

GORDON P. PEYTON,
CHAPTER 7 TRUSTEE
FOR T & B MORTGAGE CORPORATION,
a Virginia Corporation

TO: DEED

WILLIAM AUGUST BASSLER

THIS DEED, made this 19th day of
December, 2008, by and between Gordon
P. Peyton, Chapter 7 Trustee for T &
B Mortgage Corporation, a Virginia
corporation, grantor, party of the
first part, William August Bassler,
grantee, party of the second part,

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration deemed valid in law, receipt whereof being hereby acknowledged, the said party of the first part does, by these presents, grant and convey unto the said party of the second part, with Covenants of Special Warranty of Title, and to be free and clear of all liens and encumbrances, all that certain tract of land lying on the East Side of County Route 10, in Sherman District, Hampshire County, West Virginia, according to that certain "Description of **135.51 Acres, +/-**, for Beau Bassler" prepared by Geoffrey D. Green, Professional Surveyor, License No. 1387, which said Description of Survey is attached hereto and made a part hereof for all pertinent and proper reasons, and a copy of the Plat of Survey is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia in Map Book 11 at Page 125.

And being all of the same real estate, which upon resurvey is now shown to contain 135.51 acres, more or less, was conveyed unto T & B Mortgage Corporation, a Virginia corporation, by Quit Claim Deed of T & B Development, LLC, a Virginia Limited Liability Company, dated February 22, 2008, of record in the aforesaid Clerk's Office in Deed Book 472 at Page 261. By authority vested in him pursuant to that certain "Order Approving Sale of Real Property," dated December 2, 2008, the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, did authorize Gordon P. Peyton, Chapter 7 Trustee for T & B Mortgage Corporation, to sell the real estate herein conveyed. A copy of said Order is attached hereto for all pertinent and proper reasons.

There is conveyed with said real estate that certain 15 foot wide right of way which was reserved unto Lawrence W. Bean and Criselta Bean in that certain deed dated November 5, 1984, and of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book No. 273, at page 584.

The real estate conveyed herein is taken subject to those certain Court Orders, dated July 27, 1999, and July 21, 2005, and of record in the Office of the Clerk of the County Commission of Hampshire County,

BOOK 480 PAGE 499

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West Virginia, in Deed Book No. 394, at page 362, and in Deed Book No. 445, at page 789, and same are incorporated herein for all pertinent and proper reasons, including for a more particular description of the rights of way set forth therein.

Although the real estate taxes may be prorated between the parties as of the day of closing for the current tax year, the grantee agrees to assume and be solely responsible for the real estate taxes beginning with the calendar year 2009, although same may still be assessed in the name of the grantor.

TO HAVE AND TO HOLD the aforesaid real estate unto the said grantee, together with all rights, ways, buildings, houses, improvements, easements, timbers, waters, minerals and mineral rights, and all other appurtenances thereunto belonging, in fee simple forever.

I hereby certify, under penalties as prescribed by law, that the actual consideration paid for the real estate conveyed by the foregoing and attached deed is \$195,000.00. The grantor further affirm that the grantor is a nonresident of the State of West Virginia, and is therefore subject to the "withholding tax on West Virginia source income of nonresidents" pursuant to West Virginia Code § 11-21-71b.

WITNESS the following signature and seal:

T & B MORTGAGE, A VIRGINIA CORPORATION

BY:  (SEAL)

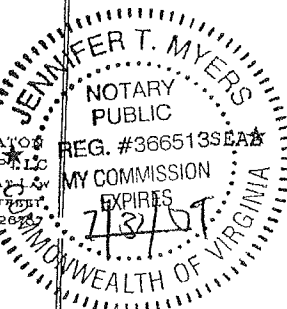
GORDON P. PEYTON, CHAPTER 7 TRUSTEE

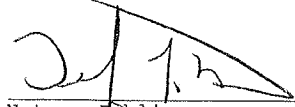
STATE OF VIRGINIA, Alexandria, TO WIT:
CITY / COUNTY OF

I, Jennifer T. Myers, a Notary Public in and for the county and state aforesaid, do hereby certify that Gordon P. Peyton, Chapter 7 Trustee for T & B Mortgage Corporation, whose name is signed and affixed to the foregoing instrument dated the 19th day of December, 2008, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 19th day of December, 2008.

CARL, KEATON
& FRAZER, PLLC
ATTORNEYS AT LAW
56 E. MAIN STREET
ROMNEY, WV 26757




Notary Public

This instrument was prepared by
Julie A. Frazer, Attorney at Law,
Carl, Keaton & Frazer, PLLC,
56 E. Main St., Romney, WV 26757.

