

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JOE W. REED,

PLAINTIFF

VS

CAUSE NO. 96-10-1223

DAREN FROEMEL, FIRST SECURITY BANK OF BATESVILLE,
 MISSISSIPPI, OLIVE BRANCH BRANCH, JAMES W. BUECHELE,
 LINDA A. BUECHELE, THE PEOPLES BANK & TRUST CO.,
 HERNANDO BRANCH, MARK W. RABALAIS, TERESA W. RABALAIS
 ALLEN RICHARDSON, BANK OF MISSISSIPPI, OLIVE BRANCH BRANCH,
 PAUL A. EASON, JR., CINDY Z. EASON, FIRST TENNESSEE BANK, NATIONAL
 ASSOCIATION OF MISSISSIPPI, MICHAEL HAWKS,
 FIRST SECURITY BANK OF BATESVILLE, DARRIN O. WARD AND
 DANIELLE ZEMAN AND ANY AND ALL PERSONS AND/OR
 ENTITIES AFFECTED BY THE ALTERATION OF SAID PLAT OR
 INTERESTED THEREIN

DEFENDANTS

 DECREE APPROVING ALTERATION OF SUBDIVISION PLAT

This cause came on this day to be heard on the filed, verified
 Petition of Joe W. Reed for alteration of a recorded subdivision
 plat pursuant to §19-27-31 of the Mississippi Code 1972 Annotated
 and the Court having considered said Petition and the proof offered
 in support thereof doth find and adjudicate as follows:

That the Plaintiff is an adult resident citizen of DeSoto
 County, Mississippi, and the owner of the real estate hereinafter
 described and the owner and developer of that certain subdivision
 known as Country Home Estates, Second Addition, located in the
 Northeast Quarter of Section 3, Township 3 South, Range 8 West, of
 DeSoto County, Mississippi, and as more fully described by the Plat
 of record in Plat Book 52, Page 9, in the office of the Chancery
 Clerk of Desoto County, Mississippi, and to which plat reference is

STATE MS.-DESOTO CO.
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W.E. DAVIS CH. CLK.WE DAVIS, CLERK
By J. Kuhl D.C.

hereby made.

That the Plaintiff joined as Defendants to this action the following persons and/or entities who are directly interested in this proceeding and are adversely affected thereby, said persons and/or entities being described as follows, to-wit:

(A) Daren Froemel, an adult resident citizen of DeSoto County, Mississippi, living and residing at 1255 Thunderbird, Hernando, Mississippi 38632, and being the record owner of Lot 17, Country Home Estates, Second Addition.

(B) First Security Bank of Batesville, Mississippi, Olive Branch Branch, having its offices located at 6229 Cockrum, Olive Branch, Mississippi 38654 and being the record mortgage holder of Lot 17, Country Home Estates, Second Addition.

(C) James W. Buechele and Linda A. Buechele, being adult resident citizens of DeSoto County, Mississippi, living and residing at 2164 Paris Cove, Hernando, Mississippi 38632, and being the record owners of Lot 18, Country Home Estates, Second Addition.

(D) The Peoples Bank and Trust Company, Hernando Branch, having its offices located at 24 West Commerce Street, Hernando, Mississippi 38632, and being the record mortgage holder of Lot 18, Country Home Estates, Second Addition.

(E) Mark W. Rabalais and Teresa W. Rabalais, being adult resident citizens of DeSoto County, Mississippi, living and residing at 8211 Booneville Drive, Southaven, Mississippi 38671, and being the record owners of Lot 21, Country Home Estates, Second

Addition.

(F) Allen Richardson, an adult non-resident of the State of Mississippi, living and residing at 3540 Summer Avenue, Memphis, TN 38122, and being the record owner of Lot 22, Country Home Estates, Second Addition.

(G) Bank of Mississippi, Olive Branch Branch, having its offices located at P. O. Box 807, Olive Branch, Mississippi 38654, and being the record mortgage holder of Lot 22, Country Home Estates, Second Addition.

(H) Michael Hawks, an adult resident citizen of DeSoto County, Mississippi, whose address is P.O. Box 159, Hernando, Mississippi 38632 and who presently has in existence a contract to purchase Lot 23, Country Home Estates, Second Addition.

(I) Darrin O. Ward and Danielle Zeman, both being adult resident citizens of DeSoto County, Mississippi, living and residing at 2164 Paris Cove, Hernando, MS 38632, and who presently have in existence a contract to purchase of Lot 25, Country Home Estates, Second Addition.

(J) Paul A. Eason, Jr. and Cindy Z. Eason, both being adult resident citizens of DeSoto County, Mississippi, living and residing at 3370 Carrol Drive, Horn Lake, Mississippi 38637, and being the record owners of Lot 26, Country Home Estates, Second Addition.

(K) First Tennessee Bank, National Association of Mississippi, having its office at 615 Goodman Road East, Southaven,

Mississippi 38671, and being the record mortgage holder of Lot 26, Country Home Estates, Second Addition.

