

IN THE CHANCERY COURT OF DE SOTO COUNTY, MISSISSIPPI  
IN VACATION, 1976

ELMER PARKS, ET AL,  
PETITIONERS.

VS.

NO. 76-28

EX PARTE

DECREE APPROVING AND CONFIRMING DIVISION IN KIND OF LANDS  
OF BESSIE PARKS AND HUSBAND, MILTON PARKS, BOTH DECEASED.

This cause came on this day to be heard before the undersigned Chancellor of the Chancery Court of DeSoto County, Mississippi, In Vacation, upon the sworn Petition of Elmer Parks, David Parks, Lucious Parks, James Parks, Dorothy Brown, Mildred Rayford, Milton Parks, Jr. Isiah Parks, Patricia Parker, and Hubert Parks, all adults, and Ruthell Sims, a minor, now 19 years of age, Marvin Sims, a minor, now 17 years of age, and Debra Kay Sims, a minor, now 15 years of age, and with said three minors all being non-residents of the State of Mississippi, each without a legal guardian, and each of whom sue by their father, and only living parent, Buck Sims, as next friend, praying for approval of a division in kind of lands, and proof.

And it appearing to the Court, as follows, to-wit:

That in Bessie Parks and husband, Milton Parks, being the parents of Petitioners, except being the grand-parents of said last five named Petitioners, is the common source of title of the lands involved, with the said Bessie Parks owning a tract of lands containing 17-1/7 acres, situated in Section 32, Township 1, Range 7 West, DeSoto County, Mississippi, and which tract is described as follows, to-wit:

The South 17-1/7 acres of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West, which tract of land is 2640 feet long in an East and West direction and 282 feet wide in a North and South direction, and is subject to the existing easement for Tchulahoma Public Road on the East side of said lands.

And with the said Bessie Parks and husband, Milton Parks, owning as tenants in common, their two acre home place situated in Section Twenty (20), Township One (1), Range Seven (7) West, DeSoto County, Mississippi, and with said two acres being more particularly described as follows, to-wit:

Two (2) acres, situated in the Southwest corner of the Northwest Quarter of Section 20, Township 1, Range 7 West, described by metes and bounds as follows: Beginning at the Southwest corner of said Quarter Section; thence East 4.475 chains to a point; thence North 4.475 chains to a point; thence West 4.475 chains to a point; thence South 4.475 chains to the point of beginning, and being subject to the existing easement for Swinnee Public Road on the West side of said lands.

That the said Bessie Parks died intestate in November, 1967, leaving surviving her as her sole heirs at law, her said husband, Milton Parks, eight children, being the aforementioned Elmer Parks, David Parks, Lucious Parks, James Parks, Dorothy Brown, Mildred Rayford, Milton Parks, Jr., and Isiah Parks, and five grand-children, being the said

Patricia Parker, Hubert Parks, Ruthell Sims, Marvin Sims, and Debra Kay Sims, who are the children of Mahalia Sims, a daughter of the said Bessie Parks and said Milton Parks, and who pre-deceased both of her said parents, she dying in 1959, and which made ten main distributive shares of said Bessie Parks estate.

That the said Milton Parks, a widower, died intestate in July, 1968, leaving surviving him as his sole heirs at law the said ~~some~~ eight children and the said ~~same~~ five grandchildren, all as <sup>main</sup> ~~named~~, and making nine/distributive shares of his estate.

That therefore under the aforementioned dereliction, each of the said eight children of the said Bessie Parks and Milton Parks, both deceased, own an undivided one/ninth interest and the aforementioned five grandchildren of said Parks' deceased own among them an undivided one/ninth interest, all in and to the ~~fore~~described two tracts of lands totally 19-1/7 acres, with all of said ownership being as tenants in common and each with the right of possession to their respective interests.

That said Petitioners do not desire to sell their parents' lands, but desire for it to remain in the family and they have made an agreed and harmonious division in kind among them as to their respective undivided interests in all of said lands, and under which agreement, Isiah Parks is to receive as his separate and individual lands the two acre home place situated in Section 20, Township 1, Range 7 West, and in order to divide the 17-1/7 acre tract, Petitioners caused Vernon Ferrell Melton, Land Surveyor, to divide the same into eight equal shares of 2.14 acres each, with each share or lot being 330 feet long in an east and west direction and 282 feet wide in a North and South direction, with said Surveyor having numbered said lots from 1 to 8, consecutively, starting on Tchulahoma Road on the East and running West, and with said Surveyor having also provided for a 20 foot wide strip of land across the North side of each of said lots as a right of way and easement for each of said lots to have access to said Tchulahoma Road on the East side of said tract, with a copy of said Surveyors plat being attached to said Petition and showing the respective lots that Petitioners have respectively agreed upon, and which Plat the Court has examined, and with the Petition of Petitioners also showing the metes and bounds descriptions of their respective parcels they have agreed upon and have allotted to themselves as their respective shares.