Description of 135.53 Acres, +/-, for Beau Bassler

All that certain tract of land lying on the East Side of County Route 10, in Sherman District, Hampshire County, WV, described as follows:

Beginning at a point in the centerline of County Route 10 located N 76°56'33" W 24.29' from a rebar found and at a corner with E. Bean (273/584), thence with said Bean

S 76°56'33" E striking said rebar found at 24.29' and continuing 291.87' more for a total distance of 316.19' to a rebar found, thence

S 66°14' 17" E 160.32' to a rebar found, thence

S 31°12' 51" E 103.05' to a rebar found, thence

N 58°32'33" E 115.18' to a rebar found, thence

N 16°11' 40" W 251.23' to a calculated point, thence

N 07°00' 15" W 232.25' to a calculated point, thence

N 70°23'22" W, striking a rebar found at 370.30' and continuing 25.00' more, for a total length of 395.30' to a point in the centerline of County Route 10, thence with it

N 32°08'20" E 102.17' to point in the centerline of said route, thence

N 37°41'03" E 88.05' to point in the centerline of said route, thence

N 45°40'23" E 88.37' to point in the centerline of said route, thence

N 50°45'01" E 68.61' to point in the centerline of said route, thence

N 54°25'20" E 90.72' to point in the centerline of said route, thence

N 45°48'56" E 88.84' to point in the centerline of said route, thence

N 33°28'59" E 53.13' to point in the centerline of said route, thence

N 27°56'04" E 58.66' to point in the centerline of said route, thence

N 20°11'32" E 67.88' to point in the centerline of said route, thence

N 11°03'28" E 9.26' to point in the centerline of said route, thence leaving County Route 10 and with the boundary of Nathaniel Mountain Heights subdivision

N 88°34'10" E 3966.14' to a stonepile found in a line of Campbell Land Company, LLC (404/179), and thence with Campbell

S 18°27'14" W 1625.42' to a stonepile found and a corner with J.R. Cupp (102/44), thence with Cupp

S 59°25'54" W 393.27 to a Chestnut Oak and a corner with D. Kilmer (112/326), thence Kilmer

N 45°20'33" W 1186.36' to a rebar found, thence

S 65°19'17" W 1341.28' to a rebar found, thence

S 34°12'21" W 603.72' to a rebar found, thence

N 81°36'51" W striking a rebar found at 1557.10' and continuing 15.13. more for a total distance 1572.23' to a point in the centerline of County Route 10, thence the centerline of County Route 10

N 00°51'42" E 76.98' to point in the centerline of said route, thence

N 04°40'01" E 54.92' to point in the centerline of said route, thence

N 11°49'29" E 46.50' to point in the centerline of said route, thence

N 27°42'16" E 56.03' to point in the centerline of said route, thence

N 38°19'23" E 81.05' to point in the centerline of said route, thence

N 36°33'11" E 87.97' to point in the centerline of said route, thence

N 29°52'05" E 95.35' to point in the centerline of said route, thence

N 25°11'03" E 61.01' to point in the centerline of said route, thence

N 18°18'33" E 166.83' to the point of **Beginning**, having an area of 135.53 Acres, +/- . This survey was conducted July, 2006.

Being all of that tract of land conveyed to T & B Development Company, LLC, by a deed recorded at D.B. 455 p. 388 in the land records of Hampshire County, WV.



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:

**T&B Mortgage Corporation,
Debtor.**

Case No. 07-13630-SSM
Chapter 7

ORDER APPROVING SALE OF REAL PROPERTY

THIS MATTER came on before the Court on December 2, 2008, upon the unopposed *Motion To Sell Real Property Free and Clear of All Liens, Claims, Encumbrances And Interests* (the "Motion") filed by Gordon P. Peyton ("Trustee"), Chapter 7 Trustee for T&B Mortgage Corporation ("T&B" or "Debtor"), by and through the undersigned counsel, pursuant to 11 U.S.C. §363(b) and (f), Federal Rules of Bankruptcy Procedure 6004, 9014 and 2002(a)(2) and (c), and Local Rules 6004-1, 6004-2, seeking an Order authorizing the sale of certain undeveloped real property, more particularly described below, free and clear of all liens, claims, encumbrances and interests, with all valid liens, claims, encumbrances and interests attaching to the proceeds of sale; and it

APPEARING TO THE COURT that the Debtor's bankruptcy estate holds record title to approximately 145 acres of undeveloped real property located in Hampshire County, West Virginia (hereinafter, the "Property"), and more particularly described as follows:

