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IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

BK 353 PG 385
W.E. DAVIS CH. CLK.

ARTHUR B. TINSLEY, JR. AND
GINGER KAY LANGLEY,

PLAINTIFFS

VS

CAUSE NO. 99-5-628

THE UNKNOWN EXECUTORS, ADMINISTRATORS
AND PERSONAL REPRESENTATIVES OF THE
ESTATE OF ARTHUR B. TINSLEY, DECEASED,
THE UNKNOWN HEIRS AT LAW OF
ARTHUR B. TINSLEY, DECEASED,
THE UNKNOWN EXECUTORS, ADMINISTRATORS AND
PERSONAL REPRESENTATIVES OF THE ESTATE OF
SIMON N. TURNER, JR., DECEASED,
THE UNKNOWN HEIRS AT LAW OF SIMON N. TURNER, JR., DECEASED
THE UNKNOWN EXECUTORS, ADMINISTRATORS AND PERSONAL
REPRESENTATIVES OF THE ESTATE OF BETTIE B. TURNER, DECEASED
THE UNKNOWN HEIRS AT LAW OF BETTIE B. TURNER, DECEASED,
THE UNKNOWN EXECUTORS, ADMINISTRATORS AND PERSONAL
REPRESENTATIVES OF THE ESTATE OF SARAH E. TURNER, DECEASED
THE UNKNOWN HEIRS AT LAW OF SARAH E. TURNER, DECEASED AND
ALL PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE
INTEREST IN THE FOLLOWING DESCRIBED LAND LOCATED
IN DESOTO COUNTY, MISSISSIPPI AND DESCRIBED AS FOLLOWS:
THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH RANGE 10 WEST
LESS AND EXCEPT A 1/2 ACRE SQUARE SO AS TO EMBRACE THE TURNER-
TINSLEY BURIAL GROUND IN THE CENTER OF SAID 160 ACRE TRACT LESS AND
EXCEPT CONVEYANCES TO DESOTO COUNTY, MISSISSIPPI EVIDENCED BY DEEDS
OF RECORD IN DEED BOOK 24, PAGE 168 AND DEED BOOK 180, PAGE 398 AND
DEED BOOK 180, PAGE 487 IN THE OFFICE OF THE CHANCERY CLERK OF
DESOTO COUNTY, MISSISSIPPI
DEFENDANTS

DECREE CONFIRMING AND QUIETING TITLE

This cause came on this day to be heard on the filed verified
Complaint to Confirm and Quiet Title which was filed in this cause
by Arthur B. Tinsley, Jr. and Ginger Kay Langley and the court
having considered the Complaint and the proof offered in support
thereof doth find and adjudicate as follows:

That the Plaintiffs, Arthur B. Tinsley, Jr. and Ginger Kay
Langley are adult non-residents of the State of Mississippi, living

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W E DAVIS, CLERK
E. Williams

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and residing at 6 Chicot Cove, Maumelle, Arkansas 72113.

That the Plaintiffs made as Defendants to this action the following identified individuals who are interested in the land so far as known to the Plaintiffs or determined by them after diligent search and inquiry. That the names, residential addresses, post office addresses and street addresses of all of the Defendants were unknown to the Plaintiffs after diligent search and inquiry by the Plaintiffs to ascertain the same:

That the Defendants are described as follows:

A. The Unknown Executors, Administrators and Personal Representatives of the Estate of Arthur B. Tinsley, Deceased.

B. The Unknown Heirs at Law of Arthur B. Tinsley, Deceased.

C. The Unknown Executors, Administrators and Personal Representatives of the Estate of Simon N. Turner, Jr., Deceased.

D. The Unknown Heirs at Law of Simon N. Turner, Jr., Deceased.

E. The Unknown Executors, Administrators and Personal Representatives of the Estate of Bettie B. Turner, Deceased.

F. The Unknown Heirs at Law of Bettie B. Turner, Deceased

G. The Unknown Executors, Administrators and Personal Representatives of the Estate of Sarah E. Turner, Deceased.

H. The Unknown Heirs at Law of Sarah E. Turner, Deceased.

I. All persons having or claiming any legal or equitable interest in the following described land located in DeSoto County, Mississippi, to-wit,

The Southwest Quarter of Section 36, Township 1 South Range 10

West LESS AND EXCEPT A 1/2 acre square so as to embrace the Turner-Tinsley Burial Ground in the center of said 160 acre tract LESS AND EXCEPT conveyances to DeSoto County, Mississippi evidenced by Deeds of Record in Deed Book 24, Page 168 and Deed Book 180, Page 398 and Deed Book 180, Page 487 in the office of the Chancery Clerk of DeSoto County, Mississippi.

