

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**In re:** ) **Chapter 11**  
 )  
**BILL HEARD ENTERPRISES, INC.,** ) **Case No. 08-83029-JAC-11**  
**et al.,<sup>1</sup>** )  
 ) **(Jointly Administered)**  
**Debtors.** )

**ORDER APPROVING THE SALE OF THE LANDMARK PROPERTY FREE AND  
CLEAR OF LIENS, CLAIMS, ENCUMBRANCES AND INTERESTS**

This matter having come before this Court upon the motion (the “Motion”) of the Liquidating Trustee (the “Liquidating Trustee”) appointed pursuant to the above-captioned debtors’ (the “Debtors”) confirmed First Amended Joint Consolidated Chapter 11 Plan of Liquidation (the “Plan”) seeking an order Approving the Sale of the Landmark Property Free and Clear of Liens, Claims, Encumbrances and Interests (the “Motion”), and this Court having considered the submissions and arguments of counsel, and the opposition thereto, if any; and it appearing that this Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and Section X of the Plan; venue is proper in this district pursuant to 28 U.S.C. § 1409; that this is a core proceeding pursuant to 28 U.S.C. § 157 (b); and this Court having determined that granting the relief requested in the Motion is in the best interests of the Debtors’ estates, its creditors and other parties-in-interest; and it appearing that notice of the Motion has been given,

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<sup>1</sup> In addition to Bill Heard Enterprises, Inc., the Debtors include the following entities: (i) Bill Heard Chevrolet Company, (ii) Tom Jumper Chevrolet, Inc., (iii) Bill Heard Chevrolet, Inc. – Huntsville, (iv) Landmark Chevrolet, Ltd., (v) Bill Heard Chevrolet, Ltd., (vi) Bill Heard Chevrolet Corporation Nashville, (vii) Bill Heard Chevrolet Corporation – Orlando, (viii) Bill Heard Chevrolet, Inc. – Union City, (ix) Bill Heard Chevrolet at Town Center, LLC, (x) Bill Heard Chevrolet, Inc. – Collierville, (xi) Bill Heard Chevrolet, Inc. – Scottsdale, (xii) Bill Heard Chevrolet, Inc. – Plant City, (xiii) Bill Heard Chevrolet, Inc. – Buford, (xiv) Bill Heard Chevrolet Corporation – Las Vegas, (xv) Bill Heard Chevrolet Corporation – N.W. Las Vegas, (xvi) Twentieth Century Land Corp., (xvii) Enterprise Aviation, Inc., (xviii) Century Land Corporation, (xix) Century Land Company – Tennessee, (xx) Bill Heard Management, LLC, (xxi) Landmark Vehicle Mgt., LLC, (xxii) Georgia Services Group, LLC, (xxiii) Columbus Transportation, LLC, and (xxiv) Airport Chevrolet, Inc.

and that no other or further notice need be given; and for sufficient cause shown, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. Pursuant to section 363(b) of the Bankruptcy Code, the Liquidating Trustee is authorized to sell the Landmark Property as requested in the Motion.
3. Pursuant to section 363(f) of the Bankruptcy Code, the purchasers shall acquire good and marketable title in and to the Landmark Property, and the Landmark Property shall be transferred to the purchasers, and upon consummation of the transactions described in the Motion, shall be free and clear of all liens, claims, encumbrances and interests of any kind or nature whatsoever, with all such Interests of any kind or nature whatsoever to attach to the net proceeds of the sale in the order of their priority, with the same validity, force and effect which they now have as against the Landmark Property, subject to any claims and defenses that may exist with respect thereto.
4. The sale of the Landmark Property as described in the Motion is made in good faith and therefore the purchaser or purchasers shall be entitled to the good faith purchaser protections of section 363(m) of the Bankruptcy Code.
5. The sale of the Landmark Property is pursuant to a confirmed Plan and accordingly is exempt from stamp transfer or similar tax pursuant to section 1146(a) of the Bankruptcy Code.
6. The proceeds from the sale of the Landmark Property shall be held in escrow pending the outcome of the Determination Proceeding.

7. The transfer of the Landmark Property to the purchasers shall constitute a legal, valid, and effective transfer of the Landmark Property, and shall vest the purchasers with all right, title, and interest in and to the Landmark Property free and clear of all liens, claims, encumbrances and interests of any kind or nature whatsoever.

**DONE and ORDERED** this day March 24, 2010

/s/ Jack Caddell  
Jack Caddell  
U.S. Bankruptcy Judge