

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

WELLS FARGO BANK, NA s/b/m to
WELLS FARGO HOME MORTGAGE, INC.
f/k/a NORWEST MORTGAGE, INC.

PLAINTIFF

v.

CAUSE NO. 10-10-2301

TRAVIS L. FAULKNER, OLAN L. FAULKNER and
GWENDOLYNE B. FAULKNER

DEFENDANTS

ORDER FOR REFORMATION
TO QUIET AND CONFIRM TITLE AND TO
AUTHORIZE POWER OF SALE FORECLOSURE

THIS DAY, this cause came on for hearing on Complaint for Reformation, to Quiet and Confirm Title and to Authorize Power of Sale Foreclosure of property located in DeSoto County, Mississippi. The Plaintiff filed their complaint and the Defendants subsequently joined in the complaint and executed and Joinder and Waiver. The Court does find as follows, to-wit

1. Defendant, Travis L. Faulkner, an adult resident citizen of DeSoto County, Mississippi, was served with personal service at his residence in Horn Lake, Mississippi. Upon receipt of service of process, Mr. Faulkner executed a Joinder and Waiver and thereby joined in the Complaint for Reformation to Quiet and Confirm Title and to Authorize Power of Sale Foreclosure.
2. Defendant, Olan L. Faulkner, an adult resident citizen of DeSoto County, Mississippi, was served with personal service at his residence in Horn Lake,

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W E DAVIS, CLERK

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McCannell*

Mississippi. Upon receipt of service of process, Mr. Faulkner executed a Joinder and Waiver and thereby joined in the Complaint for Reformation to Quiet and Confirm Title and to Authorize Power of Sale Foreclosure.

3. Olan L. Faulkner provided a death certificate for Gwendolyne B. Faulkner, who had no ownership interest in the property but who signed the Deed of Trust which is the subject of this reformation suit merely to convey any homestead interest she may have had by virtue of her marriage to Olan L. Faulkner.
4. That on the 5th day of January, 2000, Maxie D. Schrimsher and Angela W. Schrimsher, husband and wife, conveyed to the Defendants, Travis L. Faulkner, an unmarried man, and Olan L. Faulkner, a married man, via Warranty Deed the following described property lying and being situated in DeSoto County, Mississippi, and the subject matter and location of this action and as such venue and jurisdiction are proper. The property is more particularly described as follows:

Lot 2328, Section F, DeSoto Village Subdivision, in Section 33, Township 1 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 13, Pages 1-5, in the office of the Chancery Clerk of DeSoto County, Mississippi.

Said Warranty Deed was recorded on January 14, 2000, at 12:45 p.m. in the DeSoto County Chancery Clerk's land records in Book 0366 Page 0009.

5. That Travis L. Faulkner, an unmarried man, and Olan L. Faulkner, a married man, applied for a loan through Pulaski Mortgage and received the full sum of \$72,750.00 as evidenced by their execution of a promissory note in said amount to Pulaski Mortgage as payee.

6. That on January 5, 2000, Travis L. Faulkner, an unmarried man, and Olan L. Faulkner, a married man, joined by Gwendolyne B. Faulkner, executed a Deed of Trust to Arnold Weiss, Trustee, for the use and benefit of Pulaski Mortgage Company and/or Secretary of Housing and Urban Development of Washington D.C., their respective successors and assigns as their interest may appear as beneficiary, which Deed of Trust is on file and of record in the office of the Chancery Clerk of DeSoto County, Mississippi, in the Deed of Trust Record Book 1181 at Page 280. Said Deed of Trust contains an error in the legal description, as it incorrectly states the Lot number as 2238 and should state "Lot 2328." Said Deed of Trust was subsequently assigned to Norwest Mortgage, Inc. by instrument filed in the Deed of Trust Records in the office of the DeSoto County Chancery Clerk in Book 1200 at Page 47 on the 29th day of March 2000.
7. That in order to secure the prompt payment of the note described in the preceding paragraph 4, Travis L. Faulkner, an unmarried man, and Olan L. Faulkner, a married man, joined by Gwendolyne B. Faulkner, executed a Deed of Trust on January 5, 2000, for the ultimate use and benefit of Pulaski Mortgage Company and/or Secretary of Housing and Urban Development of Washington D.C., their respective successors and assigns as their interest may appear, said Deed of Trust being recorded on January 14, 2000, at 12:46 p.m. in the office of the Chancery Clerk of DeSoto County, Mississippi, in the Deed of Trust Record Book 1181 at Page 280. At the time of the subject loan, it was intended by all parties that Pulaski Mortgage Company and/or Secretary of Housing and Urban Development of Washington D.C., their respective successors and assigns as their interest may

appear, would obtain a good and valid first lien of the property referenced in Paragraph 3 above. Said deed of trust was assigned to Plaintiff via corporate assignment appearing in the aforesaid land records in Book 1200 at Page 47 as described in the preceding paragraph.

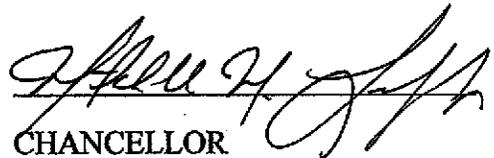
8. That due to a scrivener's error, the legal description of said Deed of Trust utilized an incorrect property description of a parcel located in DeSoto County, Mississippi, and should have described the property as set forth in Paragraph 3 above. That this Court hereby reforms the legal description of the subject Deed of Trust to reflect the correct property as set forth in Paragraph 3 above.
9. That the Plaintiff may proceed with a Power of Sale Foreclosure as contemplated in the Deed of Trust and to enforce the payment of indebtedness.
10. That the certain Deed of Trust be reformed as if such contained a correct legal description of the subject property.
11. That this court hereby orders that the Deed of Trust herein described is corrected of the aforementioned defects with this quieting any and all issues such as may cause unmarketability of title to the subject property, and does cure and perfect the lien of attached Deed of Trust against the subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

1. That this Court hereby reforms the Deed of Trust in question to include the correct legal description of the subject property as appears in the DeSoto County Chancery Clerk's land records in Book 0366 at Page 009 and affirms that Defendants had the legal right to encumber the subject property and said Deed of Trust in fact does encumber such interest;

2. This court orders this decree correcting the legal description of the Deed of Trust as if such contained the correct legal description as set forth above and that this order be spread across the land records of the Chancery Clerk of DeSoto County, Mississippi, thereby perfecting the valid first lien of Plaintiff, and granting Plaintiff the power of sale pursuant to the terms of the Deed of Trust; and

So Ordered, this the 21st day of October, 2010.


CHANCELLOR

Submitted by:

Rhonda M. Landrum, MSB 10523

Baskin, McCarroll, McCaskill, Aldridge & Campbell, P.A.

P. O. Box 190

Southaven, MS 38671

662-349-0664

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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 21st day of October, 2010
W.E. Davis, Clerk of the Chancery court