Beginning at a planted stone on the East side of Grassy Lick Road, thence with the several meanders of said road S. 37 W. 15 poles S. 58 ½ W. 18 poles S. 39 W. 16 poles S. 8 W. 12 poles S. 37 W. 7.5 poles, S. 20 W. 15.6 poles, S. 37 ½ W. 13.2 poles, S. 46 ¾ W. 9.2 poles, S. 4 ½ W. 11.4 poles to a stone by a large post on the East side of said road, corner to Roy Haines and Jesse H. Shanholtz; thence with Haines' line S. 76 E. 98 poles to a stone; thence N. 40 ¼ E. 38.7 poles to a stone pile near a marked white oak, thence S. 69 ¾ E. 80 poles to a stone; thence S. 41 E. 78 poles to 4 chestnut

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oaks on top of Stony Mountain, thence N. 65 E. 23 ½ poles to a stone pile by 2 chestnut oaks, thence N. 24 E 98 poles to a stone corner to Alberta R. Bowman, thence with her line N. 83 ½ W. 248 poles to the beginning, containing 150 acres, more or less.

LESS, HOWEVER, that certain out conveyance of 5.241 acres, more or less, situate in Sherman District, Hampshire County West Virginia, which was conveyed by Lawrence W. Bean and Criselta Bean, his wife, unto Eddy L. Bean, by deed dated November 5, 1984, and which said deed is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia in Deed Book No. 273, at page 584. Said Deed is by reference made a part hereof for a more particular description of said out conveyance and for all pertinent and proper reasons;

FURTHER APPEARING TO THE COURT that the Trustee has entered into a *Contract of Sale of Lots and Land* (the "Sales Contract"), whereby he has agreed to sell the Property to William A. Bassler ("Purchaser"), in individual resident of Virginia, for the total purchase price of \$195,000 (the "Purchase Price"), subject to the approval of this Court; and it

FURTHER APPEARING TO THE COURT that the proposed sale is a sound and proper exercise of the Trustee's business judgment; that the Property is not subject to any known liens, claims, encumbrances or interests, other than accrued real estate taxes of approximately \$5,100, plus penalties and interest, owed to the County of Hampshire, West Virginia (the "Hampshire County Tax Claim"); that the Purchase Price substantially exceeds the Hampshire County Tax Claim; and that good cause exists to authorize the sale of the Property free and clear of all liens, claims, encumbrances and interests, with all valid liens, claims, encumbrances, and interests attaching to the proceeds of sale; and it

FURTHER APPEARING TO THE COURT that notice of the *Motion* has been properly and sufficiently provided to all parties in this case as required by the Federal Rules of Bankruptcy Procedure; it is therefore

ORDERED that the *Motion* be, and it hereby is, GRANTED; that the terms and conditions of

the *Sales Contract* are approved in all respects; that the Trustee is authorized to sell the Property to the Purchaser, free and clear of all liens, claims, encumbrances and interests, including the lien securing the Hampshire County Tax Claim, with all valid liens, claims, encumbrances and interests attaching to the proceeds of sale; and that the Trustee is authorized to take any and all actions reasonably calculated to consummate the sale of the Property to the Purchaser, including but not limited to the execution of a special warranty deed or other instrument of conveyance; and it is

FURTHER ORDERED that the Trustee is authorized to pay the Hampshire County Tax Claim out of the proceeds of sale at closing; and the Trustee is further authorized to pay his Realtor, James Shumaker, of Coldwell Banker Home Town Realty, a commission of 6% of the Purchase Price, plus any reasonable out-of-pocket costs and expenses, out of the proceeds of sale at closing.

Dated: Dec 2 2008 /s/ Stephen S. Mitchell

Honorable Stephen S. Mitchell
United States Bankruptcy Judge

I ask for this:

/s/ Robert M. Marino
Robert M. Marino, Esq. VSB#26076
REDMON, PEYTON & BRASWELL, LLP
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Alexandria, VA 22314
Phone: 703-684-2000
Fax: 703-684-5109
Email: rmmarino@rpb-law.com
Counsel for Gordon P. Peyton, Chapter 7 Trustee

Entered on Docket: 12/03/08

Copies to:

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Russell B. Adams, III, Esq.
Chung & Press, P.C.
6723 Whittier Avenue
McLean, VA 22101

CERTIFICATION OF ENDORSEMENT BY ALL NECESSARY PARTIES
I hereby certify that the foregoing order has been endorsed by all necessary parties.

/s/ Robert M. Marino

Robert M. Marino

INSTRUMENT NO 113077
DATE RECORDED 12/24/2008
DOCUMENT TYPE DEED
BOOK--PAGE 480-478
RECORDING FEE \$14.00
TRANSFER TAX \$558.00
HB4331 TAX \$429.00
ADDITIONAL \$25.00

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STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 12/24/08 11:29 AM

The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste Sharon H. Link Clerk.