

STATE OF MISSISSIPPI CO. *910*
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IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

BK 285 PG 518
W.E. DAVIS, CH. CLK.
BY *M. Taylor* D.C.
PETITIONER

MISSISSIPPI TRANSPORTATION COMMISSION

VS.

CAUSE NO. 8006

ROBERT D. ALLEN, OWNER;
LEX SWELL, OWNER;
CHAMPION LAND, INC., OWNER;
WILLIAM T. EDWARDS, OWNER;
NASHOBA BANK, BENEFICIARY;

STATE OF MISSISSIPPI
DESOTO COUNTY
I, Jeanette 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 Corrected Judgment as same appears
on file or of record in Book 285 Page 519-623 of the
Records of DeSoto County, Mississippi.
Witness my hand and official seal this 18th day of
May 1995.
Jeanette B. Martin
Clerk Clerk, DeSoto County, Mississippi

CORRECTED JUDGMENT

THIS DAY this cause came on to be heard upon the claim of the Mississippi Transportation Commission to have condemned certain lands named in the Petition and described in Exhibit "A" attached hereto, and being the property of Robert D. Allen, et al. Defendant Robert D. Allen was served with process by personal service on May 6, 1993. Defendant Lex Sewell was served with process by personal service on May 6, 1993. Defendant Champion Land, Inc. was served with process by personal service on October 13, 1993. Defendant Nashoba Bank was served with process on November, 1, 1994, Defendant William T. Edwards was served with process on November 2, 1994, Defendant Walter F. Plumlee, Jr. was served with process on November 1, 1994. This case was set for trial on this date on February 13, 1995. All of these Defendants have failed to file an answer to the Petition, failed to file a Statement of Values, and failed to appear at trial. All Defendants are in default for their failure to appear at trial pursuant to Rule 55(b) M.R.C.P., and therefore judgment

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p 619-623

FILED 30 DAY OF May, 1995
Jeanette B. Martin
Clerk COURT CLERK, DESOTO CO. MISSISSIPPI

is appropriate.

This Judgment has the same force and effect as if fully tried to a jury and is rendered pursuant to Miss. Code Ann. §11-27-25.

The court has heard and considered the evidence under oath concerning just compensation. Based upon said evidence, the court returns a verdict and judgment in the sum of \$53,210.00.

That Mississippi Transportation Commission having previously acquired title and possession of the condemned property by instrument dated June 7, 1993, and filed in Book 260 at Page 570 in the office of the Chancery Clerk, Desoto County, Mississippi. On June 30, 1993, the Mississippi Transportation Commission tendered into the court the sum of \$45,475.00. The Mississippi Transportation Commission is allowed credit for said sum against the judgment rendered in this cause. Now, upon payment of the said award, with legal interest from the date of filing of the Complaint at the rate of eight percent (8%) per annum upon the amount of such excess over and above the amount of deposit, ownership of the said property shall be vested in Plaintiff and it may be appropriated to the public use as prayed for in the complaint.

This is a Corrected Judgment to provide for the payment of interest. The Commission has deposited with the Court pursuant to the previous Judgment the sum of \$7,735.00, and is allowed credit for said sum against this Corrected Judgment.

Let the Plaintiff pay the costs, for which execution may issue.

ORDERED AND ADJUDGED on this the 30th day of March, 1995.

Mimi S. Bamber
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

INSTRUCTIONS TO RECORDER:

Abstract in Lots 3 through 15, Section A, Eastover Subdivision, SW 1/4 of SW 1/4, Section 29, T1 S, R 6 W, City of Olive Branch, Desoto County, MS, under the names of the signatory, Mills Barbee, and the owners Robert D. Allen, Lex Sewell, Champion Land, Inc., and William T. Edwards.

PREPARED BY AND RETURN TO:

PAULINE SHULER LEWIS
P. O. Drawer 1600
Clarksdale, MS 38614
601-627-4477

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IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

CIVIL ACTION NO. 80013

ROBERT D. ALLEN, 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 6 WEST, SECTION 29

Begin at the point of intersection of the Eastern line of Lot 3, Section A, Eastover Subdivision, being an Eastern line of Defendants property, with the present Northern right-of-way line of Mississippi Highway No. 302, said point of intersection is 57.5 feet North of and 947.9 feet East of the Southwest corner of Section 29, Township 1 South, Range 6 West; from said point of beginning run thence North 89° 51' West along said present Northern right-of-way line, a distance of 867.9 feet; thence Northwesterly along the circumference of a circle to the right having a radius of 40.00 feet, an arc distance of 62.8 feet (said arc having a chord bearing North 44° 51' West for a distance of 56.6 feet); thence North 00° 08' East along the present Eastern right-of-way line of Craft Road, being a Western line of Defendants property, a distance of 284.3 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 05° 31' East along said proposed right-of-way line, a distance of 203.1 feet to a point hereby designated Point "A" for future reference; thence South 66° 05' East along said proposed right-of-way line, a distance of 256.1 feet to a point hereby designated Point "B" for future reference; thence North 89° 48' East along said proposed right-of-way line, a distance of 50.0 feet; thence South 00° 12' East along said proposed right-of-way line, a distance of 15.0 feet; thence North 89° 48' East along said

proposed right-of-way line, a distance of 200.0 feet; thence North 84° 05' East along said proposed right-of-way line, a distance of 100.5 feet; thence North 89° 48' East along said proposed right-of-way line, a distance of 200.0 feet; thence South 84° 29' East along said proposed right-of-way line, a distance of 100.5 feet; thence North 89° 48' East along said proposed right-of-way line, a distance of 3.4 feet to the said Eastern line of Defendants property; thence South 00° 02' East along said Eastern property line, a distance of 7.8 feet to the point of beginning, containing 0.65 acres, more or less, and being situated in and a part of Lot Nos. 3 thru 15 of Section A, Eastover Subdivision, in the Southwest 1/4 of the Southwest 1/4 of Section 29, Township 1 South, Range 6 West, City of Olive Branch, 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.