

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI **AUG 22 2 56 PM '97**

A.L.PRESSGROVE, JR., et.al.
Plaintiffs

BK 320 PG 733
W.E. DAVIS CLERK

vs.

CIVIL ACTION NO. **97-5-706**

HEIRS or DEVISEES, etc.
et. al.
Defendants

**JUDGMENT
REMOVING CLOUD ON TITLE**

THIS STATUTORY ACTION came before the Court pursuant to Section 11-17-31, MCA, by owners of real property for removal of cloud on title. Upon review of the pleadings and orders entered in this cause, the Court hereby finds and adjudicates as follows: -

PARTIES.

1. Plaintiffs are residents of Desoto County, Mississippi. Plaintiffs PRESSGROVE hold title to an undivided 1/3 interest in some of the property, Plaintiff SAULSBERRY holds title as to an undivided 2/3 interest in the same property, and all title as to the rest of the property.

2. The names and post office addresses of those Defendants

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W E DAVIS, CLERK

W. E. Davis, D.C.

*Minute Book 224
page 614*

identified as Heirs or Devisees of Estates and Creditors of Estates are unknown to Plaintiffs after diligent inquiry.

3. There are also Unknown Parties in Interests, including Unknown Heirs, whose indentity is unknown to Plaintiffs after diligent inquiry.

4. The following persons are made Parties Defendant because they own property adjacent to Plaintiff's property, but the legal descriptions in the instruments by which these Defendants acquired title are not precise and certain. Their uncertainty casts a cloud on the title to Plaintiff's property. These Defendants are:

Bennie F. Abram, Jr., Zola Milan, Antonio Abram, Barbara Abram, Tell Saulsberry, Bernice Saulsberry, Shirley Ann Saulsberry, Rosie Mary Saulsberry Kimble, Richard Saulsberry.

JURISDICTION AND VENUE.

5. The real property is located in Desoto County, Mississippi.

PROPERTY.

6. The property consists of three parcels of land in Desoto

County, Mississippi, described in Exhibit "A" attached hereto.

Indexing Instruction:

Parcels #1 and #2: SE Quarter of Section 31, Township 1 South,
Range 7 West, Desoto County, Mississippi.

Parcel #: NE Quarter of Section 6, Township 2 South,
Range 7 West, Desoto County, Mississippi.

TITLE TO PROPERTY AND CLOUDS THEREON.

7. Title to the property is vested as follows:

As to parcels #1 and #2:

A. L. Pressgrove and Raynos H. Pressgrove, husband and wife as tenants by the entirety with full right of survivorship and not as tenants in common, as to an undivided 1/3 interest;

Bernice Jones Saulsberry, as to an undivided 2/3 interest;

As to parcel #3:

Bernice Jones Saulsberry.

8. There is no adverse occupancy of any part of the property.

9. There are clouds on the title to the property for the following reasons:

- (a) In the chain of title appears Simon Saulsberry. He is deceased and his estate was opened as cause No. 9308 in this county. The estate was not closed and claims of

unknown heirs and creditors constitute a cloud on the title.

- (b) In the chain of title appears Simon Saulsberry Jr. A partition deed recorded in book 65 at page 409 recites that Simon Saulsberry Jr. died in 1954. There is no record of an estate having been opened. Claims of unknown heirs and creditors constitute a cloud on the title.
- (c) In the chain of title appear Ivory "Ira" Saulsberry and Clara B. Saulsberry. A deed recorded in book 141 at page 296 states that both died intestate. There is no record of estates having been opened. Claims of unknown heirs and creditors constitute a cloud on the title.
- (d) In the chain of title there appears a deed recorded in book 201 at page 202, by which Hattie Mae Saulsberry Guy erroneously conveyed a part of Plaintiff's property to one Bennie Abram. At the time of the conveyance, the grantor did not hold title to any part of Plaintiff's property. This conveyance creates a cloud on Plaintiff's property.
- (e) Legal descriptions in instruments of conveyance by which Defendants Bennie F. Abram, Jr., Zola Milan, Antonio Abram, Barbara Abram, Tell Saulsberry, Bernice Saulsberry, Shirley Ann Saulsberry, Rosie Mary Saulsberry Kimble and Richard Saulsberry took title are not precise and certain. Their uncertainty casts a cloud on the title to Plaintiff's property.

DERAIGNMENT OF TITLE.

10. Deraignment of Plaintiffs' title under Section 11-17-35, MCA is not required. All parties claim title to the property in question under a

common source and having better title from said source than anyone else.

The common source is a warranty deed from Ophelia Saulsberry dated 5-11-78 and recorded on 5-7-82 in Book 158 at Page 653 in the office of the Chancery Clerk of this county.

11. Default has been entered against all Defendants.

GROUND FOR RELIEF.

12. Section 11-17-31, MCA.

If a conveyance or other evidence of title to real property, or if a claim by a person not the rightful owner thereof, casts any doubt or suspicion on the title of the real owner, such real owner may have such conveyance or other evidence of title or claim cancelled and such cloud, doubt or suspicion removed from said title.

