

J-552

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

DORIS F. TROUTT,

PLAINTIFF

VS.

NO. 86-2-86

WILLMEN KWOK,
BARBARA ANN KWOK,
STATE OF MISSISSIPPI AND
ALL UNKNOWN PERSONS HAVING
OR CLAIMING ANY INTEREST IN THE REAL
PROPERTY DESCRIBED HEREIN,
WILLIAM H. AUSTIN, JR.,
JOSEPH G. AUSTIN,
GEORGE B. READY, TRUSTEE AND
FIRST NATIONAL BANK OF DESOTO COUNTY,

DEFENDANTS

FINAL DECREE

This cause came on this day to be heard on the filed, verified Complaint To Confirm And Quite Tax Title Pursuant to Section 11-17-1 And Section 11-17-3 Of The Mississippi Code Of 1972, Annotated filed in this cause by the Plaintiff and the court being fully advised in the premises doth find and adjudicate as follows:

That the Defendants, Willmen Kwok, Barbara Ann Kwok and all unknown Persons having or claiming any legal or equitable interest in and to the real property hereinafter described are properly before this court upon publication of summons as provided by Rule 4 of the Mississippi Rules of Civil Procedure.

That the Defendants William H. Austin, Jr., Joseph G. Austin, George B. Ready, Trustee and First National Bank of DeSoto County are properly before this court on their individual filed, verified waiver of process.

That the Defendant, State of Mississippi, is properly before this court upon personal service of process on the Honorable Edwin Lloyd Pittman, Attorney General of the State of Mississippi, said service of process being pursuant to Section 11-17-3 of the Mississippi Code of 1972, Annotated. That the State of Mississippi has filed in this cause an answer admitting the averments of the Complaint and admitting that the Plaintiff has the right to request the court to grant the prayer of the Complaint should the court determine on a hearing thereof that

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H. G. FERGUSON, CLERK
BY J. Kirk D.C.

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said relief is to be granted. That the State of Mississippi in its answer agreed that the cause might be heard at any time either in term time or vacation agreeable to the Plaintiff and the court. That other than the answer of the State of Mississippi filed in this cause no other answer or response has been filed in this cause by any other defendants.

That the Plaintiff is the owner in fee simple of lands located in DeSoto County, Mississippi and described as follows:

Lot 359 in Section 19, Township 3, Range 9 and being more particularly described as: Lot 359 in Section 8 of Lake O' the Hills Subdivision, as shown on plat appearing of record in Plat Book 2, Pages 35-36 in the Chancery Court Clerk's Office of DeSoto County, Mississippi to which recorded plat reference is made for a more particular description. Said lot being situated in Section 19, Township 3, Range 9 West.

That the Plaintiff is the owner in fee simple of said land by virtue of that certain Forfeited Tax Land Patent issued by the State of Mississippi on the 13th day of March, 1985 and of record in Deed Book 177 at Page 40 of the land deed records of DeSoto County, Mississippi. That a true and correct copy of said patent was attached as Exhibit "A" to the Complaint.

That the State of Mississippi became the owner of said property by virtue of a tax sale conducted on the 20th day of September, 1976 at which time said property was purchased by the State of Mississippi. That a true and correct certified copy of the list of tax sales to the State of Mississippi on the 20th day of September, 1976 was attached as Exhibit "B" to the Complaint. That at the time of said tax sale the record owner of said real property as reflected by the deed records of DeSoto County, Mississippi maintained in the Office of the Chancery Court Clerk of DeSoto County, Mississippi was the said Willmen Kwok and wife, Barbara Ann Kwok by virtue of a deed of record in Deed Book 62, Page 145 in said office. That said lands were originally granted and patented by the United States of America to the Indian Ishe-e-tubby on the 7th day of May, 1836 and said patent being now of record in Book 184, Page 57 of the deed records of DeSoto County, Mississippi in the Office of the Chancery Court Clerk of said County and State and to which reference is hereby made.

That as stated aforesaid said land was initially patented from the United States Government more than 75 years prior to her deed and the Plaintiff derains her title for the past sixty years as follows:

