

Mail: Robert L. Cecil  
Preferred Savings Bank,  
Inc.  
P.O. Box 5768  
High Point, N.C. 27262

27

Drafted by: W. Joseph Burns

STATE OF NORTH CAROLINA )  
COUNTY OF FORSYTH ) TRUSTEE'S DEED OF REAL ESTATE

THIS INDENTURE made this 16 day of March, 1989  
between W. JOSEPH BURNS, Trustee in Bankruptcy for I Cor. 3:10,11  
J.O.Y. Construction Co., d/b/a Joy Construction Company, John  
Spadafora, party of the first part, and Preferred Savings Bank, Inc.,  
party of the second part;

W I T N E S S E T H


The party of the first part, by virtue of the power and authority given in and by an Order of the United States Bankruptcy Court for the Middle District of North Carolina entered on the 8th day of March 1989 copy of which is attached hereto and incorporated by reference as Exhibit "A" and in consideration of Ten Dollars and Other Valuable Consideration (\$10.00 and OVC), lawful money of the United States of America paid by the party of the second part, does hereby grant, convey and release unto the party of the second part, his heirs and assigns forever, that certain tract of real property lying and being in Forsyth County, North Carolina, and being more particularly described as follows:

AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "B"

Together with the appurtenances and also all of the estate which the aforesaid I Cor. 3:10,11 J.O.Y. Construction Co., d/b/a Joy Construction Company, John Spadafora had at the time of filing bankruptcy in the aforesaid United States Bankruptcy Court for the Middle District of North Carolina in said premises, and also the estate therein which the party of the first part has or has power to convey or dispose of as Trustee in Bankruptcy for I Cor. 3:10,11 J.O.Y. Construction Co., d/b/a Joy Construction Company, John Spadafora

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF the party of the first part has hereunto set his hand and seal the day and year first above written.

  
\_\_\_\_\_  
W. Joseph Burns, Trustee in Bankruptcy  
for I Cor. 3:10,11 J.O.Y. Construction Co.,  
d/b/a Joy Construction Company, John  
Spadafora (a copy of the appointment of  
Trustee is attached hereto as Exhibit "C").

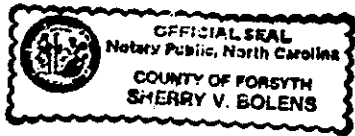


1664P3546

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF FORSYTH )

I, Sherry V. Bolens, a Notary Public of Forsyth County, do hereby certify that W. Joseph Burns, Trustee in Bankruptcy for I Cor. 3:10,11 J.O.Y. Construction Co., d/b/a Joy Construction Company, John Spadafora, personally appeared before me this day and acknowledged the execution of the foregoing deed of conveyance.

Witness my hand and notarial seal this the 16<sup>th</sup> day of March, 1989.



Sherry V. Bolens  
Notary Public  
My Commission expires: 7-27-93

\*\*\*\*\*

STATE OF NORTH CAROLINA - COUNTY OF FORSYTH

The foregoing certificate of Sherry V. Bolens, Notary Public of Forsyth County, N.C., is certified to be correct.

This the 12 day of April, 1989.

Register of Deeds

**L. E. SPEAS, REGISTER OF DEEDS**

By: Gene Taggers  
Deputy-~~Assistant~~

Probate and filing fees

\$ 24.00 paid.

PRESENTED FOR  
REGISTRATION  
AND RECORDED

APR 12 11 22 AM '89

L. E. SPEAS  
REGISTER OF DEEDS  
FORSYTH CTY. N.C.

*JS*

1664P3547

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:

1 COR. 3:10,11 J.O.Y.  
CONSTRUCTION CO., d/b/a  
Joy Construction Company,  
John Spadafora,

Debtor.

Case No. B-88-583C-76



ORDER CONFIRMING PUBLIC SALE OF LOT 13 IN BARRINGTON PARK AND  
LOT 22 IN WINDSOR PARK AND INCORPORATING PRIOR ORDERS OF  
JUDGE TART TRANSFERRING ALL LIENS, CLAIMS AND ENCUMBRANCES  
TO PROCEEDS INTO THIS ORDER

THIS MATTER coming on to be heard and being heard this 23rd day of February, 1989 before the Honorable James B. Wolfe, Jr., United States Bankruptcy Judge for the Middle District of North Carolina, in Greensboro, North Carolina for hearing on Public Auction of Real Property on February 18, 1989 Subject to Confirmation. The Court, after reviewing the record, the Application and statements of counsel, finds and concludes that:

1. W. Joseph Burns, attorney for Trustee/Trustee and Robert Hedrick, attorney for Preferred Savings Bank, were present.

2. The Honorable Jerry G. Tart on February 16, 1989 transferred all liens and claims to proceeds and allowed a public auction of Lot 13 in Barrington Park and Lot 22 in Windsor Park,, Forsyth County, North Carolina, more particularly described in Exhibit A attached hereto, by public auction on February 18, 1989 subject to confirmation of the Court.

