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IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JAN 28 3 08 PM '97

BOOKER MAXWELL, McARTHUR MITCHUM, L. T. KUYKENDOLL,
J. W. FRAZIER, JR., J. W. FRAZIER, SR. AND VIRA WOOTEN,
DEACONS OF ST. MARY'S MISSIONARY BAPTIST CHURCH,
FOR AND ON BEHALF OF THEMSELVES
AND THEIR SUCCESSORS IN OFFICE AND FOR AND ON
BEHALF OF ST. MARY'S MISSIONARY BAPTIST CHURCH,
A NON-INCORPORATED RELIGIOUS ORGANIZATION

BK 311 PG 664
W.E. DAVIS CH. CLK.

PLAINTIFFS

VS

CAUSE NO. 96-7-806

GEORGE N. GORDON, EMORY K. GORDON, JR.,
DESOTO COUNTY, MISSISSIPPI, A POLITICAL
SUBDIVISION OF THE STATE OF MISSISSIPPI,
JOSEPH B. GILL AND ANY AND ALL UNKNOWN PERSONS
CLAIMING ANY LEGAL OR EQUITABLE INTEREST IN THE
REAL ESTATE DESCRIBED HEREIN

DEFENDANTS

DECREE QUIETING AND CONFIRMING TITLE

This cause came on this day to be heard on the filed, verified COMPLAINT TO QUIET AND CONFIRM TITLE which was filed in this cause by Booker Maxwell, McArthur Mitchum, L. T. Kuykendoll, J. W. Frazier, Jr., J. W. Frazier, Sr. and Vira Wooten, Deacons of St. Mary's Missionary Baptist Church for and on behalf of themselves and their successors in office and on behalf of St. Mary's Missionary Baptist Church, and the Court having considered said Complaint and the proof offered in support thereof doth find and adjudicate as follows:

That the Plaintiffs, Booker Maxwell, McArthur Mitchum, J. W. Frazier, Sr. and Vira Wooten are all adult resident citizens of DeSoto County, Mississippi, that L. T. Kuykendoll is an adult resident citizen of Shelby County, Tennessee, and that J. W. Frazier, Jr. is an adult resident citizen

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WE DAVIS, CLERK
N. Graham, DC

MINUTE BOOK 216 PAGE 72

of Tate County, Mississippi. That St. Mary's Missionary Baptist Church is an unincorporated religious organization having been founded in DeSoto County, Mississippi, more than eighty years prior to the filing of this Complaint and the Plaintiffs are duly authorized by said church to bring this action.

That the Plaintiffs made as Defendants to this cause the following individuals and/or entities:

(A) George N. Gordon, an adult non-resident of the State of Mississippi, whose post office address is not known to the Plaintiffs after diligent inquiry but whose residence and street address is 1810 Foster, Memphis, TN 38114.

(B) Emory K. Gordon, Jr., an adult non-resident of the State of Mississippi, whose post office address is not known to the Plaintiffs after diligent inquiry but whose residence and street address is 4298 Mikewood Cove, Memphis, TN 38128.

(C) DeSoto County, Mississippi, a political subdivision of the State of Mississippi and upon whom process can be obtained by service upon W. E. Davis, Chancery Court Clerk, DeSoto County, Mississippi, and Clerk of the Board of Supervisors of DeSoto County, Mississippi, at his business office located at the DeSoto County Courthouse, 2535 Highway 51 South, Hernando, MS 38632.

(D) Joseph B. Gill, an adult resident citizen of Nesbit, DeSoto County, Mississippi, whose post office address is P. O. Box 57, Nesbit, MS 38651 but whose street address is unknown to the Plaintiffs after diligent inquiry.

(E) Any and all unknown persons claiming any legal or equitable interest in the real estate described herein, the names, residence and post

office addresses of said persons being unknown to the Plaintiffs after diligent search and inquiry to ascertain the same.

That the Court has jurisdiction of the subject matter and parties hereto, the Court having acquired jurisdiction over George N. Gordon, Emory K. Gordon, Jr. and any and all unknown persons claiming any legal or equitable interest in the real estate described herein by virtue of publication of summons as required by the Mississippi Rules of Civil Procedure. That DeSoto County, Mississippi, a political subdivision of the State of Mississippi, is before the Court upon personal service of process upon W. E. Davis, Chancery Court Clerk of DeSoto County, Mississippi, the Clerk of the Board of Supervisors of DeSoto County, Mississippi. That the Court has jurisdiction of Joseph B. Gill by virtue of his Answer filed in this cause.