That the Plaintiffs are the owners of and in possession of the following described real property located in DeSoto County, Mississippi, more particularly described as follows:

The Southwest Quarter of Section 36, Township 1 South Range 10 West LESS AND EXCEPT a 1/2 acre square so as to embrace the Turner-Tinsley Burial Ground in the center of said 160 acre tract LESS AND EXCEPT conveyances to DeSoto County, Mississippi evidenced by Deeds of Record in Deed Book 24, Page 168 and Deed Book 180, Page 398 and Deed Book 180, Page 487 in the office of the Chancery Clerk of DeSoto County, Mississippi.

That the Plaintiffs and all Defendants herein derive their title or any claim thereto out of a common source to-wit: The Final Decree Approving Partition of Land entered in Cause No. 1748 on the Docket of the Chancery Court of DeSoto County, Mississippi and being styled Sarah Turner, Plaintiff vs. Bettie B. Turner, et al, Defendants and which Decree is dated April 21, 1887 and duly recorded in Deed Book 5, Page 543 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

That the Plaintiffs deraigned their title from the aforesaid common source as follows:

<u>GRANTOR</u>	<u>GRANTEE</u>	<u>TYPE OF INSTRUMENT</u>	<u>RECORDING INFO</u>
Chancellor J. H. Hall	Bettie B. Turner, Rosa Lee Tinsley, Simon Turner and Mrs. Sarah Turner	Final Decree Approving Partition of Land	Deed Book 5 Page 543
Simon N. Turner, Jr.	Bettie B. Turner, Rosa Lee Tinsley, Sarah E. Turner	Descent and Distribution	
Bettie B. Turner	Mrs. R. L. Tinsley	General Warranty Deed	Deed Book 9 Page 464
Mrs. R. L. Tinsley	B. B. Turner	General Warranty Deed	Deed Book 9 Page 465
Bettie B. Turner	Rosa Lee Tinsley and Sarah E. Turner	Descent and Distribution	
Sarah E. Turner	Rosa Lee Tinsley	Descent and Distribution	
Roser Lee Tinsley	Arthur B. Tinsley, Mrs. Lilly Lee Johnston and Eben Tinsley	Last Will and Testament	Will Book 5 Page 32
Arthur B. Tinsley and Eben Tinsley	Mrs. Lillie Lee Johnson	General Warranty Deed	Deed Book 21 Page 501
Lillie Lee Morton (formerly Lillie Lee Johnson)	Arthur B. Tinsley	General Warranty Deed	Deed Book 23 Page 415
Arthur B. Tinsley	Arthur B. Tinsley, Jr. and Bennie D. Tinsley	Descent and Distribution	
Bennie D. Tinsley	Arthur Bynum Tinsley, Jr.	Last Will and Testament	Will Book 23 Page 389
Marlene T. Tinsley	Arthur B. Tinsley, Jr.	Quitclaim Deed	Deed Book 199 Page 167
Arthur B. Tinsley, Jr.	Arthur B. Tinsley, Jr. and Ginger Kay Langley	Warranty Deed	Deed Book 346 Page 303