3. The last and highest bid for Lot 13 in Barrington Park was \$170,000.00 by Preferred Savings Bank, and the last and highest bid on Lot 22 in Windsor Park was Hubbard Realty in the amount of \$118,000.00.

4. The sale was well-advertised in the Greensboro, Kernersville and Winston-Salem newspapers, there were sixteen (16) registered bidders at the auction, and the Trustee believes that while he hoped to realize more out of the sale, that the estate would be best served by approving the sales to the last and highest bidders.

5. It is in the best interest of the estate to confirm the public sales of the two lots to the last and highest bidders.

6. Judge Tart by prior Order entered February 23, 1989, transferred all liens, claims and encumbrances to proceeds except for ad valorem property taxes.

1664P3548

IT IS THEREFORE ORDERED that the public sale of Lot 13 in Barrington Park to Preferred Savings Bank for \$170,000.00 is hereby confirmed.

IT IS FURTHER ORDERED that the public sale of Lot 22 in Windsor Park to Hubbard Realty for \$118,000.00 is hereby confirmed.

IT IS FURTHER ORDERED that the prior Orders of Judge Tart transferring all liens, claims and encumbrances except for ad valorem property taxes on said real estate to proceeds are incorporated into this Order.

Entered this 8 day of March, 1989.

JAMES B. WOLFE, JR.

Honorable James B. Wolfe, Jr.

IT IS DIRECTED THAT A COPY OF THIS ORDER BE SERVED ON THE PARTIES TO THIS ACTION BY

W Joseph Buono  
AND A CERTIFICATE OF SERVICE BE FILED WITH THE COURT WITHIN 3 DAYS.

1664-3549

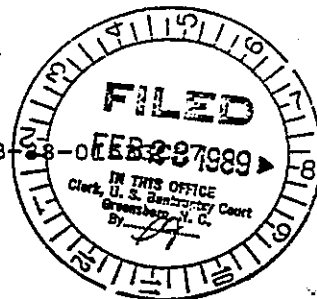
UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:

1 COR. 3:10,11 J.O.Y.  
CONSTRUCTION CO., d/b/a  
Joy Construction Company,  
John Spadafora,

Debtor.

Case No. B-88-01582-989



ORDER DENYING OBJECTION TO SALE OF PROPERTY BY PREFERRED SAVINGS BANK, INC., ALLOWING PUBLIC SALE SUBJECT TO CONFIRMATION, TRANSFERRING ALL LIENS, CLAIMS AND ENCUMBRANCES TO PROCEEDS AND SETTING CONFIRMATION HEARING ON SALE

THIS MATTER coming on to be heard and being heard this 16th day of February, 1989 before the Honorable Jerry G. Tart, United States Bankruptcy Judge for the Middle District of North Carolina, upon Application by Trustee for Public Sale of Certain Real Property Subject to Confirmation and to Transfer Liens and Claims to the Proceeds of Sale. The Court, after considering the record and statements of counsel, finds and concludes that:

1. W. Joseph Burns, attorney for Trustee/Trustee was present. Attorney Charles H. Harpe, II for Preferred Savings Bank, Inc. was also present.

2. Among the assets in the Debtor's estate are two tracts of real property located in Kernersville, Forsyth County, North Carolina, more particularly described as Lot 13, Barrington Park and Lot 22, Windsor Park. See Exhibit A for a more accurate description.

3. There are numerous liens of record, most of which have been transferred voluntarily by the creditors through a Consent Order previously entered by this Court on the 25th day of January, 1989.

4. Two creditors on Barrington Park refused to sign the Consent Order - Preferred Savings Bank, Inc. and David Booe d/b/a Piedmont Electric of Winston-Salem. There appears to be equity over and above the first liens on both tracts and more money should be realized from an auction of the property subject to confirmation of the Courts than by foreclosure proceedings.

5. It is in the best interest of the estate that all liens be transferred to proceeds and the property sold free and clear of all liens except for ad valorem property taxes.

6. The sale has been scheduled for February 18, 1989 at 2:00 p.m. and at 2:30 p.m. with the Confirmation Hearing to be held on February 23, 1989 in Greensboro, North Carolina before the Honorable James B. Wolfe, Jr.

