

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

SJ WELDING & INDUSTRIAL SUPPLY,

PLAINTIFF

VS.

CAUSE NO. 97-11-1512

RALPH L. JACKSON, and wife,
VIVIAN M. JACKSON,

DEFENDANTS

LIS PENDENS NOTICE

TO THE CHANCERY CLERK OF DESOTO COUNTY, MISSISSIPPI:

You are hereby notified that SJ Welding & Industrial Supply is seeking to set aside a conveyance of property and has this day filed a Complaint to so set aside a conveyance from Ralph and Vivian Jackson to Vivian Jackson with regards to the land described in Exhibit "A" attached to this notice.

The interested parties are:

1. Ralph L. Jackson and Vivian M. Jackson
1842 Oak Grove Road
Hernando, MS 38632

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

Respectfully Submitted,

LAW OFFICES OF WILLIAM P. MYERS
2564 HIGHWAY 51 SOUTH
HERNANDO, MS 38632
(601) 429-1994

STATE MS.-DESOTO CO.
FILED

Nov 7 4 46 PM '97

BK 7 PG 739
W.E. DAVIS CH. CLK.


ROBERT R. STEPHENSON, MB NO. 10722

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said County and State, the within named Robert R. Stephenson, who being by me first duly sworn, states on his oath that the matters, facts and things contained in the above and foregoing Lis Pendens Notice are true and correct as therein stated.

Robert Stephenson
ROBERT R. STEPHENSON, MB NO. 10772

SWORN TO AND SUBSCRIBED before me, this the 7th day of November, 1997.

Kathy Renee Hippen
Notary Public

My Commission Expires:

2/9/99

Prepared by
Law Offices of William Myers
2501 Hwy 51 South
Hernando, MS 38632
425.1994

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

SJ WELDING & INDUSTRIAL SUPPLY,

PLAINTIFF

VS.

CAUSE NO. _____

RALPH L. JACKSON and
VIVIAN M. JACKSON,

DEFENDANTS

**COMPLAINT TO SET ASIDE FRAUDULENT CONVEYANCE OF PROPERTY
AND FOR INJUNCTIVE RELIEF**

TO THE HONORABLE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI:

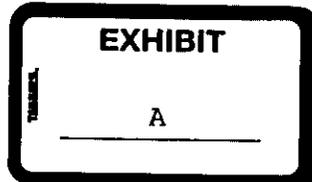
COMES NOW the Plaintiff, SJ Welding & Industrial Supply, by and through counsel, Robert R. Stephenson, pursuant to Mississippi Code Annotated (1972) as amended §11-5-75, and brings this its suit against the Defendants, Ralph L. Jackson and Vivian M. Jackson, for a judgment setting aside a fraudulent conveyance of real property and for injunctive relief, and would respectfully show unto the Court the following, to-wit:

1. The Plaintiff, SJ Welding & Industrial Supply, is a non-resident of the State of Mississippi.

2. The Defendant, Ralph L. Jackson and Vivian M. Jackson are adult resident citizens of the State of Mississippi who may be served with process of this Court at 1842 Oak Grove Road, Hernando, Mississippi 38632.

3. On April 2, 1997, the Plaintiff, through his attorney, forwarded to Ralph L. Jackson his official notice and demand for amounts due on an open account. A copy of the demand letter is attached as Exhibit "A".

4. Ralph L. Jackson failed and/or refused to respond to the demand letter and a law suit was filed on the 26th day of September, 1997.



5. At the time of the acts giving rise to the Plaintiff's Complaint on Open Account and at the time the aforementioned demand letter was forwarded to Ralph L. Jackson, Ralph L. Jackson was the owner of record of residential property which is more particularly described as follows:

Part of the Southwest Quarter of the Southwest Quarter of Section 14, Township 3 South, Range 8 West, DeSoto County, Mississippi, and more particularly described as follows:

Commencing at a point on the centerline of Oak Grove Road (80 feet wide) a distance of 582.37 feet east of the west line of said quarter section; thence run north $00^{\circ} 29' 12''$ East to a point on the north right-of-way of Oak Grove Road and POINT OF BEGINNING; thence continue north $00^{\circ} 29' 12''$ East a distance of 600.00 to a 1 inch galvanized pipe; thence run north $89^{\circ} 20' 28''$ East a distance of 291.00 feet to a point; thence run South $00^{\circ} 29' 12''$ West a distance of 600.00 feet to a point in the North right-of-way of Oak Grove Road; thence run South $89^{\circ} 20' 28''$ West a distance of 291.00 feet along said right-of-way to the point of beginning and containing 4.01 acres.