That the Southwest Quarter of Section 36, Township 1, Range 10 West of DeSoto County, Mississippi was originally owned by Simon Turner. That Simon Turner died intestate on the first day of November, 1883 while living in DeSoto County, Mississippi. That his estate was properly administered in Cause Number 1560 on the docket of the Chancery Court of DeSoto County, Mississippi. That he left as his sole surviving heirs-at-law his widow, Sarah Turner (a/k/a Sarah E. Turner) and four (4) children namely, Rosa Lee Tinsley (a/k/a Roser Lee Tinsley a/k/a Mrs. R. L. Tinsley), Simon Turner (a/k/a Simon N. Turner, Jr. a/k/a Simon N. Turner) and Bettie B. Turner (a/k/a Bettie L. Turner a/k/a B. B. Turner) all of whom were born to the union of Simon Turner and Sarah E. Turner. That in addition, the said Simon Turner had a child by a previous marriage, whose name was Cherrie A. Vann. That the said Cherrie A. Vann conveyed her interest in the above described real property by deed dated December 24, 1886 to Rosa Lee Tinsley, Bettie B. Turner, Simon N. Turner and Sarah E. Turner. That thereafter on or about April 21, 1887, Sarah Turner (a/k/a Sarah E. Turner), the widow of Simon N. Turner filed a petition for the partiting and division of the above described real property being the Southwest Quarter of Section 36, Township 1, Range 10 West, DeSoto County, Mississippi. That the Defendants to said action were Bettie B. Turner, Simon N. Turner (being Simon N. Turner, Jr.) and Rosa Lee Tinsley and who at the time of said action together with the Plaintiff, Sarah Turner, were the owners of all of the aforescribed real property by virtue of the intestate death of Simon N. Turner and the aforesaid

conveyance by Cherrie A. Vann.

That in 1897 or prior thereto, Simon Turner a/k/a Simon N. Turner, Jr. died intestate and he left as his sole surviving heirs at law, his mother, Sarah Turner, a/k/a Sarah E. Turner and two sisters, namely Bettie B. Turner and Rosa Lee Tinsley. That at the time of his death, the said Simon N. Turner, Jr. is believed to have been a resident of DeSoto County, Mississippi. That at the time of his death he owned the south half of the north half of the southwest quarter of Section 36, Township 1 Range 10 West and that by virtue of his intestate death, the title to said land by descent and distribution descended to his mother, Sarah Turner, a/k/a Sarah E. Turner and his sisters, Bettie B. Turner and Rosa Lee Tinsley a/k/a Mrs. R. L. Tinsley. That the Plaintiffs attached to the Complaint a copy of an Affidavit executed by Arthur B. Tinsley dated April 20, 1927 and which Affidavit sets forth the facts and allegations contained herein concerning the intestate death of Simon N. Turner, Jr. and which Affidavit supports the Plaintiff's allegations in the Complaint as to his sole surviving heirs at law and likewise it supports the allegations contained hereinafter as to the intestate deaths of Bettie B. Turner and Sarah E. Turner.

That Bettie B. Turner a/k/a Bettie L. Turner died intestate the date of her death being unknown but believed to be before the year of 1926. That at the time of her death she owned an undivided interest in the south half of the north half of the southwest quarter of Section 36, Township 1, Range 10 West and the south half

of the south half of the southwest quarter of Section 36, Township 1 South, Range 10 West. That upon her death the title to said real property descended by descent and distribution to her sister, Rosa Lee Tinsley and her mother, Sarah E. Turner who were her sole surviving heirs at law.

That Sarah E. Turner a/k/a Sarah Turner died intestate on or about the year 1913 and that while living in DeSoto County, Mississippi that at the time of her death she left as her sole surviving heir at law her daughter, Rosa Lee Tinsley. That at the time of her death she owned the north half of the south half of the southwest quarter of Section 36, Township 1, Range 10 and an undivided interest in the south half of the north half of the southwest quarter and the south half of the south half of the southwest quarter of Section 36, Township 1, Range 10. That at the death of the Sarah E. Turner title to said real property descended to her daughter, Rosa Lee Tinsley, who was her sole heir at law, by the laws of descent and distribution of the State of Mississippi.

That Rosa Lee Tinsley died testate on the 27th day of June, 1926 and she left a Last Will and Testament which is duly recorded in Will Book 5, Page 32 in the Office of the Chancery Clerk of DeSoto County, Mississippi. That at her death the decedent owned the Southwest Quarter of Section 36, Township 1, Range 10 West. That the decedent's will was probated in Cause No. 5181 on the docket of said court and that pursuant to a Decree entered in that cause construing the Last Will and Testament of the Decedent, the Chancery Court of DeSoto County, Mississippi adjudicated that

Arthur B. Tinsley, Eben Tinsley and Mrs. Lillie Lee Johnston (a/k/a Lillie Lee Johnson) inherited as equal owners and as tenants in common the land described as the southwest quarter of Section 36, Township 1 South, Range 10 West of DeSoto County, Mississippi.

