

STATE NO. - DESOTO CO.  
FILED

JAN 10 4 44 PM '95

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

BK 7 PG 189  
W.E. DANIELSON, CLK.  
by N. P. ... sec  
PLAINTIFF

MISSISSIPPI TRANSPORTATION COMMISSION

VS.

CIVIL ACTION NO. CO-95-0020

ARTHUR PHILLIPS, ET AL

DEFENDANTS

LIS PENDENS NOTICE

TO THE CHANCERY CLERK OF DESOTO COUNTY:

You are hereby notified that the Mississippi Transportation Commission is seeking to acquire by eminent domain and has this day filed a Complaint to acquire fee ownership in the lands described in Exhibit "A" attached hereto and incorporated herein.

The interested parties are:

- (1) MISSISSIPPI TRANSPORTATION COMMISSION, PLAINTIFF.
- (2) ARTHUR PHILLIPS, OWNER;
- (3) NATIONAL LOANS, INC., BENEFICIARY;
- (4) W. O. FITCH, TRUSTEE;
- (5) NATIONAL LOANS, INC., BENEFICIARY;
- (6) LYNN FITCH MITCHELL, TRUSTEE.

You are further requested to include this Notice and Exhibit "A" hereof in the Lis Pendens for records of said County as provided by law.

MARSHALL LUSK  
Assistant Attorney General  
Miss. Dept. of Transportation  
P. O. Box 1850  
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Telephone: (601) 359-7600

Walker Sims, Esquire  
P. O. Box 258  
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Telephone: (601) 363-0102

ATTORNEYS FOR PETITIONER

MISSISSIPPI TRANSPORTATION COMMISSION  
PETITIONER

BY: MIKE MOORE  
ATTORNEY GENERAL OF  
THE STATE OF MISSISSIPPI

BY: *Cassandra D. Burren*  
ASSISTANT ATTORNEY GENERAL

and

*Walker Sims*  
Special Counsel

Bar No. 6815

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MISSISSIPPI TRANSPORTATION COMMISSION

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EXHIBIT "A"

All of the following excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.

TOWNSHIP 2 SOUTH, RANGE 9 WEST, DESOTO COUNTY, MISSISSIPPI,

Section 4:

PARCEL NO. 1

Begin at a point on the present Southern right-of-way line of Nail Road, being the Northwest corner of Defendants property, said point is 39.4 feet South of and 550.6 feet West of the Northeast corner of Section 4, Township 2 South, Range 9 West; from said point of beginning run thence South 89° 25' East along the present Southern right-of-way line of Nail Road, a distance of 116.3 feet to the proposed right-of-way line of a proposed highway project, being known and designated as State Project No. 94-0009-06-019-10, being a segment of U.S. Highway No. 61; thence South 59° 26' West along said proposed right-of-way line, a distance of 135.1 feet to the West line of Defendants property; thence North along said West property line, a distance of 69.9 feet to the point of beginning of this Parcel No. 1, containing 0.09 acres, more or less.

All of the above Parcel No. 1 being situated in and a part of the Northeast 1/4 of the Northeast 1/4.

PARCEL NO. 2

Begin at the Southwest corner of Defendants property, said point is 164.6 feet South of and 550.6 feet West of the Northeast corner of Section 4, Township 2 South, Range 9 West; from said point of beginning run thence North along the West line of Defendants property, a distance of 21.8 feet to the proposed right-of-way line of the above mentioned proposed highway project; thence South  $41^{\circ} 07'$  East along said proposed right-of-way line, a distance of 29.1 feet to the Southern line of Defendants property; thence North  $89^{\circ} 38'$  West along said Southern property line, a distance of 19.1 feet to the point of beginning of this Parcel No. 2, containing 0.01 acres, more or less.

All of the above Parcel No. 2 being situated in and a part of the Northeast 1/4 of the Northeast 1/4.

Parcel No. 1 and Parcel No. 2 contain an aggregate of 0.10 acres, more or less.

Including in its entirety the improvements located partially on the land hereinabove described and partially on the Defendants remaining land; the Petitioner herein, its agents, and assigns are hereby granted the right of ingress and egress on Defendants remaining land solely for the purpose of removing or demolishing the aforesaid improvements and the judgement rendered herein is in full payment of all said improvements.

J. Walker Smith  
P.O. Box 258  
R. Lincoln 116, 145 38664  
(601) 363-0102