



April 21, 2020

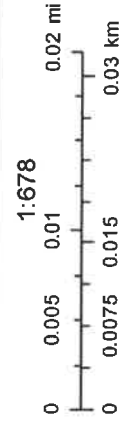
Surry County

PARCEL ID: 499605274933
OWNER: PMAP INC

108 MONTROSE DR

ADDRESS: MOORESVILLE, NC 28117-0000
 106 WOLTZ ST

ACRES: 1 LT
DEED REF: 01184/0314
LAND VALUE: \$117,720
BLDG VALUE: \$32,170
OBX VALUE: \$0
ASSESSED VALUE: \$149,890



Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

CASH



Doc ID: 00449070003 Type: CRP
Recorded: 04/08/2007 at 03:50:14 PM
Fee Amt: \$20.00 Page 1 of 3
Excise Tax: \$0.00
Surry County North Carolina
Carolyn M. Comer Reg of Deeds
BK 1184 PG 314-316

UNO

Surry Co. Tax Dept.
2007
Land Records
04/08/07
Collectors

Mail after recording to/Grantees Address 108 Montrose Drive, Mooresville, NC 28117

(N. C. Bar Assoc. Form No. 3A [C] 1977)

This instrument was prepared by Carl E. Bell

Brief description for the Index Parcel ID # 4996-05-27-4933

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of April, 2007, by and between NATHAN E. ALBERTY and wife, BETTY ALBERTY, and NANCY A. TUNSTALL and husband, EDWARD TUNSTALL, hereafter called Grantor and PMAP, INC., hereafter called Grantee. 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 Dobson Township, Surry County, North Carolina and more particularly described as follows:

Being lots 1,2,3,4,5,6,7,8,9, and 10 of the Hugh and Sam Hennis, Jr. Property as surveyed and platted by the Woodrow W. Goldsmith, C. E. on December 13, 1956, for particular description of the same see plat recorded in the Office of the Register of Deeds for Surry County in Plat Book 5, Page 12.

NO TITLE SEARCH WAS REQUESTED OR PERFORMED.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1177, Page 1045, Surry County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except

2/3
2008

Official Document

for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following: none.

UNOFFICIAL Document

IN WITNESS WHEREOF, each Grantor has hereunto set his hand and seal, the day and year first above written.

Nathan E. Alberty (SEAL)
NATHAN E. ALBERTY

Betty Alberty (SEAL)
BETTY ALBERTY

Nancy A. Tunstall (SEAL)
NANCY A. TUNSTALL

Edward Tunstall (SEAL)
EDWARD TUNSTALL

NORTH CAROLINA, Surry County.

I, Vicky L. Lowe, a Notary Public for the County of Surry and the State of North Carolina, certify that NATHAN E. ALBERTY, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of April, 2007.

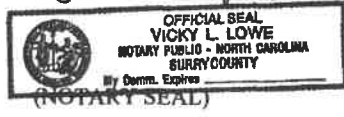


Vicky L. Lowe
Notary Public

My commission expires: 12-05-2009

NORTH CAROLINA, Surry County.

I, Vicky L. Lowe, a Notary Public for the County of Surry and the State of North Carolina, certify that BETTY ALBERTY, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of April, 2007.



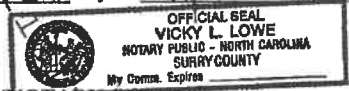
Vicky L. Lowe
Notary Public

My commission expires: 12-05-2009

UNOFFICIAL Document

NORTH CAROLINA, Surry County.

I, Vicky L. Lowe, a Notary Public for the County of Surry and the State of North Carolina, certify that NANCY A. TUNSTALL, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of April, 2007.



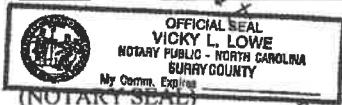
(NOTARY SEAL)

Vicky L. Lowe
Notary Public

My commission expires: 12-05-2009

NORTH CAROLINA, Surry County.

I, Vicky L. Lowe, a Notary Public for the County of Surry and the State of North Carolina, certify that EDWARD TUNSTALL, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of April, 2007.



(NOTARY SEAL)

Vicky L. Lowe
Notary Public

My commission expires: 12-05-2009

UNOFFICIAL

UNOFFICIAL Document

Unofficial Document



FILED & JUDGMENT ENTERED
Steven T. Salata

Mar 23 2012

Clerk, U.S. Bankruptcy Court
Western District of North Carolina


J. Craig Whitley
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

**NATHAN EDWARD ALBERTY
and BETTY DOCKERY ALBERTY,**

Debtors.

**Bankruptcy Case No. 07-31181
Chapter 7**

**R. KEITH JOHNSON, Chapter 7 Trustee
and
THE SHERWIN-WILLIAMS
COMPANY**

Plaintiffs,

v.

Adv. Proceeding No. 08-03022

**NATHAN EDWARD ALBERTY;
and BETTY DOCKERY ALBERTY,**

Defendants.

R. KEITH JOHNSON, Trustee,

Plaintiff,

v.

Adv. Proceeding No. 08-03035

**NATHAN EDWARD ALBERTY,
BETTY DOCKERY ALBERTY, et al.**

**JUDGMENT AVOIDING CERTAIN TRANSFERS, IMPOSING CONSTRUCTIVE TRUST,
PRESERVING TRANSFERS FOR THE BENEFIT OF THE BANKRUPTCY ESTATE,
AND DIRECTING DEFENDANTS TO COMPLY**

On 1 September 11 the Court entered its Memorandum of Decision in these adversary proceedings. The Memorandum of Decision discusses in detail the background of this case, the evidence presented, the legal arguments, and sets forth the conclusions of the Court as to the issues in the adversary proceedings. This order is now entered to effectuate the conclusions of the Court in the Memorandum of Decision, and to order the Defendants to comply with certain directives.

