

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI MAY 15 10 26 AM '96

CHRISTIAN CHURCH CEMETERY ASSOCIATION,
A NON-PROFIT MISSISSIPPI CORPORATION

PLAINTIFF

BK 300 PG 660
W.E. DAVIS CH. CLK.

VS

NO. 95-7-766

P. F. VADEN, JOHN F. POUNDERS, J. W. HANES
 TRUSTEES OF THE CHRISTIAN CHURCH AND THEIR
 SUCCESSORS IN OFFICE, TO THE UNKNOWN MEMBERS OF THE
 CHRISTIAN CHURCH, TO THE UNKNOWN HEIRS OF L. J. POUNDS,
 TO THE UNKNOWN HEIRS OF J. T. JONES, TO THE UNKNOWN
 HEIRS OF MARY S. JONES, TO THE UNKNOWN HEIRS OF
 GEORGE JONES, TO THE UNKNOWN HEIRS OF JOSEPH E.
 JOHNSTON, TO THE UNKNOWN HEIRS OF FLEDA C.
 JOHNSTON, TO THE UNKNOWN HEIRS OF OLIVER LEE CRAWFORD,
 TO THE UNKNOWN HEIRS OF VIRGINIA VADEN, TO THE
 UNKNOWN HEIRS OF P. F. VADEN, VIRGINIA C. MCINGVALE AND
 ANY AND ALL UNKNOWN PERSONS HAVING OR CLAIMING ANY
 LEGAL OR EQUITABLE INTEREST IN THE REAL PROPERTY
 DESCRIBED HEREIN

DEFENDANTS

**DECREE CONFIRMING AND QUIETING
TITLE TO REAL PROPERTY**

This cause came on this day to be heard on the filed, verified COMPLAINT TO QUIET AND CONFIRM TITLE filed in this cause by Christian Church Cemetery Association and the Court having heard said Complaint and the proof offered in support thereof doth find and adjudicate as follows:

That the Plaintiff, Christian Church Cemetery Association, is a Non-Profit, Mississippi Corporation duly chartered pursuant to the laws of the State of Mississippi and having its registered offices in DeSoto County, Mississippi.

That the Plaintiff makes as Defendants to this cause of action the following named individuals:

- (a) P. F. Vaden, John F. Pounders, J. W. Hanes Trustees of

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W E DAVIS, CLERK

*Minute Book 204
page 420*

W. E. Davis

the Christian Church and Their Successors in Office, the post office address and street address of said individuals being unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(b) The unknown members of the Christian Church whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(c) The unknown heirs at law of L. J. Pounders, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(d) The unknown heirs at law of J. T. Jones, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(e) The unknown heirs at law of Mary S. Jones, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(f) The unknown heirs at law of George Jones, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(g) The unknown heirs at law of Joseph E. Johnston, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(h) The unknown heirs at law of Fleda C. Johnston, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(i) The unknown heirs at law of Oliver Lee Crawford, whose

names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(j) The unknown heirs at law of Virginia Vaden, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(k) The unknown heirs at law of P. F. Vaden, whose names, post office address and street address are unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(l) Virginia C. McIngvale, an adult resident citizen of Hernando, DeSoto County, Mississippi, who is believed to be related to Oliver Lee Crawford, deceased, and who resides at 380 West Center St., Hernando, MS 38632;

(m) Any and all unknown persons having or claiming any legal or equitable interest in and to the property described herein, the names, post office address and street address of said individuals being unknown to the Plaintiff after diligent search and inquiry to ascertain the same.

