

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

THE BANK OF NEW YORK, ACTING
SOLELY IN ITS CAPACITY AS TRUSTEE
FOR EQCC TRUST 2001-2

PLAINTIFF

VERSUS

NO. 03-5-811

DAVID M. TURNER AND MARY ANNETTE TURNER

DEFENDANTS

DEFAULT JUDGMENT CONFIRMING AND QUIETING TITLE

THIS CAUSE came on for hearing on the Plaintiff's Motion for Default Judgment and the Court, having considered said Motion, having considered the pleadings on file in the cause and otherwise being fully advised in the premises, finds that said Motion for Default Judgment is well-taken and should be granted, and does further find and order as follows:

1. Plaintiff filed a Complaint for Reformation on May 15, 2003, and thereafter an Amended Complaint For Reformation on August 14, 2003, requesting the Court to reform a Deed of Trust executed by David M. Turner and , which Deed of Trust erroneously described the property as being located in Section "A", rather than in Section "B", and Plaintiff desires the Court to reform the Deed of Trust to reflect that the true intent of the parties thereto was to describe the property as being located in Section "B".

2. That the Defendants, David M. Turner and Mary Annette Turner, are the owners of the following described property lying and being situated in DeSoto County, Mississippi, and being located at 2740 Shady Grove, Horn Lake, Mississippi, 38637 to-wit:

The land in DeSoto County, Mississippi, being more particularly described as follows:

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Lot 400, Section B, DeSoto Village Subdivision, Section 34, Township 1 South, Range 8 West, in DeSoto County, Mississippi as shown on plat of record in Plat Book 8, Pages 16-21, in the Office of the Chancery Clerk of DeSoto County, Mississippi, to which plat reference is made for a more particular description of said lot”.

3. In accordance with law, a Summons was issued for the Defendants, David M. Turner and Mary Annette Turner, Tina Isaacs Hunter, and Baptist Minor Medical Centers, Inc., of Mississippi, and a copy of the Amended Complaint was served upon Defendant, David M. Turner via personal service on August 19, 2003, upon Defendant Mary Annette Turner via personal service on August 18, 2003, upon Defendant Tina Hunter Isaacs via personal service on August 19, 2003, and upon Defendant, Baptist Minor Medical Centers, Inc. of Mississippi via personal service on August 25, 2003.

4. More than thirty (30) days have elapsed since the service of the Summons and Complaint on Defendants and the Defendants have failed to file an answer, any other responsive pleading, or otherwise defend with respect to the allegations of the Plaintiff's Complaint.

5. On December 10, 2003, the Plaintiff filed an application to the Clerk for Entry of Default against defendants, David M. Turner, Mary Annette Turner, and Tina Hunter Isaacs, along with Supporting Affidavit and Defendants' default was duly docketed and entered by the Clerk on December 10, 2003. On December 1, 2003, the Plaintiff filed an application to the Clerk for Entry of Default along with Supporting Affidavit against Defendant, Baptist Minor Medical Centers, Inc. and Defendant's default was duly docketed and entered by the Clerk on December 10, 2003. Plaintiff further filed a Motion for Default Judgment on March 1, 2004.

6. Since the entry of the above recited Docket of Entry of Default against the Defendants, no proceedings have been taken and Defendants are wholly in default in the premises.

IT IS ACCORDINGLY, ORDERED, ADJUDGED AND DECREED that Default Judgment is entered in favor of Plaintiff and against the Defendants, David M. Turner, Mary Annette Turner, Tina Hunter Issacs, and Baptist Minor Medical Centers of Mississippi, Inc. Said Deed of Trust dated February 10, 1999, and recorded in Book #1086 at Pages 539-545 of the records in the office of the Chancery Clerk of DeSoto County, Mississippi, is hereby reformed to reflect the true intent of the parties thereto to properly described the property as Lot 400, Section B.

SO ORDERED, ADJUDGED AND DECREED on this the 13th day of ~~March~~ ^{April}, 2004.

[Signature]
CHANCELLOR

PREPARED AND PRESENTED BY:

EMILY K. COURTEAU
Attorney for Plaintiff
2309 Oliver Road
Monroe, La. 71201
MSB #100570

STATE MS. - DESOTO CO. ^{SS}_{SS}

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CHANCEERY COURT
STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 30th day of April, 2004
W. E. Davis, Clerk of the chancery court
By J. [Signature] D.C.