s)
__✓__ Attorney for debtor(s)
__✓__ Trustee
_____ Attorney for trustee
_____ Attorney for plaintiff/movant
_____ Attorney for defendant/respondent
__✓__ All parties listed on bottom of order
_____ All parties listed in cert. of service
_____ As stated in order
__✓__ Debtor's employer
_____ U.S. Trustee

INTERNAL ROUTING:

_____ Chief Deputy Clerk
_____ Courtroom Deputy
_____ Calendar Clerk
_____ Conversion Clerk
_____ Financial Clerk
_____ Judgment Book
_____ Discharge Clerk

_____ Copy to be picked up at front counter by:

_____

ALL MAILING TO BE DONE BY:
(Note: send copy of routing slip)

_____ Walk through
_____ attorney for debtor
__✓__ attorney for movant
_____ trustee/attorney for trustee
_____ Other _____

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
ALBERT H BUCKINGHAM
715 HILLWOOD BLVD
NASHVILLE TN
372050000

CHAPTER 13

CASE NO. 398-05616
JUDGE GEORGE C PAINE GP
10/26/1998

RECEIVED FOR ENTRY

DEC 08 1998
BY B. Perry
DEPUTY CLERK

ORDER OF DISMISSAL

It appearing to the Court that the Trustee's motion to Dismiss for failure to prosecute is well taken due to the fact that the debtor has failed to convert this case, therefore it is hereby:

ORDERED, that the above-styled case is dismissed for failure to timely file documents.

ENTERED this _____ day of _____, 19____.

George C Paine II DEC 07 1998
GEORGE C PAINE GP HH
Bankruptcy Judge

BOOK 11495 PG. 364

cc: Trustee
U.S. Trustee
Debtor(s)
PRO SE

Attest:
A True Copy
Certified this 5-26-99
U.S. Bankruptcy Court
By V. Counts
Deputy Clerk

Approved for entry:

Aaron Hawkins fm
HENRY E HILDEBRAND, III
P.O BOX 190664
NASHVILLE, TN. 37219-0664

UNITED STATES BANKRUPTCY COURT ★ SEAL

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 Rule.

DEC 8 1998

B PERRY, Deputy Clerk

MAIL TO:

___ All creditors and/or parties in interest
___ Debtor(s)
___ Attorney for debtor(s) S. Lofkovitz
___ Trustee
___ Attorney for trustee
___ Attorney for plaintiff/movant
___ Attorney for defendant/respondent
___ All parties listed on bottom of order
___ All parties listed in cert. of service
___ As stated in order
___ Debtor's employer stop PRD
___ U.S. Trustee
✓ IRS

4x1

INTERNAL ROUTING:

___ Chief Deputy Clerk
___ Courtroom Deputy
___ Calendar Clerk
___ Conversion Clerk
___ Financial Clerk
___ Judgment Desk
___ Discharge Clerk

___ Copy to be picked up at front counter by:

_____

ALL MAILING TO BE DONE BY:
(Note: send copy of routing slip)

___ Walk through
___ attorney for debtor
___ attorney for movant
___ trustee/attorney for trustee
___ Other: _____

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

U.S. Bankruptcy Court for the Middle District of Tennessee
207 Customs House 701 Broadway Nashville, TN. 37203

In Re a *Petition for Relief under chapter 13 of Title 11, U.S. Code*, filed by or against the below-named Debtor(s) on June 10, 1998:

DEBTOR: **ALBERT H BUCKINGHAM of 715 HILLWOOD BLVD, NASHVILLE TN** 37205, SSAN: [redacted]-8355 TAX ID:

CASE NO. **98-05616-GP3-13**

RECEIVED FOR ENTRY

FEB 25 1999

By L Scruggs

ORDER AND NOTICE BY THE COURT

FINAL DECREE

BOOK 11495 PG. 365

The estate of the above named debtor has been fully administered.

IT IS ORDERED THAT:

HENRY E. HILDEBRAND, III, is discharged as trustee of the estate of the above named debtor and the bond is cancelled; and

The Chapter 13 case of the above named debtor is closed.

xc: Trustee

Dated: February 25, 1999

George C. Paine II

GEORGE C. PAINE, II, BANKRUPTCY JUDGE

Certificate of Mailing

L Scruggs
1999

UNITED STATES BANKRUPTCY COURT ★ SEAL

Attest:
A True Copy
Certified this 5-26-99

U.S. Bankruptcy Court
By V. Counts
Deputy Clerk

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

64

OFFICIAL RECEIPT

BILL GARRETT
REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____

FOR _____

BOOK 11495 PG. 366

CO - CONVEYANCE	CC - CERTIFIED COPY	MISC - MISCELLANEOUS
MO - MORTGAGE	REL - RELEASE	CO TX - STATE TAX CONVEY
WD - WARRANTY DEED	UCC - UNIFORM COMMERCIAL CODE	MO TX - STATE TAX MORT
TD - TRUST DEED	CFEE - COMPUTER FEE	PRFEE - PROBATE FEE

0591704

IDENTIFICATION REFERENCE

99 MAY 26 PM 2:15

BILL GARRETT REGISTER
DAVIDSON COUNTY, TN.

		CAMT	
			220000.00
		CON TX	814.00
		PRFEE	1.00
		WDEED	28.00
		CFEE	2.00
		TOTAL	845.00
		CHECK	845.00
05/26/99	01	14:18 0001	1094

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

No. 1465