(L) First Security Bank of Batesville, Mississippi, whose address is P. O. Box 690, Batesville, Mississippi 38606-0690, and who is the record mortgage holder of all lots within Country Home Estates, Second Addition, with the exception of Lots 17, 18, 21, 22, and 26.

(M) Any and all persons and/or entities affected by the alteration of said plat or interested therein, the names, addresses and post office addresses of said persons and/or entities being unknown to the Plaintiff after diligent search and inquiry to ascertain the same.

That the Defendants Daren Froemel, First Security Bank of Batesville, Mississippi, Olive Branch Branch, James W. Buechele, Linda A. Buechele, The Peoples Bank & Trust Co., Hernando Branch, Mark W. Rabalais, Teresa W. Rabalais, Allen Richardson, Bank of Mississippi, Olive Branch Branch, Michael Hawks, Darrin O. Ward, Danielle Zeman, Paul A. Eason, Jr., Cindy Z. Eason, First Tennessee Bank, National Association of Mississippi and First Security Bank of Batesville, Mississippi are all before the Court and the Court has jurisdiction over the said parties and subject matter by virtue of a filed, verified Waiver of each of the aforesaid individuals or entities which has previously been filed in this cause.

That in addition to the aforesaid Defendants the Plaintiff joined as a Defendant to this action any and all persons and/or

entities affected by the alteration of said plat or interested therein, the names, addresses and post office addresses of said persons and/or entities being unknown to the Plaintiff after diligent search and inquiry to ascertain the same. That the Plaintiff, pursuant to §19-27-31 of the Mississippi Code of 1972 caused a summons to be published for said unknown persons and/or entities in the DeSoto Times, a newspaper having a general circulation in DeSoto County, Mississippi, said publication appearing in the October 17, 1996, edition of said paper as required by statute. That no answer, appearance or response has been made by any such unknown persons and/or entities and that more than five (5) days have now elapsed since the publication and that pursuant to §19-27-31 this matter is now in a posture to be heard by the Court and a Decree entered herein.

That the Plaintiff, Joe W. Reed, developed a subdivision in DeSoto County, Mississippi, located in the Northeast Quarter of Section 3, Township 3, Range 8 West, known as Country Home Estates, Second Addition, and being more fully described in Plat Book 52, Page 9, in the office of the Chancery Clerk of DeSoto County, Mississippi.

That the Plaintiff desires to alter and/or amend the Plat of Country Home Estates, Second Addition, by amending the West and South lines of Lot 25 of said subdivision, and which lot is presently owned by the Plaintiff, Joe W. Reed, and under contract to the said Darrin O. Ward and Danielle Zeman. That as a result of

said amendment the South line of said lot shall be reflected as being 258.37 feet in length, with a call of "N 89° 58' 12" W" the West line of said lot will reflect a call of North 00° 11' 18" East 284.61 feet and the southernmost north line will be reflected as South 89° 48' 42" East 50.08 feet. That the South line of the platted subdivision shall be corrected from "N 89° 58' 12" W 1138.31 feet to N 89° 58' 12" W 1114.44 feet". That all other measurements and calls will remain as platted. That the acreage within said lot shall be reflected as 1.62 acres. That the Court finds that no person will be adversely affected by the alteration and/or amendment of the plat. That the Plaintiff attached as Exhibit "A" a copy of the survey made of Lot 25 after the proposed amendments are made.

That the relief prayed for in said Petition shall be granted: ACCORDINGLY, it is hereby ordered, adjudged and decreed by the Court as follows:

1. That the plat of Country Home Estates, Second Addition, located in the Northeast Quarter of Section 3, Township 3, Range 8 West, DeSoto County, Mississippi, and as fully described by the plat of record in Plat Book 52, Page 9, in the office of the Chancery Clerk of Desoto County, Mississippi, be and the same shall be hereby amended in the following respected, to-wit:

(a) That the South line of Lot 25 shall be reflected as being 258.37 feet in length, with a call of N 89° 58' 12" W;

(b) That the West line of Lot 25 shall reflect a call of N

00° 11' 18" East and reflecting a distance of 284.61 feet;

(c) The southernmost North line will be amended to read S 89° 48' 42" East with a distance of 50.08 feet;

(d) That the South line of the platted subdivision shall be corrected from N 89° 58' 12" W a distance of 1138.31 feet to N 89° 58' 12" W a distance of 1114.44 feet.

That the acreage within said Lot 25 shall be reflected as 1.62 acres.

2. That the Clerk of the Chancery Court of DeSoto County, Mississippi, shall cause the aforesaid amendments and alterations be made on the plat of said subdivision as recorded in Plat Book 52, Page 9, and he shall cause this Decree to be recorded as a deed and memorandum thereof noted on the record of the plat.

SO ORDERED, ADJUDGED AND DECREED on this the 28th day of October, 1996.


Chancellor

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