

STATE MS. - DESOTO CO.  
IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

AUG 22 4 06 PM '96

MISSISSIPPI TRANSPORTATION COMMISSION

PETITIONER

VS.

BK 305 PG 375 CAUSE NO. C096-0282  
W.F. DAVIS CH. CLK.

ANDREW S. PAYNE, ET AL

DEFENDANTS

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 Complaint and described in Exhibit "A" attached hereto, and incorporated herein, being the property of Andrew S. Payne, et al. The Court is informed that the defendant, Andrew S. Payne, was personally served with process on June 12, 1996. Process was personally served upon defendant Doris Payne on June 24, 1996. Process was personally served upon defendant Bertha Payne Taylor on June 18, 1995. Process was personally served upon defendant Gary Fitzgerald on June 11, 1995. Process was served by certified mail, restricted delivery, return receipt requested upon defendant Minor Payne on June 13, 1996. Process was served by certified mail, restricted delivery, return receipt requested on defendant Geraldine Payne Jones on June 17, 1996. Process was served on defendant Andre Fitzgerald by certified mail, restricted delivery, return receipt requested on June 11, 1996. Process was served on defendant James Edward Brown by certified mail, restricted delivery, return receipt requested on June 14, 1996. Process was served on defendant James Bryant Brown by certified mail, restricted delivery, return receipt requested on June 14,

FILED 19 DAY OF Aug. 1996

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

1996. Doris Payne, Bertha Payne Taylor, and Geraldine Payne Jones appeared at trial and indicated their consent to judgment in the amount of \$1,850.00. The Court is informed that none of the remaining Defendants have entered an appearance either by pleading or in person at the hearing of this cause. Process by publication was made on the unknown heirs and claimants through the Estates of Andrew Payne, Jr., Gerry Dean Payne Fitzgerald, Doris Payne Brown, and any other persons or parties in interest having or claiming any rights, title or interest, legal or equitable, in The Desoto Times, a public newspaper of Desoto County, Mississippi, once each week for three consecutive weeks, on June 13, 1996; June 20, 1996; and June 27, 1996. No such unknown persons have appeared and made a claim against the property pursuant to said publication and any and all unknown heirs and persons are in default, pursuant to Rule 55(b), M.R.C.P.

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

This Court has heard and considered the evidence, under oath, concerning just compensation. Based upon said evidence and the consent of Doris Payne, Bertha Payne Taylor and Geraldine Payne Jones the Court returns a verdict and judgment fixing defendants' compensation and damages at \$1,850.00.

Now, upon payment of said award, with legal interest from the date of the filing of the complaint, 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.

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

ORDERED AND ADJUDGED on this the 16<sup>th</sup> day of August, 1996.

William S. Bamber  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

PREPARED BY AND RETURN TO :

PAULINE SHULER LEWIS  
LEWIS & LEWIS, P.A.  
P. O. Drawer 1600  
Clarksdale, MS 38614  
601/627-4477  
MSB #1239

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 \_\_\_\_\_ as same appears on file or of record in Book \_\_\_\_\_ Page \_\_\_\_\_ of the Records of DeSoto County, Mississippi.  
Witness my hand and official seal this 19<sup>th</sup> day of August, 1996.  
\_\_\_\_\_  
Circuit Clerk, DeSoto County, Mississippi

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. \_\_\_\_\_

ANDREW S. PAYNE, 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.

INDEXING INSTRUCTIONS: SW 1/4 OF THE SE 1/4 OF SECTION 28  
TOWNSHIP 1 SOUTH, RANGE 5 WEST,  
DESOTO COUNTY, MISSISSIPPI

Begin at the point of intersection of the present Northern right-of-way line of Mississippi Highway No. 302 with the Western line of Defendants property, being the present Eastern right-of-way line of Payne Lane, said point of intersection is 25.4 feet North of and 2667.6 feet East of the Southwest corner of Section 28, Township 1 South, Range 5 West; from said point of beginning run thence North 00° 29' West along the said western line of Defendants property, a distance of 358.9 feet to the proposed right-of-way line of a proposed highway project, being known and designated a State Project No. 97-0021-01-016-11, being a segment of Mississippi Highway No. 302; thence North 89° 31' East along said proposed right-of-way line, a distance of 4.5 feet; thence South 00° 29' East along said proposed right-of-way line, a distance of 300.0 feet; thence South 55° 37' East along said proposed right-of-way line, a distance of 104.9 feet to the said present Northern right-of-way line of Mississippi Highway No. 302; thence North 89° 47' West along said present Northern right-of-way line, a distance of 90.6 feet to the point of beginning, containing 0.10 acres, more or less.