

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

DAVID M. BALDUCCI AND WIFE,
MELANIE V. BALDUCCI,

PLAINTIFFS

VS.

CIVIL ACTION FILE NO. 96-7-842

WILLIAM E. EDMONSON AND WIFE,
ELSIE B. EDMONSON, AND
ALL PERSONS UNKNOWN CLAIMING
ANY RIGHT, TITLE, ESTATE,
LIEN OR INTEREST IN THE
REAL PROPERTY DESCRIBED
HEREIN ADVERSE TO PLAINTIFFS'
TITLE

DEFENDANTS

STATE MS. - DESOTO CO.
FILED

SEP 5 11 15 AM '96

BK 306 PG 35
W E DAVIS CH. CLK.

JUDGMENT QUIETING AND CONFIRMING TITLE TO REAL PROPERTY
BY ADVERSE POSSESSION

This cause came on to be heard this day upon the Complaint To Quiet And Confirm Title To Real Property By Adverse Possession, upon publication of process to Defendants, William E. Edmonson and wife, Elsie B. Edmonson, and all persons unknown claiming any right, title, estate, lien or interest in the real property described in the Complaint To Quiet And Confirm Title To Real Property By Adverse Possession filed by Plaintiffs in the above styled and numbered cause, and upon proof taken in open court, and the Court, after considering all of the above does hereby find and adjudicate as follows, to-wit:

1. Plaintiffs are adult resident citizens of DeSoto County, Mississippi, whose address is 4848 Huron Road, Nesbit, Mississippi

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2. Defendants, William E. Edmonson and wife, Elsie B. Edmonson, are adults whose residence, street, and post office address is unknown to Plaintiffs after diligent search and inquiry.

3. Other Defendants are all persons unknown claiming any right, title, estate, lien, or interest in the real property described in said Complaint To Quiet And Confirm Title To Real Property By Adverse Possession adverse to Plaintiffs' title all of whose street and post office addresses are unknown after diligent search and inquiry.

4. The Court has jurisdiction of the parties and of the subject matter to this action.

5. Plaintiffs are the owners in fee simple of the following described property located in DeSoto County, Mississippi:

Lot 454, Section C, BRIDGETOWN SUBDIVISION, in Section 23, Township 2 South, Range 7 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 13, Pages 42-49, in the office of the Chancery Clerk of DeSoto County, Mississippi.

6. Plaintiffs deraign their title to the real property described herein out of the sovereign for a period of more than sixty (60) years as follows:

(A) By deed from Michael L. McGee and wife, Patricia O. McGee, dated September 21, 1995, and recorded in Deed Book 290, Page 755.

(B) By deed from Gullette Builders, Inc. to Michael L. McGee and wife, Patricia O. McGee, dated November 27th, 1991, and recorded in Deed Book 240, Page 429.

(C) By deed from Ernest P. Newbern and Leon M. Chancellor to Gullette Builders, Inc. dated April 10th, 1990, and recorded in Deed Book 225, Page 45.

(D) By deed from Bridgetown, Inc. to Ernest P. Newbern and Leon M. Chancellor, dated October 28th, 1982, and recorded in Deed Book 162, Page 111.

(E) By deed from James W. Amos, Trustee, to Bridgetown, Inc., dated December 29th, 1978, and recorded in Deed Book 138, Page 513.

(F) By deed from Bridgetown, Inc. to William E. Edmonson and wife, Elsie B. Edmonson, dated April 30, 1977, and recorded in Deed Book 130, Page 493.

(G) By deed from Jerry A. Erwin, et ux, to Bridgetown, Inc., dated March 22, 1977, and recorded in Deed Book 129, Page 70.

(H) By deed from S & W Construction Company of Tennessee, Inc. to Jerry A. Erwin, et ux, dated January 21st, 1977, and recorded in Deed Book 127, Page 890.

(I) By deed from Bridgetown, Inc. (formerly Starland Development Corporation) to S & W Construction Company of Tennessee, Inc., dated January 30th, 1975, and recorded in Deed Book 116, Page 273.