That all parties having any possible claim or potential claim or interest in the real property described herein have been joined in the Complaint either as a Plaintiff or Defendant to this action in so far as the Plaintiffs know or believe, after diligent search and inquiry.

That the Plaintiffs own the land hereinafter described in fee simple and they are in possession of the same, said real property being located in DeSoto County, Mississippi, and described as follows, to-wit:

Beginning at a 5/8 in. re-bar in a East-West fence line marking the South line of W. B. Gill and wife's 160 acre tract (Bk. 27, Pg. 75) and being 2756.47 feet North and 834.17 feet West of the Southeast corner of Section 34, Township 2 South, Range 8 West, DeSoto County, Mississippi; thence South $11^{\circ} 54' 47''$ East 268.90 feet to a 5/8 in. re-bar; thence South $88^{\circ} 32' 40''$ West 564.33 feet to a 5/8 in. re-bar; thence North $11^{\circ} 54' 47''$ East 280.54 feet to a 5/8 in. re-bar in the above said fence line; thence North $89^{\circ} 42' 07''$ East along said fence line 566.56 feet to the point of beginning

and containing 3.50 acres located in the S.E. 1/4 of Sec. 34, T-2-S, R-8-W, DeSoto County, Mississippi, subject to the right of ingress and egress over the road crossing said land in a North-South direction granted to Joseph B. Gill.

That the Plaintiffs filed simultaneously with their Complaint with the Clerk of the Court a plat of the aforescribed real property prepared by Daniel Bailey, Registered Professional Land Surveyor, under date of June 17, 1996, which plat is Exhibit "A" and is incorporated herein by reference.

That title to the aforesaid real property is out of the sovereign and the Plaintiffs deraign their title thereto for a period of sixty (60) years as follows:

<u>GRANTOR</u>	<u>GRANTEE</u>	<u>TYPE OF INSTRUMENT</u>	<u>RECORDING INFO</u>
United States of America	Me-ho-chubby	Patent	Location Roll Book, Book 16
Mary Newsom Bryant	Nathaniel Gordon, et al Deacons of St. Mary's Missionary Baptist Church	Warranty Deed	Deed Book 19, Page 219

That all of the aforesaid documents are recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, and to which reference is hereby made.

That clouds, doubts and suspicions exist as to the title and ownership to the above described land because of the uncertainty of the description contained in the Warranty Deed from Mary Newsom Bryant recorded in Deed Book 19, Page 219 and which deed incorrectly describes the property as being situated in Section 3, Township 3, Range 8 West. That all of these doubts and uncertainties shall be cancelled and title shall be confirmed in the Plaintiffs and their successors in office for and on behalf of St. Mary's Missionary Baptist Church.

That Mary Newsom Bryant conveyed to Nathaniel Gordon and others as Deacons of St. Mary's Missionary Baptist Church and their successors in office the real property described in Deed Book 19, Page 219. That the Deacons and congregation of St. Mary's Missionary Baptist Church went into possession of the real property described aforesaid and which property is located in Section 34, Township 2, Range 8 West. That said church has adversely, openly, notoriously and continuously for a period of over eighty (80) years owned, possessed and held out to the world their ownership of the real property described aforesaid. That the church has maintained its cemetery on said premises, it has maintained its building and facilities, including parking lots and other facilities, and has done so for a period of time in excess of eighty (80) years. That the Plaintiffs know of no person or entity claiming or asserting any right of ownership in and to the aforesaid real property. That the property has been fenced along the North line which separates the Plaintiffs' property from the property of Joseph B. Gill. That the Plaintiffs' possession and ownership of the aforesaid property has been open, notorious, adverse and continuous for a period of time in excess of eighty (80) years prior to the filing of this lawsuit. That over the period of eighty (80) years the Plaintiffs and their predecessors in title and former members of the congregation of said church have used the land and facilities in a manner consistent with religious uses, holding their revivals, services and other functions thereon.

That the Plaintiffs are entitled to have the title to said real property confirmed in them and their successors in office for and on behalf of St. Mary's Missionary Baptist Church and that any clouds or suspicions on the

title to said property shall be and are hereby removed by the Court, vesting title in the Plaintiffs without interference from any person and/or persons or entities.