The street address of the above described property is 1842 Oak Grove Road, Hernando, Mississippi 38632.

6. On or about the 11th day of September, 1997, Ralph L. Jackson and his wife, Vivian M. Jackson conveyed by Quitclaim Deed all of his right to the aforementioned property to Vivian M. Jackson. The Quitclaim Deed evidencing the conveyance was recorded with the Chancery Clerk's office of DeSoto County, Mississippi on September 11, 1997 in Book 321, Page 718. A copy of the Quitclaim Deed is attached as Exhibit "B".

7. At the time of the conveyance and at all other relevant times the following statute was in effect and governed the rights, liabilities and obligations of the parties hereto: Mississippi Code Annotated (1972) as amended §15-3-3, which states in relevant part:

Every gift, grant, or conveyance of lands, tenements, or hereditaments, goods or chattels, . . . had or made and contrived of malice, fraud, covin, collusion, or guile, to the intent or purpose to delay, hinder, or defraud creditors of their just and lawful actions, suits, debts, accounts, damages, penalties, or forfeitures, . . . shall be deemed and taken only against the person or persons, his, her or their heirs, successors,

executors, administrators, or assigns, and every of them whose debts, suits, demands, estates, or interests by such guileful and covinous devices and practices shall or might be in any wise disturbed, hindered, delayed, or defrauded, to be clearly and utterly void; any pretense, color, feigned consideration, expressing of use, or any other matter or thing to the contrary notwithstanding.

8. Ralph L. Jackson's conveyance of the property violated this statute. Accordingly, the conveyance is void *ab initio* and must be set aside, and the Plaintiff is entitled to such other, additional and equitable relief to which the Court deems it entitled by law or equity.

9. Vivian M. Jackson took the conveyance from Ralph L. Jackson with actual notice or knowledge of the pending claims against her husband, Ralph L. Jackson, and she has acted in collusion with her husband and with the intent to delay, hinder and defraud the Plaintiff in the exercise of its rights under Mississippi law.

10. Vivian M. Jackson holds title to the aforementioned residential property subject to a constructive trust in favor and for the benefit of the Plaintiff.

11. If Vivian M. Jackson is permitted to convey, waste or encumber the property, the Plaintiff will suffer irreparable harm in that Ralph L. Jackson may be rendered insolvent and the Plaintiff will be left with no remedies at law and will be deprived of a means of satisfying any judgment rendered in its favor in the pending law suit against Ralph L. Jackson in the Circuit Court of DeSoto County, Mississippi styled SJ Welding & Industrial Supply versus Ralph L. Jackson, Cause No. CO97-0590.

12. Vivian M. Jackson must be enjoined, both temporarily and permanently from conveying, wasting, or encumbering the property in any way, in order to preserve the status quo pending the outcome of the Plaintiffs action against Ralph L. Jackson.

13. As the result of the fraudulent conveyance of the aforementioned residential property, the Plaintiff has had to initiate these proceedings to void and set aside the conveyance and to protect

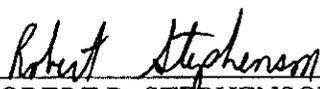
its interest, and it has incurred, and will incur attorney's fees and expenses, for which both the Defendants are liable.

WHEREFORE PREMISES CONSIDERED SJ Welding & Industrial Supply prays as follows:

1. For judgment setting aside Ralph L. Jackson and Vivian M. Jackson's conveyance of the residential property to Vivian M. Jackson, as being fraudulent and thus void *ab initio*;
2. For a temporary injunction and a permanent injunction restraining and enjoining Vivian M. Jackson, until further order of this Court, from conveying, wasting or encumbering the property;
3. For an expedited hearing on the Plaintiff's prayer for a temporary injunction;
4. For the Plaintiff's litigation expenses and reasonable attorney's fees;
5. For such other incidental and consequential damages as the Court deems sufficient to compensate the Plaintiff for the fraudulent conveyance;
6. For such other additional general and equitable relief to which the Court deems the Plaintiff entitled. This is the Plaintiff's first application for such extraordinary relief.

Respectfully Submitted,

LAW OFFICES OF WILLIAM P. MYERS
2564 HIGHWAY 51 SOUTH
HERNANDO, MS 38632
(601) 429-1994



ROBERT R. STEPHENSON, MB NO. 10772