And it appearing further to the Court that under the provisions of Sections 11-21-3, 11-21-5, and 11-21-7, of Volume 3 of the Mississippi Code of 1972 the Petitioners are entitled to have this division in kind of their lands and that in order to make the same final and conclusive as to all parties concerned, the said Ruthell Sims, Marvin Sims, and Debra Kay Sims, all minors, have joined in said Petition, suing by their father, Buck Sims, as next friend, and that all necessary and interested parties are properly before the Court.

And it appearing further to the Court that said agreed division is a fair, just, and equitable division to all parties concerned and that it will promote the best interests of all parties concerned for the same to be approved by this Court and will fulfill their desires for their parents lands to remain in the family.

IT IS THEREFORE NOW ORDERED, that the aforementioned agreed division in kind be and the same is now hereby approved and confirmed and that all right, title, and interest of the other parties to this suit be divested out of them and the same is hereby vested in the respective parties, absolutely in fee simple, to their respective lands, as follows, to-wit:

TO ISIAH PARKS: The two acre home place, allotted to him, situated in Section 20, Township 1, Range 7 West, DeSoto County, Mississippi, described as follows, to-wit:

Two (2) acres, situated in the Southwest corner of the Northwest Quarter of Section 20, Township 1, Range 7 West, described by metes and bounds, as follows, to-wit: Beginning at the Southwest corner of said Quarter Section; thence East 4.475 chains to a point; thence North 4.475 chains to a point; thence West 4.475 chains to a point; thence South 4.475 chains to the point of beginning, and SUBJECT TO the existing easement for Swineas Road on the West side of said lands.

(And with the division of the 17-1/7 acres situated in Section 32, Township 1, Range 7 West, DeSoto County, Mississippi, being as follows, to-wit:)

STARTING FROM THE EAST:

TO ELMER PARKS; TRACT ONE allotted to him, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West, and being in the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning; SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 1 for purposes of ingress and egress for the lots lying West of said Lot No. 1 to reach Tchulahoma Road, and subject also to the right of way for Tchulahoma Road on the East side of said lands.

TO DAVID PARKS: TRACT TWO allotted to him, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 330 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 2 for purposes of ingress and egress for the lots lying West of said Lot 2 to reach Tchulahoma Road.

TO LUCIOUS PARKS: TRACT THREE allotted to him, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 660 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 3 for purposes of ingress and egress for the lots lying West of said Lot 3 to reach Tchulahoma Road.

TO JAMES PARKS: TRACT FOUR allotted to him, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 990 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 4 for purposes of ingress and egress for the lots lying West of said Lot 4 to reach Tchulahoma Road.

TO DOROTHY BROWN: TRACT FIVE, allotted to her, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 1320 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 5 for purposes of ingress and egress for the lots lying West of said Lot 5 to reach Tchulahoma Road.

TO PATRICIA PARKER, HUBERT PARKS, (both adults), AND RUTHELL SIMS, MARVIN SIMS, AND DEBRA KAY SIMS (all minors) TRACT SIX allotted to them, share and share alike, containing 2.14 acres and described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 1650 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 6 for purposes of ingress and egress for the lots lying West of said Lot 6 to reach Tchulahoma Road.

TO MILDRED RAYFORD, TRACT SEVEN, allotted to her, containing 2.14 acres, described as follows: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 1480 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning, SUBJECT HOWEVER to a 20 foot right of way and easement across the North side of said Lot 7 for purposes of ingress and egress for the lot lying West of said Lot 7 to reach Tchulahoma Road.

TO MILTON PARKS, JR., TRACT EIGHT, allotted to him, containing 2.14 acres described as follows, to-wit: Beginning at a point on the South line of the North Half of the Southeast Quarter of Section Thirty Two (32), Township One (1), Range Seven (7) West that is 2310 feet West of the center line of Tchulahoma Road; thence West 330 feet to a point; thence North 282 feet to a point; thence East 330 feet to a point; thence South 282 feet to the point of beginning.

AND IT IS FURTHER ORDERED that this decree be recorded in the deed records of DeSoto County, Mississippi, in accordance with the statutes in such cases made and provided.

ORDERED, ADJUDGED, AND DECREED by the undersigned Chancellor of the Chancery Court of DeSoto County, Mississippi, In Vacation, this the 29 day of January, 1976.

*J. M. ...*  
CHANCELLOR

STATE OF MISSISSIPPI, DESOTO COUNTY

I certify that the within instrument was filed for record at 4 o'clock 35 minutes P. M. 29 day of January, 1976, and that the same has been recorded in Book 122 Page 542 records of WARRANTY DEED of said County.

Witness my hand and seal this the 30 day of January, 1976

Fees \$ 5.50 pd.

SEAL *H. R. ...* CLERK