

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

U.S. BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE ON BEHALF OF CONSECO FINANCE  
HOME EQUITY LOAN TRUST 2001-C

PLAINTIFF

VS.

CIVIL ACTION NO. 12-cv-00276

HEIRS AT LAW OF BETTY R. HOBBS, DECEASED,  
DEBORAH LONG, LANI RENKEL, JERRY D.  
BURNETTE AND KAREN R. BURNETTE

DEFENDANTS

**FINAL JUDGMENT REFORMING DEED OF TRUST**

This cause having come on to be heard on the Complaint of U.S. Bank, National Association, as Trustee on Behalf of Conseco Finance Home Equity Loan Trust 2001-C ("Plaintiff"), the lender, for Reformation of a Deed of Trust against the Heirs at Law of Betty R. Hobbs, Deceased, Deborah Long, Lani Renkel, Jerry D. Burnette and Karen R. Burnette ("Defendants"), and the Court having considered the Complaint, and finding that the Defendants were properly served with process and failed to respond to the Complaint, and the Court being of the opinion that Plaintiff is entitled to the relief requested in the Complaint, hereby finds as follows:

**PARTIES**

1. Plaintiff is U.S. Bank, National Association, as Trustee on Behalf of Conseco Finance Home Equity Loan Trust 2001-C.
2. Defendant, Deborah Long, is an adult resident citizen of the State of Mississippi, was served with process on March 22, 2012, as shown by the return of service filed herein.
3. Defendant, Lani Renkel, is an adult resident citizen of the State of Mississippi, was served with process on March 22, 2012, as shown by the return of service filed herein.

**FILED**  
**JUN 27 2012**  
W E DAVIS, CLERK

*see  
last page*

5

4. Defendant, Jerry D. Burnette, is an adult resident citizen of the State of Mississippi, was served with process on March 22, 2012, as shown by the return of service filed herein.

5. Defendant, Karen R. Burnette, is an adult resident citizen of the State of Mississippi, was served with process on March 22, 2012, as shown by the return of service filed herein.

6. Based on information and belief Betty R. Hobbs departed this life on May 25, 2010. The heirs at law are Deborah Long, Lani Renkel, Jerry D. Burnette and Karen R. Burnette.

7. Any Unknown Heirs at Law of Betty R. Hobbs are unknown to Plaintiff and are not found after diligent inquiry, and the post office addresses are unknown to Plaintiff after diligent inquiry. Such Unknown Heirs were served with process by publication pursuant to Rule 4, MRCP, as shown by the return filed herein, in the Desoto Times-Tribune on May 17, May 24, and May 31, 2012.

8. More than thirty (30) days have elapsed since Defendants were served with process. No Answers or Defenses have been filed in this matter. Defendants, Jerry D. Burnette and Lani Renkel, submitted a letter stating that they would not be responsible for the debts of their mother, Betty Hobbs, but have not served any defense or objection to the Complaint for Reformation.

9. The Chancery Court of Desoto County, Mississippi, is the proper venue for this action since it involves title to land lying and being situated in Desoto County, Mississippi, and further involves legal instruments recorded in the office of the Chancery Clerk of Desoto County, Mississippi.

10. Desoto County, Mississippi Court has personal jurisdiction over the parties to this civil action, as well as subject matter jurisdiction.

11. By Warranty Deed dated July 22, 1999, Betty R. Hobbs became vested with fee simple title to a parcel of real property commonly known as 4861 Pecan Road, Horn Lake, MS 38680, and being more particularly described as follows:

One acre lying and being in the Northwest quarter of Section 32, Township 1, Range 8 West, DeSoto County, Mississippi, more particularly described as beginning at a point 1,906.2 feet west of the Southeast corner of the Northwest Quarter of said Section 32, said point being the southwest corner of the Van Vulpen tract, and the southeast corner of the S.N. Gilland 2 ½ acre tract; thence North along the east line of the Gilland tract and distance of 432 feet to a point in the south right of way of Pecan Avenue; thence east along the south right of way of Pecan Avenue a distance of 101 feet more or less to a point; thence south and parallel to the east line of the Gilland tract a distance of 432 feet to a point in the south line of the Northwest Quarter of said Section 32, thence west 101 feet more or less to the point of beginning, and containing exactly one acre.

12. Said deed was filed for record in the office of the Chancery Clerk of Desoto County, Mississippi, on July 23, 1999, and recorded in Book 0356, Page 179. A copy of said deed was attached as Exhibit "A" to the Amended Complaint.

13. On May 16, 2001, Betty R. Hobbs executed and delivered a Deed of Trust in favor of Conseco Bank, Inc.

14. Said Deed of Trust was given to secure a promissory note in the sum of One Hundred Four Thousand and No/100 Dollars (\$104,000.00).

15. Said Deed of Trust was filed for record in the office of the Chancery Clerk of Desoto County, Mississippi, and recorded on July 5, 2001, in Book 1351 at Page 161. A copy of said Deed of Trust was attached as Exhibit "B" to the Amended Complaint.

16. Through inadvertence, scrivener's error, omission and mutual mistake, a mistake was made in preparing said Deed of Trust. The scrivener failed to include the correct and complete legal description set forth in paragraph 11 above.

17. The Deed of Trust attached as Exhibit "B" to the Amended Complaint should be reformed to include the description contained in Paragraph 11 hereof.

18. Defendants will not be harmed by the reformation of the Deed of Trust to include the real property description in the Deed of Trust, as that was the intent of the parties to the instrument.

19. The Deed of Trust was assigned to Plaintiff. (Exhibit "C" to the Amended Complaint).

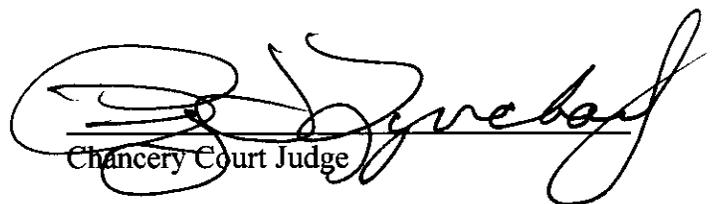
20. The Plaintiff has no adequate remedy at law.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows:

A) Plaintiff has a Deed of Trust on the Subject Property and the Deed of Trust recorded at Book 1351, Page 161, is hereby reformed to include the correct legal description of the Subject Property as set forth in paragraph 11 of this Judgment.

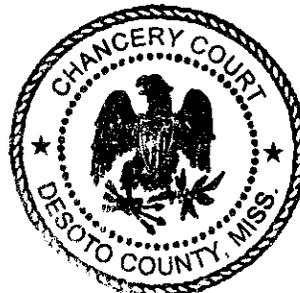
B) The Clerk of this Court is hereby ordered and directed to record a copy of this Final Judgment in the land records, to index same under the legal description set forth in paragraph 11 of this Final Judgment, and to make a marginal notation of this Final Judgment on the Deed of Trust recorded at Book 1351, Page 161.

SO ORDERED AND ADJUDGED, this the 27<sup>th</sup> day of June, 2012.

  
Chancery Court Judge

SUBMITTED BY:

Gene D. Berry, PLLC ✱  
MSB No. 2459  
920 Ebenezer Blvd., Suite C (39110)  
P.O. Box 1631  
Madison, MS 39130  
(601) 898-0142 - Telephone  
(601) 898-0144 - Facsimile



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 27<sup>th</sup> day of June, 2012  
By W.E. Davis, Clerk of the Chancery Court  
S. Patrick D.C.

5