**LOTS 1 THROUGH 10, PLAT BOOK 5, PAGE 12,
SURRY COUNTY PROPERTY**

IT IS ORDERED that the transfer of Lots 1 through 10 of the Hugh and Sam Hennis, Jr. property, as shown in Plat Book 5, Page 12, of the Surry County Registry to PMAP, Inc. shall be and the same is hereby avoided and preserved for the benefit of the bankruptcy estate herein. The bankruptcy estate is declared to be the owner of the property described herein, in fee simple and absolute. A legal description of this property is attached hereto and marked as "Attachment 1".

**LOTS 5 AND 6, PLAT BOOK 1, PAGE 216,
SURRY COUNTY PROPERTY**

IT IS ORDERED that the transfer of property in Surry County described as Lots 5 and 6, Map 1 of the J. R. Soyars estate, Plat Book 1, Page 216, Surry County Registry to Nancy Tunstall and the subsequent transfer to Patricia M. Porter shall be and the same is hereby set aside and avoided, and the bankruptcy estate herein is declared to be the owner of the real property described as Lots 5 and 6, Map 1 of the J. R. Soyars estate, Plat Book 1, Page 216, in fee simple and absolute. A further description by metes and bounds of this particular property is attached hereto and incorporated by reference, marked as "Attachment 2".

DEED OF TRUST FROM DEBTORS TO PATRICIA MARIA PORTER

IT IS ORDERED that the transfer represented by that certain Deed of Trust dated 21 November 01 and recorded 11 December 01 in the Mecklenburg County Registry in Book 13011, Page 175, from the Debtors to John F. Hanzel, Trustee for the benefit of Patricia Maria Porter, shall be and the same is hereby set aside and avoided, with the transfer represented by the Deed of Trust being preserved for the benefit of the bankruptcy estate. The bankruptcy estate of the Debtors herein is declared to be the beneficiary of that certain Deed of Trust identified herein, to the exclusion of Patricia Maria Porter.

CONSTRUCTIVE TRUST

IT IS ORDERED that the Court has determined that Patricia Maria Alberty Porter, PMAP, Inc., and LakeTax, Inc., are deemed to be alter egos of Nathan and Betty Alberty, and are thus jointly and severally liable for all of the allowed claims in this bankruptcy case of Nathan and Betty Alberty. To further this conclusion, the Court does hereby impose a constructive trust on all assets of Patricia Maria Alberta Porter, PMAP, Inc., and LakeTax, Inc., to the extent said assets are necessary to satisfy the claims in this bankruptcy case. The Trustee is authorized to record a copy of this document in the appropriate records of any Register of Deeds office in the State of North Carolina, and any Clerk of Superior Court records in the State of North Carolina, to effectuate a constructive trust on the assets of each entity as

provided herein.

11 U.S.C. § 550

IT IS ORDERED that the Trustee and the bankruptcy estate are hereby authorized to recover from the initial transferees any property identified and set aside herein. Specifically, the Trustee is authorized to use the provisions of 11 U.S.C. § 550 to effectuate recovery of the various properties, transfer of which has been avoided and set aside by the Court.

DIRECTION TO ALL DEFENDANTS

IT IS ORDERED that Nathan Edward Alberty (Debtor), Betty Dockery Alberty (Debtor), Patricia Maria Alberty Porter, PMAP, Inc., LakeTax, Inc., Northlake Tax Services, Inc., LakeTax Professionals, Inc., Lakeside Accounting, Inc., Elizabeth Rae Enterprises, Inc., Elizabeth Rae, Inc., Bella-Donna's Wigs, etc., Inc., Nancy Alberty Tunstall, and G. Edward Tunstall are all directed to cooperate with the Trustee to effectuate the transfers that are preserved and set aside herein to reflect that legal title to the properties identified above rests in the bankruptcy estate. Further, any such named person in possession of property that is property of the bankruptcy estate as determined herein shall deliver such property to the bankruptcy trustee.

FURTHER PROVISION

IT IS FURTHER ORDERED that upon failure of the Defendants to cooperate with the Trustee as ordered herein, then the Trustee shall prepare necessary orders, deeds and documents to convey the property pursuant to this order, and this Court will enter its orders conveying the property, without the signatures of the required parties. Upon such occurrence, the Court will consider the issue of contempt as against the non-complying parties.

*This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.*

United States Bankruptcy Court

“ATTACHMENT 1”

Being lots 1,2,3,4,5,6,7,8,9 and 10 of the Hugh and Sam Hennis, Jr. Property as surveyed and platted by the Woodrow W. Goldsmith, C. E. on December 13, 1956, for particular description of the same see plat recorded in the Office of the Register of Deeds for Surry County in Plat Book 5, Page 12.

“ATTACHMENT 2”

Tract 2

BEGINNING at a driven iron pin on Soyars Street, corner of lot No. 4 purchased by W. E. Reid, runs thence with the line of lot No. 4 South 70 degrees West 358.6 feet to the corner of said lot #4 on Adams Street; Thence with said Adams Street South 20 degs. East 200 feet to a stake, corner of lot No. 7 bought by said W. E. Reid; thence with the line of lot No. 7 North 70 degs. East 376 feet to a stake on said Soyars Street, corner of lot No. 7; thence with said Soyars Street North 26 degs. West 201.6 feet to the point of beginning, the same being lots No. 5 and 6 of map #1 of the J. R. Soyars Estate subdivision prepared by Floyd K. Womble, Surveyor, dated October 29, 1938, recorded in Plat Book 1 at page 216, record of deeds of Surry County, North Carolina, to which reference is made for further description.