That the Plaintiff is the owner of the real property hereinafter described in fee simple and is now in possession of said property; said real property being described as follows, to-wit:

Part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 2 South, Range 7 West, DeSoto County, Mississippi, and being more accurately described as follows, to-wit:

Commencing at the intersection of the centerline of Getwell Road with the centerline of Byhalia Road, a point commonly accepted as the southeast corner of said quarter section; then run south $89^{\circ} 58' 46''$ West a distance of 226.14 feet to a point on said Byhalia Road centerline;

thence run north 00° 00' 01" East a distance of 53 feet to a point in a barb wire fence; thence run the following calls along said barb wire fence as follows:

North 00° 50' 56" East 45.50 feet
 North 00° 07' 24" East 63.38 feet
 North 04° 38' 32" East 57.68 feet
 North 79° 08' 32" East 63.59 feet
 South 89° 27' 54" East 56.53 feet
 South 89° 29' 10" East 44.98 feet

thence continuing South 89° 29' 10" East to a point in the centerline of Getwell Road; thence South along the centerline of Getwell Road to the point of beginning; LESS AND EXCEPT nine grave sites located within the above described tract, six of said gravesites being contained within a fenced-in area and containing the gravesites of P. F. Vaden, Virginia Vaden, Oliver Lee Crawford, J. T. Jones, Mary S. Jones and George Jones and two gravesites contained within a fenced-in area containing the gravesites of Fleda C. Johnston and Joseph E. Johnston and one gravesite containing the grave of L. J. Pounders.

That title to the aforesaid real property is out of the sovereign and the Plaintiff derails title thereto for a period of seventy-five (75) years, as follows:

(a) Warranty Deed executed by Mrs. L. A. Wilkinson to P. F. Vaden, John F. Pounders, J. W. Hanes, Trustees of the Christian Church and to their successors in office which deed is dated February 2, 1880, and duly recorded in Deed Book 3 Page 270 in the office of the Chancery Clerk of DeSoto County, Mississippi;

(b) Quitclaim Deed from Arthur Wayne Anderson and wife, Martha Anderson to Christian Church Cemetery Association, a Non-Profit, Mississippi Corporation, said Deed being dated February 6, 1995, and duly recorded in Deed Book 282 Page 276 in the office of the Chancery Clerk of DeSoto County, Mississippi;

(c) Quitclaim Deed executed by Sharon L. Anderson, Tallulah A. Redding and Arthur Wayne Anderson, Jr., to Christian Church

Cemetery Association, a Non-Profit Mississippi Corporation, said Deed is dated February 6, 1995, and duly recorded in Deed Book 282, Page 284, in the office of the Chancery Clerk of DeSoto County, Mississippi.

(d) Corrected Quitclaim Deed executed by Sharon Anderson et al to Christian Church Cemetery Association recorded in Deed Book 288, Page 732.

That clouds, doubts and suspicions exist as to the title and ownership of the above described land and that title is vested in the Plaintiff by virtue of the aforesaid Quitclaim Deeds and further by virtue of the adverse possession of Arthur Wayne Anderson and his father, Coleman Anderson, and which possession has existed adversely, openly, notoriously, continuously and exclusively for more than thirty (30) years prior to the execution and delivery of that certain Quitclaim Deed of Arthur Wayne Anderson and wife, Martha Anderson, to Christian Church Cemetery Association, a Non-Profit Mississippi Corporation and which Deed is referred to herein as being recorded in Deed Book 282, Page 284, in the office of the Chancery Clerk of DeSoto County, Mississippi.

That the Plaintiff as well as its predecessors in title, Arthur Wayne Anderson and Coleman Anderson, have controlled, managed, cared for and possessed the aforescribed real property for a period of time in excess of thirty (30) years. That this possession has been open, notorious, continuous and exclusive with the exception of those areas located within the gravesites identified in the aforesaid description. That the Plaintiff makes

no claim of ownership as to said gravesites that are located within said fenced-in areas or to the one gravesite outside of said fence.

That the Christian Church abandoned the aforescribed property more than thirty (30) years ago and the church building which was erected on the property at one time, was totally destroyed and removed from the premises. Arthur Wayne Anderson and his father, Coleman Anderson, have cared for said cemetery with the exception of the gravesites enumerated in the aforesaid description for over thirty (30) years. That they have made all decisions effecting the said real property including decisions regarding the extension of county roads on to the property, the sloping of banks and they have both over the years maintained the property by cutting the grass, caring for the cemetery and taking appropriate action to keep cows and other animals off of the subject property. That there have been no taxes assessed to the property in view of the fact that it was originally conveyed to individuals as trustees of the church but said area extends beyond the original description of the land conveyed to said trustees and those taxes assessed to the lands beyond and which are included in the aforesaid description, have been paid by Arthur Wayne Anderson, his predecessors in title and his father, Coleman Anderson, prior to his death.