JUDGMENT IS THEREFORE ENTERED AS FOLLOWS: *Except as to Defendants Bonnie F. Abram, Jr., Antonio Abram and Barbara Abram:*

(a) Title to the property in question is vested in:

As to parcels #1 and #2:

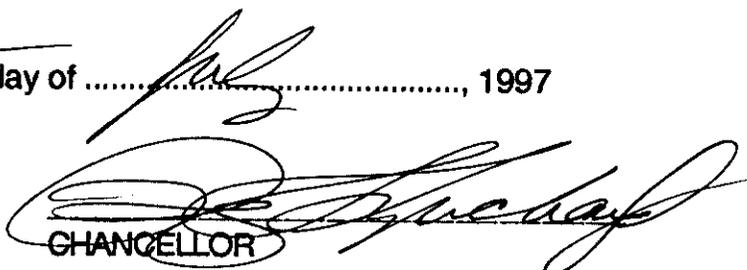
A. L. Pressgrove and Raynos H. Pressgrove, husband and wife as tenants by the entirety with full right of survivorship and not as tenants in common, as to an undivided 1/3 interest; Bernice Jones Saulsberry, as to an undivided 2/3 interest;

As to parcel #3:

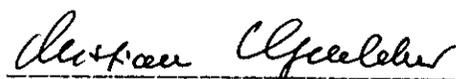
Bernice Jones Saulsberry.

- (b) Title to the property is subject only to the following, and no other, claims, encumbrances or rights:
- (1) Local Taxes and Special Assessments
 - (2) An easement for ingress and egress in favor of Zola Milam, recorded on book 224 at page 579, affecting parcels #1, #2 and #3.
 - (3) An easement for ingress and egress over the Westerly 50ft of parcel #1, as recorded in book 141 at page 296;
 - (4) An easement for ingress and egress over the Easterly 30ft of parcels #1 , #2 and #3, as recorded in book 224 at page 579;
 - (5) An easement for ingress and egress over the Northerly 30ft of parcel #3, as recorded in book 169 at page 133;
 - (6) An easement for ingress and egress to Cumeler Saulsberry recorded in book 125 at page 96, affecting parcel #3;
 - (7) An easement for ingress and egress to Cumeler Saulsberry recorded in book 130 at page 435, affecting parcel #3;
- (c) Cost are assessed to Plaintiffs.

SO ORDERED, this the 21st day of July, 1997


CHANCELLOR

Submitted by:



Christian Goeldner
Attorney for Plaintiffs

Parcel No. 1

6.58 acres, more or less, in the Southwest quarter of the Southeast quarter of Section 31, Township 1 South, Range 7 West, Desoto County, Mississippi, more particularly described as:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 31, Township 1 South, Range 7 West, Desoto County, Mississippi; thence S89° 51' 41" W along the South line of said Section a distance of 231.00 feet to a 1/2" iron pin set and point of beginning; thence continuing S89° 51' 41" W a distance of 449.56 feet to a 1/2" iron pin set; thence N00° 23' 00" E, a distance of 742.41 feet to a 1/2" iron pin set; thence N89° 58' 19" E a distance of 354.86 feet to a 1/2" iron pin found; thence S00° 36' 27" W a distance of 491.76 feet to a 1/2" iron pin set; thence N89° 51' 28" E a distance of 99.0 feet to a 1/2" iron pin set; thence S00° 55' 46" W a distance of 250.02 feet to the point of beginning, containing 6.58 acres more or less.

Parcel No. 2

3.06 acres, more or less, in the Southwest quarter of the Southeast quarter of Section 31, Township 1 South, Range 7 West, Desoto County, Mississippi, more particularly described as:

Beginning at an iron pin at the Northeast corner of the Southwest quarter of the Southeast quarter of Section 31, Township 1 South, Range 7 West; thence S00° 57' 46" W a distance of 564.66 feet along the East line of said Southwest quarter of the Southeast quarter of Section 31; thence S89° 52' 20" W a distance of 329.82 feet to an iron pin, being the point of beginning; thence S00° 44' 03" W a distance of 58.71 feet to a 1/2" iron pin found; thence S89° 58' 19" W a distance of 354.86 feet to a 1/2" iron pin set; thence N00° 23' 00" E a distance of 374.71 feet to a 1/2" iron pin found; thence N89° 50' 22" E a distance of 356.34 feet to 1/2" iron pin found; thence S00° 35' 02" W a distance of 316.84 feet to the point of beginning, containing 3.06 acres more or less.

Parcel No. 3

3.52 acres, more or less, in the Northwest quarter of the Northeast quarter of Section 06, Township 2 South, Range 7 West, Desoto County, Mississippi, more particularly described as:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 31, Township 1 South, Range 7 West, Desoto County, Mississippi; thence S89° 51' 41" W along the South line of said Section a distance of 231.00 feet to a 1/2" iron pin set and point of beginning; thence S00° 55' 46" W a distance of 662.42 feet to a 1/2" iron pin set; thence S89° 51' 41" W a distance of 231.00 feet to a 1/2" iron pin set; thence N00° 48' 23" E a distance of 662.40 feet to a 1/2" iron pin set; thence S89° 51' 41" W a distance of 232.42 feet to the point of beginning, containing 3.52 acres more or less.

STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is a true
copy of the original filed in this office.

This the 20 day of Aug, 19 97

W. E. DAVIS, Clerk of the Chancery Court

By [Signature] D.C.

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