1664-3550

IT IS THEREFORE ORDERED that (a) the Objection to Sale by Preferred Savings Bank, Inc. is hereby denied; (b) all liens, claims and encumbrances are hereby transferred to proceeds and the property is to be sold free and clear of all liens, claims and encumbrances except for the ad valorem property taxes.

IT IS FURTHER ORDERED that the Confirmation Hearing on the sale of these two lots will be held on February 23, 1989 at 9:30 a.m. in Greensboro, North Carolina before the Honorable James B. Wolfe, Jr.

Entered this 23<sup>rd</sup> day of February, 1989.

JERRY G. TART

Honorable Jerry G. Tart

IT IS DIRECTED THAT A COPY OF THIS ORDER BE SERVED ON THE PARTIES TO THIS ACTION BY

Trustee  
AND A CERTIFICATE OF SERVICE BE FILED WITH THE COURT WITHIN 3 DAYS.

1664-3551

Barrington Park

EXHIBIT A - Page 1 of 2

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DEC 3 2 49 PM '06

REGISTER OF DEEDS  
FORSYTH CO., N.C.

Tax Lot No. 13 Block 5350C Parcel Identifier No.  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
by Address: Vau Da Lane Kernersville, N.C.

Mail after recording to Colburn Box

This instrument was prepared by THOMAS W. PRINCE

Brief description for the index Lot 13, Barrington Park

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 14 day of November, 1906, by and between

GRANTOR  
LESTER DEVELOPMENT CORPORATION

GRANTEE  
1 COR. 3:10, 11  
J.O.Y. CONSTRUCTION CO.  
P.O. Box 673  
Kernersville, N.C. 27288

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Kernersville Township, FORSYTH County, North Carolina and more particularly described as follows:

**BEING KNOWN AND DESIGNATED as Lot 13 as shown on the Plat of Barrington Park as recorded in Plat Book 30, page 126 in the Office of the Register of Deeds of Forsyth County, North Carolina, to which reference is hereby made for a more particular description.**

1577 1305

1664-3552

Drafted by: Bruce R. Hubbard 127  
Mail to: WILBARD REALTY, 288 S. STATE ST. Road, Winston-Salem, N.C. 27103  
Mail future tax bills to: J.C.Y. Construction Co., Inc., P. O. Box 692, Kernersville, NC 27285

THIS CORPORATION DEED, made this 15 day of June, 1987 by PENNSTON CORP., a Corporation of Winston-Salem, Forsyth County, North Carolina, party of the first part, to J.C.Y. Construction Co., Inc., INC., of Forsyth County, North Carolina, part of the second part, WITNESSETH that said party of the first part in consideration of Ten Dollars and other valuable considerations to it paid by part of the second part, receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey to said part of the second part and its heirs and assigns, a certain tract or parcel of land in Kernersville Township, Forsyth County, North Carolina, bounded as follows:

BEING KNOWN AND DESIGNATED as Lot Number(s) 22 as shown on the map of WINDSON PARK (Section 2), as Revised, recorded in Plat Book 39, page 199, in the Office of the Register of Deeds of Forsyth County, North Carolina, reference to which is hereby made for a more particular description.

SUBJECT to easements, restrictions and rights-of-way of record, if any.

PROPERTY ADDRESS (except lot(s)) \_\_\_\_\_ BLOCK 51800 LOT 22

TO HAVE AND TO HOLD the aforesaid tract, parcel or lot of land, all privileges and appurtenances thereto belonging to the said part of the second part and its heirs and assigns, to the said part of the second part and its successors and assigns, that it is quieted of said possession in fee, and has right to convey the same in fee simple; that the same are free from all encumbrances and that it well warrant and defend the said title to the same against the claims of all persons whatsoever.

IN TESTIMONY WHEREOF the said party of the first part has caused these presents to be signed by its Vice President, attested by its Secretary, and has caused its Common Seal to be affixed hereto.

(Corporate Seal or Stamp) \_\_\_\_\_ PENNSTON CORP.  
Attest: Bruce R. Hubbard By Bruce R. Hubbard  
STATE OF NORTH CAROLINA - COUNTY OF FORSYTH  
I, Bruce R. Hubbard, personally came before me, Bonny L. Ballard, Secretary of said PENNSTON CORP. and a Vice President of said Corporation, and that he, the said Bruce R. Hubbard is the Secretary of the said Corporation, and saw the said Vice President sign the foregoing instrument, and saw the Common Seal of said Corporation affixed to said instrument by said Vice President, and that he, the said Bruce R. Hubbard signed his name in attestation of the execution of said instrument in the presence of said Vice President of said Corporation.