1. Warranty Deed from Sallie E. Branan and O. F. Branan conveying their undivided $\frac{1}{2}$ interest to W. F. Couch, dated 2/24/16, filed at 7:20 a.m., 3/16/16, of record in Deed Book 18, at page 414.
2. Warranty Deed from Carrie Couch conveying her undivided $\frac{1}{2}$ interest to W. F. Couch, dated 11/5/17, filed at 1:10 p.m., 12/24/17, of record in Deed Book 17, at page 563.
3. Warranty Deed from W. F. Couch to A. M. Austin, Jr., and J. W. Ramsay dated 11/20/35, filed at 8:00 a.m., 11/22/35, of record in Deed Book 24, at page 492.
4. Quit Claim Deed from J. W. Ramsay and A. M. Austin, Jr., to Ramsay-Austin Planting Company, Inc., a Mississippi corporation, dated 2/5/47, filed at 1:20 p.m., 3/11/47, of record in Deed Book 35, at page 97.
5. Warranty Deed from Ramsay-Austin Planting Company, Inc., a Mississippi corporation, to W. H. Austin, dated 5/26/47, filed at 3:45 p.m., 6/11/47, of record in Deed Book 35, at page 187.
6. Warranty Deed from W. H. Austin, a/k/a William Hoyte Austin, a/k/a Hoyte Austin, and wife, Josephine G. Austin, a/k/a Josephine Gerard Austin, to Guy G. Snipes and wife, Eola C. Snipes, dated 12/18/57, filed at 3:45 p.m., 1/29/58, of record in Deed Book 44, at page 405.
7. Warranty Deed from Guy G. Snipes and wife, Eola C. Snipes, to Walkem Development Company, Inc., a Tennessee corporation, dated 12/28/59, filed at 10:30 a.m., 1/12/60, of record in Deed Book 47, at page 415.
8. Warranty Deed from Walkem Development Co, Inc., a Tennessee corporation to Walkem Development Co. of Mississippi, Inc., a Mississippi corporation, dated 8/4/61, filed at 4:30 p.m., 8/10/61, of record in Deed Book 51, at page 125.
9. Warranty Deed from Walkem Development Co. of Mississippi, Inc., a Mississippi corporation, to Willmen Kwok and wife, Barbara Ann Kwok (CONVEYING LOT 359 ONLY), dated 5/28/65, filed at 4:00 p.m., 6/4/65, of record in Deed Book 62, at page 145.

10. Forfeited Tax Land Patent from The State of Mississippi to Doris F. Troutt dated 3/13/85, filed at 11:30 a.m., 3/18/85, of record in Deed Book 177, at page 40 (CONVEYING LOT 359 ONLY).

That on the 20th day of September, 1976 the aforesaid real property was sold by the Tax Collector of said County for the taxes thereon due for the year 1975 when the State of Mississippi became the Purchaser thereof; and thereupon in the manner and within the time required by law the said State of Mississippi executed to the Plaintiff an official Forfeited Tax Land Patent in the usual legal form for said land, and that more than two years has passed since the sale of said real property and the same remains unredeemed and thereafter State of Mississippi caused to be delivered to the said Plaintiff the aforesaid Forfeited Tax Land Patent.

That the description of the real property purchased by Plaintiff from the State of Mississippi in the aforesaid Forfeited Tax Land patent is described as follows:

Lot 359, Section 19, Township 3, Range 9, DeSoto County, Mississippi.

That the only Lot 359 in said Section 19, Township 3, Range 9 West at the time of the sale was Lot 359 in Section B of Lake 0' The Hills Subdivision and accordingly the better and more definite description of said property is as follows:

Lot 359 in Section B of Lake 0' The Hills Subdivision, as shown on plat appearing of record in Plat Book 2, Pages 35-36 in the Chancery Court Clerk's Office of DeSoto County, Mississippi to which recorded plat reference is made for a more particular description. Said lot being situated in Section 19, Township 3, Range 9 West.

That the Court finds and adjudicates after due investigation based upon available records, assessments roles and deed records that said property as described in said Forfeited Tax Land Patent is more correctly described as hereinabove stated and that title to said land shall be confirmed in the Plaintiff as herein corrected.

That the relief prayed for in said Complaint should be granted, Wherefore Premises Considered:

It is hereby Ordered, Adjudged and Decreed thatthe tax title

in Doris F. Troutt to Lot 359 in Section B of Lake O' The Hills Subdivision as shown on plat appearing of record in Plat Book 2, Pages 35-36 in the Chancery Court Clerk's Office of DeSoto County, Mississippi to which recorded plat reference is made for a more particular description. Said lot being situated in Section 19, Township 3, Range 9 West, is hereby confirmed against all named Defendants herein, all unknown persons having or claiming any legal or equitable interest in and to said real property and against all persons claiming to hold the land by title existing at the time of the sale for taxes on September 20, 1976 and that the said Doris F. Troutt, be and she is hereby vested with a good and sufficient title to said real estate in fee simple subject to that certain Deed of Trust given and granted to the First National Bank of DeSoto County and of record in Deed of Trust Book 348, Page 231 in the land records of DeSoto County, Mississippi maintained in the Office of the Chancery Court Clerk of said County and State and further subject to that certain reservation of one-half (1/2) of all oil, gas and mineral rights retained by W. H. Austin and wife, Josephine G. Austin and as reflected in Deed Book 44, at Page 405 of the land records of DeSoto County, Mississippi, maintained in the office of the Chancery Court Clerk of said County and State.

It is further Ordered, Adjudged and Decreed that the Chancery Clerk of DeSoto County, Mississippi shall cause a certified copy of this Decree to be recorded in the land deed records of DeSoto County, Mississippi.

SO ORDERED, ADJUDGED AND DECREED on this the 11th day of March, 1986.

J. E. Hannaford, Sr.
CHANCELLOR

STATE OF MISSISSIPPI,
DESOTO COUNTY.

I, H. G. Ferguson, Clerk of the Chancery Court in and for said county and state, hereby certify that the foregoing is a true and correct copy of the Final Decree as the same appears on file or of record in Book 95 Page 449 of the records of DeSoto County, Mississippi.

Witness my hand and official seal this the 19th day of March 1986

H. G. Ferguson
Chancery Clerk, DeSoto County, Mississippi
By *J. Kirk D.C.*

Filed @ 9:30 AM, March 19, 1986
Recorded in Book 185 Page 353
H. G. Ferguson, Clerk