

5. Said property was, upon information and belief, liened by mortgage, prior to the action set forth in the pleadings herein, to Southern Bank and Trust Company in an amount that would preclude any equity being realized therein by the Estate if your Trustee was to obtain title therein by the Estate if your Trustee was to obtain title thereto and resell said property.

6. Petitioner is informed and believes that this Court should issue its Order authorizing him to accept said compromise set forth hereinabove, as being the most equitable and advantageous means of disposing of said property interests for this Estate; and, upon information and belief, obtaining more monies for this asset than could be realized otherwise.

7. United States Fidelity Insurance Group (U.S.F.&G.) is a judgment creditor of the above bankrupt; the records of the Court House in Greenville County, South Carolina, indicate that defendant and U.S.F.&G. are the only judgment creditors of the above bankrupt.

8. Petitioner is further informed and believes that this Court should issue its Order authorizing him to accept said Settlement; convey all of his right, title and interest to the property involved in said action to Wendy's International, Inc.; with the consent of the sole judgment creditor of the above bankrupt, to (a) sell said interest free and clear of said judgment creditor's liens on said property, if any there be, and (b) declare the costs of administration (i.e., the statutory Referee's Retirement and Expense Fund, as set forth in § 40 of the Bankruptcy Act, the Trustee's commissions under § 47 of the Bankruptcy Act, and reasonable attorney's fees, not to exceed five (5%) percent of the gross monies received, and the liens of the judgment creditor, United States Fidelity Insurance Corporation, be declared null and void as to such monies.