Witness my hand and official seal on this 15 day of June, 1987.  
(Notarial Seal or Stamp) \_\_\_\_\_  
My commission expires: November 30, 1989

NORTH CAROLINA - Forsyth County  
The foregoing (or annexed) certificate of Bonny L. Ballard N.P. Forsyth is certified to be correct. This the 17 day of June, 1987.  
Fees and filing tax \$ 2.00 paid - 168370330 REGISTER OF DEEDS, L. E. Speas, Register of Deeds, Forsyth County, N.C.  
By James Holder Deputy Register

BOOK 1664P3553



EXHIBIT "B"

BEING KNOWN AND DESIGNATED as Lot 13 as shown on the Plat of Barrington Park as recorded in Plat Book 30, page 126 in the Office of the Register of Deeds of Forsyth County, North Carolina, to which reference is hereby made for a more particular description.

1664P3554

EXHIBIT "C"  
 CONVERSION: from Chapter 11 to Chapter 7 on 12-14-88

B16D (Rev. 3/88)	<b>United States Bankruptcy Court</b> <u>Middle District of N.C.</u>	<b>ORDER AND NOTICE OF CHAPTER 7 BANKRUPTCY        FILING, MEETING OF CREDITORS, AND FIXING OF DATES</b> (Corporation/Partnership Asset Case)	
<b>A. GENERAL INFORMATION</b>			
Name of Debtor  1 Cor. 3:10, 11 J.O.Y. Construction Company d/b/a Joy Construction Co., John Spadafora  <u>*CONVERSION*</u>		Address of Debtor  POB 692, 5344 Valleydale Dr. Kernersville, NC 27284	
		Date Case Filed	Bankr. Case No.
		7-25-88	88-01533
		Soc. Sec. Nos./Tax ID Nos.	
		56-1398634	
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership			
Name and Address of Attorney for Debtor  Joseph Coltrane 116 S. Cherry St. Kernersville, NC 27284		Name and Address of Trustee  W. Joseph Burns Suite 450, NCNB Plaza Winston-Salem, NC 27101	
<b>B. FILING CLAIMS</b>			
Deadline to file a proof of claim:		4-20-89      NOTE BELOW*	
<b>C. DATE, TIME AND LOCATION OF MEETING OF CREDITORS</b>			
1-20-89 9:00 am Room 236, 2nd Flr., U.S. Post Office Building, 101 W. Fifth St., Winston-Salem, NC			
<b>D. BANKRUPTCY INFORMATION</b>			
<p><b>FILING OF A BANKRUPTCY CASE.</b> A bankruptcy petition has been filed in this court for the entity named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents which are filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.</p> <p><b>CREDITORS MAY NOT TAKE CERTAIN ACTIONS.</b> Anyone to whom the debtor owes money or property is a creditor. Under the bankruptcy law, the debtor is granted certain protection against creditors. Common examples of prohibited actions are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, except as specifically permitted by the bankruptcy law, and starting or continuing foreclosure actions, or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may punish that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review 11 U.S.C. §362, and may wish to seek legal advice. The staff of the clerk's office is not permitted to give legal advice to anyone.</p> <p><b>MEETING OF CREDITORS.</b> The debtor's representative shall appear at the meeting of creditors at the date and place set forth above in box "C" for the purpose of being examined under oath. A corporate debtor must appear by its president or other executive officer; a partnership debtor must appear by a general partner. Attendance by creditors at the meeting is welcomed, but not required. At the meeting the creditors may elect a trustee as permitted by law, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.</p> <p><b>LIQUIDATION OF THE DEBTOR'S PROPERTY.</b> A trustee has been appointed in this case to collect the debtor's property, if any, and turn it into money. If the trustee can collect enough money and property from the debtor, creditors may be paid some or all of the debt owed to them.</p> <p><b>PROOF OF CLAIM.</b> In order to share in any possible payment from the estate, a creditor must file a proof of claim by the date set forth above in box "B." The place to file the proof of claim is the office of the clerk of the bankruptcy court, either in person or by mail. A proof of claim form is printed on the reverse side of this notice. Additional copies of the proof of claim form are available in the clerk's office.</p> <p>*NOTE: If you have already filed claims in this case, while under Chapter 11, it will not be necessary to file again.</p>			
Address of the Clerk of the Bankruptcy Court  Clerk, U.S. Bankruptcy Court P.O. Box 26100 Greensboro, NC 27420-6100		For the Court:  William L. Schwenn <hr/> <i>Clerk of the Bankruptcy Court</i> December 19, 1988 <hr/> <i>Date</i>	

MAR 16 64 P 3555