That Joseph B. Gill is the owner of the real property immediately adjacent to and North of the real property owned by the Plaintiffs and described hereinabove. That the common line between the property of Joseph B. Gill and St. Mary's Missionary Baptist Church is evidenced by a barbed wire fence running in an East-West direction and which fence is referred to on the plat of Daniel Bailey, filed herein and to which reference is made. That Joseph B. Gill has filed his Answer and does not claim any of the land described above. However, he does claim that access to the land of Joseph B. Gill is by the public road across land of Plaintiffs described above. That said public road is east of the present paved parking area and runs in a generally described North-South direction and is graveled. That DeSoto County, Mississippi, contends that the road is not a "public road" but raises no question or issues as to the right of Joseph B. Gill to use said road for purposes of ingress and egress.

That the Plaintiffs made as Defendants hereto George N. Gordon and Emory K. Gordon, Jr., by virtue of the ownership of the real property located in the case of George N. Gordon to the South and West of the aforescribed real property and as to Emory K. Gordon, Jr., as to his ownership of the land located South and East of the aforescribed real property. That the said George N. Gordon and Emory K. Gordon, Jr. were made Defendants to this action so that they might appear and assert any claim which they may have in and to the real property described herein and to object to the confirmation of the

title to said real property and that said Defendants have failed to appear and assert any claim to said real property.

That Mary Bryant by general Warranty Deed conveyed a one and a half acre tract to Desoto County, Mississippi, under deed dated August 8, 1942, and duly recorded in Deed Book 30, Page 194, of the Land Records of DeSoto County, Mississippi. That said land referred to in said deed was located in Section 3, Township 3, Range 8 West. That the description in said deed makes reference to beginning at the Northeast corner of the St. Mary's Baptist Church lot as shown by deed of record in Deed Book 19, Page 219, of the Deed Records of DeSoto County, Mississippi. That DeSoto County, Mississippi, has at no time alleged, asserted or claimed any interest, legal, equitable or otherwise, in and to the real property described herein and which property the Plaintiffs seek to be confirmed in them and their successors in office for and on behalf of St. Mary's Missionary Baptist Church. That the Plaintiffs believe that at the time of the aforesaid deed that the said Mary Bryant did in fact own land in Section 3, Township 3, Range 8 West, and that if Desoto County, Mississippi, claims any interest in and to the real property described in said deed, that said real property is in fact located in Section 3, Township 3, Range 8 West, of Desoto County, Mississippi, and not in Section 34, Township 2 South, Range 8 West, which is the section, township and range in which the Plaintiffs' property is located and which is the subject of this confirmation action. That accordingly, DeSoto County, Mississippi, was made a Defendant to this action so that said governmental entity might appear and assert any claim which it might have in said real property, if any, and/or to object to the confirmation of said title and that

said Defendant has not asserted any claim to said land.

That the Plaintiffs have made as Defendants to this action any unknown persons having or claiming any legal or equitable interest in the real property described herein. That the Plaintiffs have made a diligent inquiry to ascertain the names, residence and post office addresses of such individuals and they have been unable to ascertain anyone who is making a claim against said real property. That accordingly, pursuant to statute, they have joined said unknown persons and made them a Defendant to this action so that they may appear and assert any claim which they might have in and to the aforescribed real property and/or to file any objection to the confirmation of said title. That said Defendants have filed no claim or made any appearance herein.

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

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

1. That Booker Maxwell, McArthur Mitchum, L. T. Kuykendoll, J. W. Frazier, Jr., J.W. Frazier, Sr. and Vira Wooten, Deacons of St. Mary's Missionary Baptist Church and their successors in office and for and on behalf of St. Mary's Missionary Baptist Church are the owners in fee simple of that certain real property lying and being situated in DeSoto County, Mississippi, and described as follows, to-wit:

Beginning at a 5/8 in. re-bar in a East-West fence line marking the South line of W. B. Gill and wife's 160 acre tract (Bk. 27, Pg. 75) and being 2756.47 feet North and 834.17 feet West of the Southeast corner of Section 34, Township 2 South, Range 8 West, DeSoto County, Mississippi; thence South 11° 54' 47" East 268.90 feet to

a 5/8 in. re-bar; thence South 88° 32' 40" West 564.33 feet to a 5/8 in. re-bar; thence North 11° 54' 47" East 280.54 feet to a 5/8 in. re-bar in the above said fence line; thence North 89° 42' 07" East along said fence line 566.56 feet to the point of beginning and containing 3.50 acres located in the S.E. 1/4 of Sec. 34, T-2-S, R-8-W, DeSoto County, Mississippi, subject to the right of Joseph B. Gill to use the road crossing said land in a North-South direction for purposes of ingress and egress.

