

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION PETITIONER
VS. CIVIL ACTION NO. 8248
B. M. McLEMORE, ET AL DEFENDANTS

AGREED ORDER GRANTING PETITIONER RIGHT OF
IMMEDIATE TITLE AND POSSESSION

THIS day this cause having come on to be heard on the Motion, ore tenus, of the Petitioner, Mississippi Transportation Commission, for an Order Granting said Petitioner the right of immediate title and possession and entry upon the land sought to be condemned and described in Exhibit A attached hereto and incorporated herein, and the Court having been advised that all the parties, Mississippi Transportation Commission, Petitioner, and B. M. McLemore and wife, Jackie McLemore, Owners; Bank of Mississippi, Beneficiary; D. B. Bridgforth, Jr., Trustee; and, Meramec Specialty Company, Lessee, agree to the entry of this Order and to the deposit of the sum of \$684,900.00, in lieu of a sum to be determined by a court appointed appraiser, which is hereby waived by all parties; and the Court having considered the same finds that said Motion is well taken and, pursuant to agreement, Petitioner is entitled to immediate title to and possession and entry upon the land described in Exhibit A attached hereto upon the conditions below.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Petitioner, Mississippi Transportation Commission, be and it is hereby granted the right of immediate title and possession and entry upon the lands sought to be condemned as described in Exhibit A attached

FILED 14TH DAY OF Oct, 1993

Jeanette B. Martin
CIRCUIT COURT CLERK, DESOTO COUNTY, MISS.

hereto and in the Petition filed herein, provided only that said Petitioner first deposit with the clerk of this court the sum of \$684,900.00 as provided by § 11-25-85, as amended, Mississippi Code of 1972 Annotated.

It is further ordered that defendant shall move from and vacate the property, described in Exhibit "A" on or before January 1, 1994, in compliance with Miss. Code Ann. §11-27-85.

SO ORDERED AND ADJUDGED, this the 14TH day of October, 1993.

Miley S. Bulbee
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

APPROVED AS TO FORM AND ENTRY:

Taylor D. Buntin, III
TAYLOR D. BUNTIN, III
Attorney for B. M. McLemore and Jackie McLemore

Taylor D. Buntin, III
TAYLOR D. BUNTIN, III
Attorney for Meramec Specialty Company

Frank A. Riley
FRANK A. RILEY, Attorney for Bank of Mississippi and D. B. Bridgforth, Jr.

LEWIS & LEWIS, P. A.

By: *Pauline Shuler Lewis*
PAULINE SHULER LEWIS
Attorney for Mississippi Transportation Commission

STATE OF MISSISSIPPI:
DE SOTO COUNTY
I, Jeannette B. Martin, Clerk of the Circuit Court in and for said county and state, hereby certify that the foregoing is a true and correct copy of the Order as same appears on file or of record in Book 263 Page 307 of the Records of DeSoto County, Mississippi.
Witness my hand and official seal this 14th day of October, 1993.
Jeannette B. Martin
Circuit Clerk, DeSoto County, Mississippi

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MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

CIVIL ACTION NO. 8248

B. M. MCLEMORE, ET AL

DEFENDANTS

EXHIBIT "A"

All of the following excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.

TOWNSHIP 1 SOUTH, RANGE 7 WEST, SECTION 28

Begin at the point of intersection of the Western line of Defendants property with the present Northern right-of-way line of Mississippi Highway No. 302, said point of intersection is 45.8 feet North of and 457.1 feet West of the Southeast corner of Section 28, Township 1 South, Range 7 West; from said point of beginning run thence North 00° 16' West along said Western property line, a distance of 46.4 feet to the proposed Northern right-of-way line of a proposed highway project, being known and designated as Federal Aid Project No. 19-0021-01-018-10, being a segment of Mississippi Highway No. 302; thence South 87° 01' East along said proposed right-of-way line, a distance of 123.9 feet to a point hereby designated Point "A" for future reference; thence South 87° 01' East along said proposed right-of-way line, a distance of 55.0 feet; thence North 64° 53' East along said proposed right-of-way line, a distance of 224.4 feet to a point hereby designated Point "B" for future reference; thence North 00° 09' West along said proposed right-of-way line, a distance of 108.1 feet to a Northern line of Defendants property; thence North 89° 58' East along said Northern property line, a distance of 18.0 feet to the present Western right-of-way line of Getwell Road North, being an Eastern line of Defendants property; thence South 00° 09' East along said present Western right-of-way line and along the Eastern line of Defendants property, a distance of 216.2 feet; thence

Southwesterly along the common Western right-of-way line of Getwell Road North and the present Northern right-of-way line of Mississippi Highway No. 302, and along the circumference of a circle to the right having a radius of 30.00 feet, an arc distance of 47.7 feet (said arc having a chord bearing South 45° 23' West for a distance of 42.8 feet); thence North 89° 06' West along the said present Northern right-of-way line of Mississippi Highway No. 302, a distance of 369.5 feet to the point of beginning, containing 30,071.05 square feet, or 0.6903 acres, more or less, and being situated in and a part of Lots 2 and 3 of Country Oaks Commercial Subdivision, in the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 1 South, Range 7 West, DeSoto County, Mississippi.

Together with any and all abutters rights of access, if any, in, to, over, on and across the above described land between Point "A" and Point "B" as designated above.

STATE MS.-DESOTO CO. ^{W.P.}
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W.E. DAVIS CH. CLK.
by S. Cleveland &

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