(J) By deed from Dudley B. Bridgforth, et ux, to Starland Development Corporation, dated January 6th, 1970, and recorded in Deed Book 83, Page 43.

(K) By deed from James P. Tipton, Chancery Court Clerk and Charles Day, Circuit Court Clerk, Executors, to Dudley B.

Bridgforth dated November 15th, 1947, and recorded in Deed Book 35, Page 363.

(L) By deed from Mrs. Eula O. Holmes to R. R. Bridgforth dated December 1st, 1936, and recorded in Deed Book 26, Page 13.

(M) By deed from F. C. Holmes, Trustee, to Mrs. Eula O. Holmes, dated December 23rd, 1935, and recorded in Deed Book 24, Page 571.

All of the aforementioned deeds are recorded in the office of the Chancery Clerk of DeSoto County, Mississippi.

7. The Court further finds that there was an error in the Trustee's Deed from James W. Amos, Trustee, to Bridgetown, Inc. dated December 29th, 1978, and recorded in Deed Book 138, Page 513, which might have affected the validity of said Trustee's Deed. The Court finds that James W. Amos, Trustee foreclosed upon a deed of trust given by William E. Edmonson and/or Elsie B. Edmonson to James W. Amos, Trustee, for the benefit of Bridgetown, Inc., said Deed of Trust being dated April 30th, 1977, and recorded in Deed of Trust Book 214, Page 157, in the office of the Chancery Clerk of DeSoto County, Mississippi. Said deed of trust was subsequently assigned by Bridgetown, Inc. to North Mississippi Savings & Loan Association by Assignment recorded in Deed of Trust Book 214, Page 200. Said Deed of Trust was further assigned by North Mississippi Savings & Loan Association to S & W Construction Company of Tenn., Inc. by Assignment recorded in Deed of Trust Book 234, Page 643. Copies of the said Trustee's Deed, Deed of Trust, and two (2)

Assignments were attached to the Complaint on file in this cause marked Exhibits A, B, C, and D respectively. The Court further finds that the Trustee's Notice Of Sale attached to said Trustee's Deed recorded in Deed Book 138, Page 513 reflected that James W. Amos was trustee for the benefit of Bridgetown, Inc. as the owner of the debt secured. S & W Construction Company of Tenn., Inc. was actually the owner of the debt secured and said Trustee's Notice of Sale should have reflected this fact.

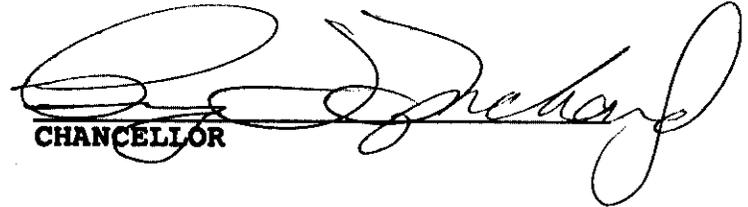
8. The Court finds that the Plaintiffs and all of their predecessors in title have been in possession of the above described real property continuously for more than ten (10) years by actual, open, notorious, exclusive, hostile, undisputed possession of the hereinabove described land.

9. The Court further finds that Section 89-1-55, Mississippi Code of 1972, Annotated, provides that in a situation such as described hereinabove when there is an error in the mode of sale of a deed of trust by foreclosure that makes the sale void such error will not be cured by any statute of limitation except the ten (10) year statute of adverse possession. The Court further finds that the error referred to hereinabove is now cured by virtue of the Adverse Possession Statute, namely, 15-1-13, Mississippi Code of 1972, Annotated.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that title to the real property described in Paragraph 5 above is hereby quieted and confirmed in David M. Balducci and wife, Melanie V. Balducci,

as tenants by the entirety with full rights of survivorship and not as tenants in common.

ORDERED, ADJUDGED AND DECREED this the 30th day of August, 1996.


CHANCELLOR