That by mense conveyances Arthur B. Tinsley (the father of the Plaintiff herein, Arthur B. Tinsley, Jr.) became the owner of the aforedescribed real property by virtue of a General Warranty Deed from Lillie Lee Morton recorded in Deed Book 23, Page 415 in the office of the Chancery Clerk of DeSoto County, Mississippi.

That Arthur B. Tinsley died intestate while living and residing in the State of Texas on or about March 30, 1950. That the said Arthur B. Tinsley was also known as A. B. Tinsley, Sr. and that at the time of his death he left surviving him as his sole heirs at law his widow, Bennie D. Tinsley and one son, A. B. Tinsley, Jr. a/k/a Arthur B. Tinsley, Jr., a/k/a Arthur Bynum Tinsley, Jr., the Plaintiff herein. That the Plaintiffs attached to the Complaint an Affidavit of Bennie D. Tinsley dated August 31, 1950 and the Affidavit of I. T. (Berta) Copenhaver dated August 1, 1950 and both of which have been duly recorded in the office of the Chancery Clerk of DeSoto County, Mississippi and which Affidavits are heirship affidavits and established therein that A. B. Tinsley, Sr. left only one child and his widow, Bennie D. Tinsley, who were his sole surviving heirs at law. That accordingly at the time of his death the said Arthur B. Tinsley was the owner in fee simple of the southwest quarter of Section 36, Township 1, Range 10 West subject to an exception for the Turner-Tinsley burial ground and

that by virtue of his intestate death, title to said land descended by descent and distribution to his widow, Bennie D. Tinsley and his son, A. B. Tinsley, Jr. a/k/a Arthur Bynum Tinsley, Jr., a/k/a Arthur B. Tinsley, Jr.

That the Plaintiffs are the owners in fee simple of the real property described as follows: The southwest quarter of Section 36, Township 1 South, Range 10 West, LESS AND EXCEPT a 1/2 acre square in the center of said tract reserved for the Turner-Tinsley burial ground and LESS AND EXCEPT conveyances made to DeSoto County, Mississippi, recorded in Deed Book 24, Page 168, Deed Book 180, Page 398 and Deed Book 180, Page 487 in the office of the Chancery Clerk of DeSoto County, Mississippi. That the Plaintiffs are the owners in fee simple of said real property by virtue of the devise of the Last Will and Testament of Bennie D. Tinsley and the intestate death of A. B. Tinsley, Sr. and the subsequent conveyance by the Plaintiff, A. B. Tinsley, Jr. to A. B. Tinsley, Jr. and Ginger Kay Langley by deed of record in Deed Book 346, Page 303 in the office of the Chancery Clerk of DeSoto County, Mississippi. That within the deraignment of title there appears a Quitclaim Deed from Marlene T. Tinsley to Arthur B. Tinsley, Jr. That this deed was given as the result of a divorce agreement entered into between the said Marlene T. Tinsley and Arthur B. Tinsley, Jr. That the said Marlene T. Tinsley had no interest in said real property at the time of said conveyance.

That in addition to the claim of title as set forth herein and as established under the deraignment of title contained herein, the

Plaintiffs additionally assert that they are the owners in fee simple of the aforescribed real property by virtue of adverse possession. That the proof offered by the Plaintiffs supports said claim. That the Plaintiffs and their predecessors in title have been in possession of the aforescribed real property continuously for more than 50 years and that during said period of time the Plaintiffs and their predecessors in title have openly, notoriously, continuously and exclusively claimed, dominated and controlled the aforesaid real property adversely and to the exclusion of all persons, entities and/or claims of any and all individuals including but not limited to the Defendants herein. That during this period of time no party, person or entity has ever questioned, contested or asserted any claim of title against the said real property and against the title of the Plaintiffs hereto. That accordingly in addition to adjudicating that the Plaintiffs owned the aforescribed real property pursuant to their deraignment of title the court does likewise adjudicate that they own said real property as the result of their adverse possession and the adverse possession of their predecessors in title for a period of time in excess of ten years and which possession has been continuous throughout said period.

