

12/08/11 11:23:41  
DK W BK 671 PG 69  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

SS  
SS  
12/08/11 11:24:18  
DK T BK 3,376 PG 263  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

This Instrument Prepared By and Return To:  
Eric L. Sappenfield, PLLC, MS Bar #6468  
*ew* 6858 Swinnea Road, 5 Rutland Place  
Southaven, MS 38671  
662-349-3436

ORDER

INDEXING INSTRUCTIONS:

Lots 2 and 3, Virginia's Pointe Subdivision, located in Section 10, Township 2 South,  
Range 6 West, as recorded in Plat Book 28, Page 48 of the Chancery Clerk's Office of  
DeSoto County, Mississippi.

IN THE CHANCERY COURT OF DESOTO COUNTY MISSISSIPPI

HERITAGE BANK

PLAINTIFF

vs.

CAUSE NO. 10-07-1540

DAVID FLAGG, SUMI FLAGG,  
LARRY D. KELLETT, JOAN KELLETT,  
DAVID CROWELL, SHANNA L.  
CROWELL, AND MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC., AS NOMINEE FOR  
PULASKI MORTGAGE COMPANY N/K/A  
IBERIABANK MORTGAGE COMPANY AND  
ALL INTERESTED PARTIES IN THE  
PROPERTY DESCRIBED HEREIN

DEFENDANTS

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ORDER

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This matter came upon the Petition of Heritage Bank for Approval of Settlement by and between BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. and Heritage Bank and upon it's the Plaintiff's Complaint for Judicial Foreclosure and the Court considering the same finds that the Petition is well taken and should be granted and further finds:

1. That Default has been entered into by and against the Defendants David Flagg on October 5, 2010, Sumi Flagg on October 18, 2010, Larry D. Kellett on October 18, 2010, Joan Kellett on October 18, 2010, David Crowell on October 5, 2010, Shanna L. Crowell on October 25, 2010.
2. That the Defendant, BAC Home Loans Servicing, L.P. f/k/a Countrywide

**FILED**

NOV 28 2011

W E DAVIS, CLERK

Home Loan Servicing, L.P., filed its Answers and Defenses of BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. with Counterclaim for Declaratory Judgment and Other Relief on or about December 15, 2010.

3. Heritage Bank and BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. have compromised and settled their claims thereto.

4. That Proof of Summons of Publication has been filed in this Cause.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that the allegations contained in the Complaint against the Defendant, BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. as it relates to Lot 3, Virginia's Pointe Subdivision are hereby dismissed with prejudice as the Parties having entered into a Full, Final and Absolute Release and a separate Subordination Agreement subordinating the rights of Heritage Bank as it relates to Lot 3 Virginia's Pointe Subdivision unto the Defendant, BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the allegations contained in the Counterclaim as enumerated in the Answers and Defenses of BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. as they relate to the Plaintiff, Heritage Bank are hereby dismissed with prejudice.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the legal descriptions for the Warranty Deed contained in Book 271, Page 658 the amended and reformed to:

Lot 2, Virginia's Pointe Subdivision, located in Section 10, Township 2 South, Range 6 West, as recorded in Plat Book 28, Page 48 of the Chancery Clerk's Office of DeSoto County, Mississippi.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the legal descriptions for the Warranty Deed contained in Book 252, Page 789 the amended and reformed to:

Lot 3, Virginia's Pointe Subdivision, located in Section 10, Township 2 South, Range 6 West, as recorded in Plat Book 28, Page 48 of the Chancery Clerk's Office of DeSoto County, Mississippi.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the legal description contained in Deed of Trust Book 2764, Page 111 be amended and reformed to:

Lot 3, Virginia's Pointe Subdivision, located in Section 10, Township 2 South, Range 6 West, as recorded in Plat Book 28, Page 48 of the Chancery Clerk's Office of DeSoto County, Mississippi.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Eric L. Sappenfield shall be appointed Special Commissioner on behalf of Heritage Bank to conduct a foreclosure of the property described as:

Lot 2, Virginia's Pointe Subdivision, located in Section 10, Township 2 South, Range 6 West, as recorded in Plat Book 28, Page 48 of the Chancery Clerk's Office of DeSoto County, Mississippi.

as reformed herein pursuant to Section 89-1-55 of the Mississippi Code Annotated, 1972 as amended and upon completion thereof file a Petition to confirm said sale;

IT IS FURTHER ORDERED ADJUDGED AND DECREED that a copy of this Order shall be filed in the land records of the Chancery Clerk of DeSoto County, Mississippi.

ORDERED ADJUDGED AND DECREED this the \_\_\_\_ day of \_\_\_\_\_

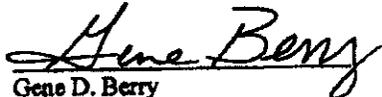
2011.

\_\_\_\_\_  
CHANCELLOR

Agreed to:

SEE NEXT PAGE FOR SIGNATURES

\_\_\_\_\_  
Eric L. Sappenfield, PLLC  
Attorney for Plaintiff  
6858 Swinnea Road  
5 Rutland Place  
Southaven, MS 38671  
662-349-3436  
MS Bar #6468

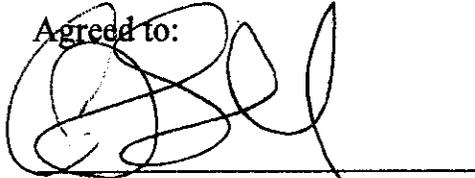
  
Gene D. Berry  
Attorney for Defendant  
PO Box 1631  
920 Ebenezer Blvd., Ste C (39110)  
Madison, MS 39130  
601-898-0142  
MS Bar #2459

ORDERED ADJUDGED AND DECREED this the 28<sup>th</sup> day of November,

2011.

Vicki B. Cobb  
CHANCELLOR

Agreed to:



Eric L. Sappenfield, PLLC  
Attorney for Plaintiff  
6858 Swinnea Road  
5 Rutland Place  
Southaven, MS 38671  
662-349-3436  
MS Bar #6468

(see previous page)

Gene D. Berry  
Attorney for Defendant  
PO Box 1631  
920 Ebenezer Blvd., Ste C (39110)  
Madison, MS 39130  
601-898-0142  
MS Bar #2459

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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 28 day of November, 20 11  
W.E. Davis, Clerk of the Chancery Court  
By W. E. Davis D.C.