The Court does hereby adjudicate that the title to the land should be quieted and confirmed in the Plaintiff based upon the aforesaid Quitclaim Deeds and the adverse possession of both the Plaintiff and its predecessors in title, Arthur Wayne Anderson and

Coleman Anderson. That the Court does hereby divest title out of any other parties and vest the same in the Plaintiff excluding, however, the gravesites within the fenced-in areas as well as the one gravesite outside and as described in said description.

That the Plaintiff has used diligent search and inquiry to ascertain the names of those Defendants alleged to be unknown to them. That Virginia C. McIngvale, a Defendant to this action, has filed her Waiver in this cause and the Court finds that she is related not only to Oliver Lee Crawford but to other Defendants named herein.

That the relief prayed for in the Complaint should be granted,
PREMISES CONSIDERED:

ACCORDINGLY, it is hereby ordered, adjudged and decreed by the Court as follows:

1. That title to the real property described as:

Part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 2 South, Range 7 West, DeSoto County, Mississippi, and being more accurately described as follows, to-wit:

Commencing at the intersection of the centerline of Getwell Road with the centerline of Byhalia Road, a point commonly accepted as the southeast corner of said quarter section; then run south $89^{\circ} 58' 46''$ West a distance of 226.14 feet to a point on said Byhalia Road centerline; thence run north $00^{\circ} 00' 01''$ East a distance of 53 feet to a point in a barb wire fence; thence run the following calls along said barb wire fence as follows:

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thence continuing South $89^{\circ} 29' 10''$ East to a point in

the centerline of Getwell Road; thence South along the centerline of Getwell Road to the point of beginning; LESS AND EXCEPT nine gravesites located within the above described tract, six of said gravesites being contained within a fenced-in area and containing the gravesites of P. F. Vaden, Virginia Vaden, Oliver Lee Crawford, J. T. Jones, Mary S. Jones and George Jones and two gravesites contained within a fenced-in area containing the gravesites of Fleda C. Johnston and Joseph E. Johnston and one gravesite containing the grave of L. J. Pounders.

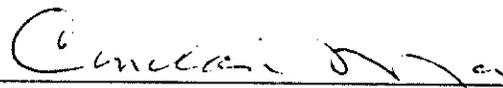
be and the same is hereby confirmed, quieted and vested in the Plaintiff, Christian Church Cemetery Association. It is further ordered that the aforesaid real property is hereby declared to be the property of the Plaintiff, Christian Church Cemetery Association, and that no other party or entity has any right, title of interest therein with the exception of the gravesites described in said description.

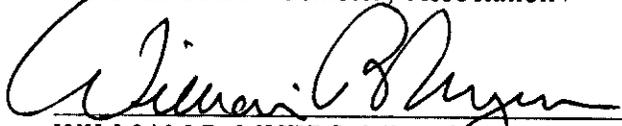
That the Clerk of the Court shall file a certified copy of this Decree within the land records of DeSoto County, Mississippi.

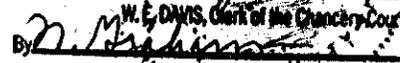
SO ORDERED, ADJUDGED AND DECREED on this the 23 day of April, 1996.


 CHANCELLOR

AGREED AS TO FORM:


 A. CINCLAIR MAY, MB NO. 1951
 Attorney of record for the
 Christian Church Cemetery Association


 WILLIAM P. MYERS, MB NO. 3716
 Attorney of record for the
 McCain's Chapel Cemetery Association

STATE OF MISSISSIPPI, COUNTY OF DEBOTO
 I HEREBY CERTIFY that the above and foregoing is a true
 copy of the Original filed in this office.
 This the 23 day of April, 1996
 W. E. DAVIS, Clerk of the Chancery Court
 By  D.C.