That all parties are properly before this court, the Plaintiffs having caused a Summons to be published by newspaper publication in a newspaper having a general circulation in DeSoto County, Mississippi, being the **DeSoto Times Today**, said Summons having been published in the May 13th, May 20th and May 27th, 1999

Editions of said paper. That the Defendants have failed to appear or to file any response to the Complaint and all of the Defendants are wholly in default. That accordingly the Plaintiffs are entitled to the relief prayed for in the Complaint.

ACCORDINGLY, it is hereby Ordered, Adjudged and Decreed by the court as follows:

1. That the Plaintiffs, Arthur B. Tinsley, Jr. and Ginger Kay Langley, be and they are hereby decreed to be the owners in fee simple to the following real property located in DeSoto County, Mississippi and being more fully described as follows, to-wit:

The Southwest Quarter of Section 36, Township 1 South Range 10 West LESS AND EXCEPT A 1/2 acre square so as to embrace the Turner-Tinsley Burial Ground in the center of said 160 acre tract LESS AND EXCEPT conveyances to DeSoto County, Mississippi evidenced by Deeds of Record in Deed Book 24, Page 168 and Deed Book 180, Page 398 and Deed Book 180, Page 487 in the office of the Chancery Clerk of DeSoto County, Mississippi.

2. That title to the aforescribed real property is hereby confirmed and quieted in the Plaintiffs in fee simple as against the Defendants:

A. The Unknown Executors, Administrators and Personal Representatives of the Estate of Arthur B. Tinsley, Deceased.

B. The Unknown Heirs at Law of Arthur B. Tinsley, Deceased.

C. The Unknown Executors, Administrators and Personal Representatives of the Estate of Simon N. Turner, Jr., Deceased.

D. The Unknown Heirs at Law of Simon N. Turner, Jr., Deceased.

E. The Unknown Executors, Administrators and Personal

Representatives of the Estate of Bettie B. Turner, Deceased.

F. The Unknown Heirs at Law of Bettie B. Turner, Deceased

G. The Unknown Executors, Administrators and Personal Representatives of the Estate of Sarah E. Turner, Deceased.

H. The Unknown Heirs at Law of Sarah E. Turner, Deceased.

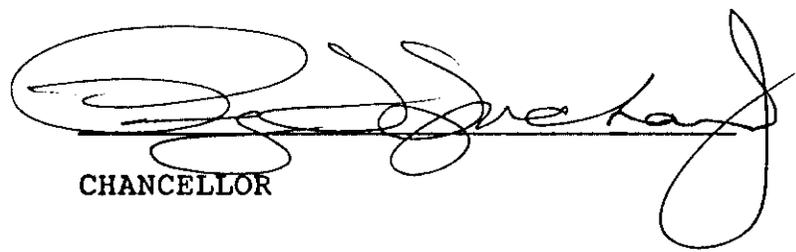
I. All persons having or claiming any legal or equitable interest in the following described land located in DeSoto County, Mississippi, to-wit,

The Southwest Quarter of Section 36, Township 1 South Range 10 West LESS AND EXCEPT A 1/2 acre square so as to embrace the Turner-Tinsley Burial Ground in the center of said 160 acre tract LESS AND EXCEPT conveyances to DeSoto County, Mississippi evidenced by Deeds of Record in Deed Book 24, Page 168 and Deed Book 180, Page 398 and Deed Book 180, Page 487 in the office of the Chancery Clerk of DeSoto County, Mississippi.

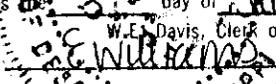
3. That title is hereby confirmed and quieted in the Plaintiffs on the basis of their deraignment of title and the proof offered in support of their Complaint filed in this cause as well as on their claim of adverse possession as set forth in the Complaint.

4. That the Clerk of the Chancery Court of DeSoto County, Mississippi, shall cause a certified copy of this Decree to be duly enrolled in the land records of DeSoto County, Mississippi, as evidence of the confirmation of the title to the aforescribed real property in the Plaintiffs, Arthur B. Tinsley, Jr. and Ginger Kay Langley in fee simple.

SO ORDERED, ADJUDGED AND DECREED on this the 3rd day of June, 1999.


CHANCELLOR

9949.1789

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 3rd day of June, 1999
W.E. Davis, Clerk of the Chancery Court
BY  D.C.
CHANCERY COURT
MISSISSIPPI