2. That the Court finds that all claims, clouds, doubts and suspicions about the title to the aforescribed real property be and they are hereby cancelled and hereafter held for naught and the title to said property is hereby quieted and confirmed in the said Booker Maxwell, McArthur Mitchum, L. T. Kuykendoll, J. W. Frazier, Jr., J. W. Frazier, Sr. and Vira Wooten, as Deacons of St. Mary's Missionary Baptist Church and their successors in office for and on behalf of St. Mary's Missionary Baptist Church, a non-incorporated religious organization, subject to the right of ingress and egress granted to Joseph B. Gill.

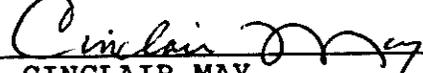
3. That the entry of this Decree shall in no way prejudice and/or effect the right of Joseph B. Gill to file an independent action against DeSoto County, Mississippi, for the purpose of adjudicating the road referred to herein as a "public road" as opposed to the right of ingress and egress granted to the said Joseph B. Bill herein.

4. That the Chancery Clerk of Desoto County, Mississippi, shall file this Decree in the land records of Desoto County, Mississippi, as well as a copy of the plat of Daniel Bailey, Surveyor, attached hereto.

SO ORDERED, ADJUDGED AND DECREED on this the 22nd day of January, 1997.


CHANCELLOR

AGREED TO:


A. CINCLAIR MAY
ATTORNEY FOR PLAINTIFFS

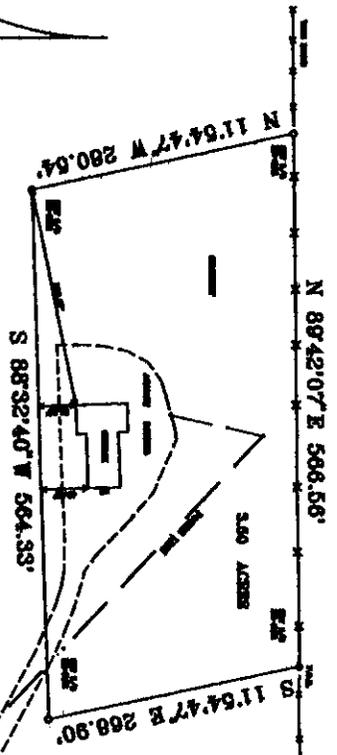

JOEL P. WALKER, JR.
ATTORNEY FOR JOSEPH B. GILL


ROBERT P. CHAMBERLIN
ATTORNEY FOR DESOTO COUNTY,
MISSISSIPPI

NORTH

READINGS ARE TRUE
FOR SOLAR OBSERVATION

W. R. GILL ET AL
SEC 27 PG. 76



ROBERT L. GORDON, JR.
WILL SEC. 9 PG. 126

SURVEY PLAT OF
ST. VAERY'S MISSIONARY BAPTIST CHURCH
3.5 ACRES IN SEC. 34, T-2-S, R-8-W,
DESO TO COUNTY, MISSISSIPPI.

DESCRIPTION

BEGINNING AT A 5/8 IN. IR-BAR IN A EAST-WEST FENCE LINE MARKING THE SOUTH LINE OF W.R. GILL & WIFE'S 160 ACRE TRACT (SEC. 27 PG. 76) AND BEING 2764.47 FEET NORTH & 634.17 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP -2- SOUTH, RANGE -8- WEST, DESOTO COUNTY, MISSISSIPPI; THENCE SOUTH 11° 54' 47\"/>

834.17'

2756.47'

THIS SURVEY REPRESENTS THE LAND OCCUPIED AND BEING OWNED BY ST. VAERY'S MISSIONARY BAPTIST CH.

CLASS "C" SURVEY
DATE OF SURVEY: 4/17/06
SURVEYED BY: DANIEL BAILEY
1124 CEDAR CREEK RD.
BENTLEYVILLE, MO. 63071
601-282-0601
FIS REG. NO. 2013

EXPERIENCE MAINTENANCE

BOOK	PAGE
123	434
119	219
20	154
57	76



Daniel Bailey

R-8-W

T-2-S

