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IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

NORTH MISSISSIPPI UTILITY COMPANY,

PETITIONER

VS.

CAUSE NO. 98-7-940

DESOTO COUNTY, MISSISSIPPI; MISSISSIPPI POWER  
& LIGHT COMPANY; ENTERGY CORPORATION;  
BELLSOUTH TELECOMMUNICATIONS, INC. and  
HORN LAKE CREEK BASIN INTERCEPTOR SEWER  
DISTRICT OF DESOTO COUNTY, MISSISSIPPI,

RESPONDENT

**ORDER VACATING PLAT PURSUANT TO  
SECTION 19-27-31 OF THE MISSISSIPPI CODE ANNOTATED**

This cause came on to be heard upon the Petition to Vacate Plat Pursuant to Section 19-27-31 of the Mississippi Code Annotated filed in the above styled and numbered cause by North Mississippi Utility Company, by and through their counsel of record, and this matter being brought forward for hearing and the Court being further advised in the premises does hereby Order as follow:

1. The Petition requests to vacate the plat of Holly Hills Subdivision Section "C" located in Section 30, Township 1 South, Range 8 West in DeSoto County, Mississippi as recorded in Plat Book 50 at Pages 41-42 in the Subdivision Plat Books contained in the Chancery Court Clerk's Office.
2. North Mississippi Utility Company is a Mississippi corporation licensed to do business within the state of Mississippi and who acts by and through its President, Bill J. Roberson.
3. DeSoto County, Mississippi is a political subdivision of the state of Mississippi, and its governing body is the DeSoto County Board of Supervisors. This Defendant has waived service of process of the Petition in this cause. The Defendant did not appear to contest the relief requested.
4. Entergy Corporation is a utility company licensed to do business in the state of Mississippi. This Defendant has waived service of process of the Petition in this cause. The Defendant did not appear to contest the relief requested.

FILED  
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W. E. DAVIS, CLERK  
D. J. Graham, Jr.

5. Mississippi Power & Light Company is a utility company licensed to do business in the state of Mississippi. This Defendant has waived service of process of the Petition in this cause. The Defendant did not appear to contest the relief requested.

6. BellSouth Telecommunications, Inc. is a Georgia business licensed to do business in the state of Mississippi. This Defendant has waived service of process of the Petition in this cause. The Defendant did not appear to contest the relief requested.

7. Horn Lake Creek Basin Interceptor Sewer District of DeSoto County, Mississippi is an arm of county government created to take care of the sewage in the Horn Lake Creek area. It is a separate political entity with its Commissioners appointed by the DeSoto County Board of Supervisors. This Defendant has waived service of process of the Petition in this cause. The Defendant did not appear to contest the relief requested.

8. No other Defendant has appeared in this cause.

9. Jurisdiction and venue is vested in the DeSoto County Chancery Court pursuant to Section 19-27-31 of the Mississippi Code Annotated of 1972. The property in question is located wholly within DeSoto County, Mississippi.

10. On or about June 20, 1995 the plat of Holly Hills Subdivision, Section "C" located in Section 30, Township 1 South, Range 8 West in DeSoto County, Mississippi was recorded in Subdivision Plat Book 50 at Pages 41-42 in the Chancery Court Land Records of DeSoto County, Mississippi.

11. Subsequent thereto, the property owner, North Mississippi Utility Company has determined that the property would better be used in a different format under a separate configuration and plat.

12. The proper procedure for vacation of said plat is through the Chancery Court of DeSoto County, Mississippi.

13. The Petitioner, North Mississippi Utility Company, has moved to vacate the plat known as Holly Hills Subdivision Section "C", pursuant to §19-27-31 of the Mississippi Code Annotated, and has specifically shown unto the Court the following:

A. The Petition was brought under oath;

B. The particular circumstances of the case as set forth therein are the desires of North Mississippi Utility Company to vacate the above referenced plat to allow them to

submit a replacement plat for approval at a subsequent date and time. The particular circumstances of the case are the desire of North Mississippi Utility Company to proceed with a separate configuration and plat which more suits their needs and desires for the property in question.

