

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

DANNY T. MARTIN

PLAINTIFF

VS.

CIVIL ACTION NO. 93-6-686

GENE CONWAY and SONG O. CONWAY

DEFENDANTS

ORDER ON MOTION TO EXPUNGE LIS PENDENS NOTICE

This matter having come on for hearing on June 13, 1994, on the Defendants' Motion to Expunge Lis Pendens Notice, and the Court having duly considered the matter finds that the Motion is well taken and that the same should be sustained. The Court finds as follows:

1. On or about June 1, 1993, Plaintiff Danny T. Martin commenced this action by the filing of his Complaint.

2. In the Complaint, Plaintiff alleges a breach of contract on the part of the Defendants, and demands a monetary Judgment for damages allegedly resulting from the alleged breach of contract.

3. On or about February 15, 1994, Plaintiff caused to be filed in the Lis Pendens Record at Book 7, Pages 30 and 31, that certain Lis Pendens Notice against certain real property owned in part by the Defendants. A true and correct copy of the Lis Pendens Notice was attached to Defendants' Motion as Exhibit "A."

4. Because the lawsuit is not to enforce a lien upon, right to, or interest in any real estate, the suit is not the type of suit for which a Lis Pendens Notice may be filed under MISS. CODE ANN. (1972) § 11-47-3.

ACCORDINGLY, IT IS, THEREFORE, ORDERED: that the Lis Pendens Notice is invalid, and the Chancery Court Clerk of Desoto County is

*Minute Book 177
Page 359*

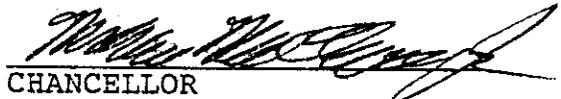
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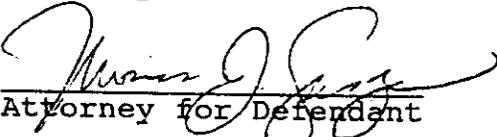
hereby Ordered to expunge the Lis Pendens Notice from the Lis Pendens Record.

So Ordered on this, the 20th day of June, 1994.


CHANCELLOR

APPROVED AS TO FORM:


Attorney for Plaintiff


Attorney for Defendant

STATE BAR OF ILLINOIS CO.
FILED

JUN 21 4 35 PM '94

BK 7 PG 82
W.E. DAVIS CH. CLK.
by D. Abraham, P.C.