C. The property is accurately described as 3.29 acres located in Section 30, Township 1 South, Range 8 West of DeSoto County, Mississippi and designated by map and plat of Holly Hills Subdivision, Section "C", Section 30, Township 1 South, Range 8 West in Plat Book 50 at Pages 41-42.

D. The plat to be vacated is the Holly Hills Subdivision Section "C" located in Section 30, Township 1 South, Range 8 West in DeSoto County, Mississippi as recorded in Plat Book 50 at Pages 41-42 in the Subdivision Plat Books contained in the Chancery Court Clerk's Office of DeSoto County, Mississippi.

14. The names of persons adversely affected or directly interested in said request are as follows:

- A. North Mississippi Utility Company;
- B. Mississippi Power & Light Company;
- C. Entergy Corporation;
- D. BellSouth Telecommunications, Inc.;
- E. Horn Lake Creek Basin Interceptor Sewer District of DeSoto County, Mississippi; and
- F. DeSoto County, Mississippi.

There is no other party who would be adversely affected or directly interested in this cause. All persons adversely affected or directly interested are named herein as Defendants and are properly before the Court by service of process, publication notice and/or waiver and joinder.

15. This Petition was brought in the Chancery Court of DeSoto County, Mississippi for relief requested in the premises.

16. Notice of this Petition has been published in a newspaper of general publication in the county in which the property is located.

17. The Court does deem it appropriate to vacate the plat more particularly described as Holly Hills Subdivision Section "C" located in Section 30, Township 1 South, Range 8 West in

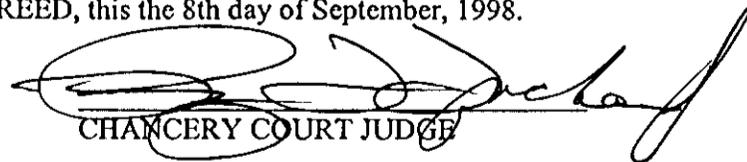
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DeSoto County, Mississippi as recorded in Plat Book 50 at Pages 41-42 in the Subdivision Plat Books contained in the Chancery Court Clerk's Office of DeSoto County, Mississippi.

18. The Petitioner has affirmatively stated unto the Court, through counsel, that there are currently power lines and possible easements across the property described herein which were in place and in existence at the time the plat in question was filed. It is not the intention of the Petitioner to "vacate" any easements or power lines which show on the plat in question which were in existence prior to the filing of the plat known as Holly Hills Subdivision, Section "C", located in Section 30, Township 1 South, Range 8 West in DeSoto County, Mississippi as recorded in Plat Book 50 at Pages 41-42 in the Subdivision Plat Books contained in the Chancery Court Clerk's office of DeSoto County, Mississippi. The Court does affirmatively state that this Order shall have no affect on any power lines and/or easements which were existing on the property prior to the filing of the plat referenced herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plat more particularly described as Holly Hills Subdivision, Section "C" located in Section 30, Township 1 South, Range 8 West in DeSoto County, Mississippi as recorded in Plat Book 50 at Pages 41-42 in the Subdivision Plat Books contained in the Chancery Court Clerk's office of DeSoto County, Mississippi is hereby deemed to be vacated with the exception of any power lines and/or easements which existed on the subject property prior to the date of the filing of the Plat in question as set forth in Paragraph 18 above. It is further directed that this Order be recorded as a Deed in the Land Records in the Chancery Clerk's office of DeSoto County, Mississippi and that said vacation and deed reference be properly noted by memorandum on the vacated plat.

ORDERED, ADJUDGED AND DECREED, this the 8th day of September, 1998.

  
CHANCERY COURT JUDGE

STATE MS. - DESOTO CO  
K  
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BK 340 PG 259  
W.E. DAVIS CH. CLK.