

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

AMERICAN PUBLIC FINANCE, INCORPORATED

PLAINTIFF

V.

CAUSE NO. 99-3-307

DESOTO COUNTY, MISSISSIPPI,  
MIKE MOORE IN HIS CAPACITY  
AS ATTORNEY GENERAL FOR  
THE STATE OF MISSISSIPPI,  
ROBERT L. WILLIAMS IN HIS  
CAPACITY AS ATTORNEY FOR  
DESOTO COUNTY, MISSISSIPPI,  
SUSAN D. JOHNSON, LAND  
INVESTMENTS, INC. AND ALL  
OTHER PERSONS, FIRMS AND  
CORPORATIONS HAVING OR  
CLAIMING ANY LEGAL OR  
EQUITABLE INTERESTS IN THE  
FOLLOWING DESCRIBED LAND  
LOCATED IN DESOTO COUNTY,  
MISSISSIPPI WHICH WAS SOLD  
FOR TAXES ON AUGUST 31, 1992,  
TO WIT: "LOT 73, SECTION "A",  
LAKE O HILLS SUBDIVISION IN  
SECTIONS 19 & 20, TOWNSHIP 3  
SOUTH, RANGE 9 WEST, DESOTO  
COUNTY, MISSISSIPPI; PARCEL  
NO. 3094-2001.0-00073.00"

STATE MS. - DESOTO CO.

AUG 19 10 05 AM '99

BK 357 PG 704  
W.F. DAVIS, CLERK

DEFENDANTS

JUDGMENT CONFIRMING TITLE

This day this cause coming on to be heard on the Complaint of Plaintiff, American Public Finance, Incorporated, ("APF") to confirm title under provisions of §11-17-3, Mississippi Code of 1972, as amended, to confirm the Tax Sale which occurred on August 31, 1992 and remove as a cloud on his title any and all claims the other Defendants have or may have in and to the hereinafter-described real property, and the Court having heard and considered same and being fully advised in the premises, finds as follows:

1. All the necessary party defendants have been served with process as required by law. They are:

**FILED**

JUL 19 1999

W E DAVIS, CLERK

- a. The State of Mississippi was served with process by service upon the Attorney General of the State of Mississippi. The State filed an Answer herein asserting no interest in the subject property.
  - b. Robert Williams, District Attorney for DeSoto County was served on March 23, 1999 and no answer was filed
  - c. DeSoto County, Mississippi was served April 23, 1999.
  - d. Susan Johnson was served on March 24, 1999 and no answer was filed.
  - e. Other Defendants, including all having or claiming any legal or equitable interest in the hereinabove-described real property were served by publication.
  - f. Summons by publication, as required by law, was performed with publication on May 27, June 3 and 10 1999. The proof of publication is filed herein.
  - g. Therefore, this Court has jurisdiction of the subject matter and of all parties herein.
2. Default was entered against the following defaulting defendants:
    - a. Robert Williams, District Attorney
    - b. Susan Johnson
    - c. Other Defendants, including all having or claiming any legal or equitable interest in the hereinabove-described real property.
  3. APF is the owner in fee simple absolute of the property described in Exhibit "A".
  4. APF is entitle to have the subject tax sale confirmed, title to the hereindescribed real property confirmed and all clouds on his title removed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that:

1. The tax title of APF, to the above described property be, and it hereby is, confirmed against all persons claiming to hold the land by title existing at the time of said sale for taxes, and that there be, and there hereby is, vested in said Plaintiff a good and sufficient title in said land, this judgment to be held as conclusive evidence that title to said land is vested in Plaintiff, as against all persons claiming same under the title existing prior to said sale for taxes.

2. APF is the owner in fee simple absolute of that property fully described in Exhibit "A" attached hereto located in DeSoto County, Mississippi, which consists of LOT 73, SECTION "A", LAKE O HILLS SUBDIVISION IN SECTIONS 19 & 20, TOWNSHIP 3 SOUTH RANGE 9 WEST, DESOTO COUNTY, MISSISSIPPI; PARCEL NO. 3094-2001.0-00073.00.

3. APF obtained said property by virtue of a "Quitclaim Deed and Assignment" filed for record in the office of the Chancery Clerk of DeSoto County at Book 310 Page 346 from Lawrence/Mitchell Capital Management Group, Ltd. (hereinafter referred to as "LMCMG"). A true and correct copy of said Quitclaim Deed is attached hereto as Exhibit "B".

4. Additionally, APF may have-obtained an interest in said property by virtue of a "Quitclaim Deed" filed for record in the office of the Chancery Clerk of DeSoto County at Book 310 Page 345 from Land Investments, Inc. A true and correct copy of said Quitclaim Deed is attached hereto as Exhibit "C".

5. LMCMG obtained said property by virtue of a "Quitclaim Deed and Assignment" filed for record in the office of the Chancery Clerk of DeSoto County at Book 287 Page 358 from LMG Properties, Inc. as agent, (hereinafter referred to as "LMG"). A true and correct copy of said Quitclaim Deed is attached hereto as Exhibit "D".

6. LMG obtained said property by virtue of that Chancery Clerk's conveyance of land sold for taxes filed for record in the office of the Chancery Clerk of DeSoto County, Mississippi at Book 276, Page 410. A true and correct copy of said Chancery Clerk's conveyance of land sold for taxes is attached hereto as Exhibit "E".

7. The above-described interest of LMG was granted by DeSoto County, Mississippi. Pursuant to Miss. Code Ann. § 11-17-19, therefore, DeSoto County, Mississippi, the Attorney General for the State of Mississippi and the District Attorney for DeSoto County, Mississippi are named as nominal defendants in this action, and there is no requirement that the title be deraigned to said property.

8. On or about August 20, 1990, Marie J. Dunavion, conveyed the subject property to Susan D. Johnson by virtue of Warranty Deed recorded in Book 228 at Page 373 the Land Records of DeSoto County, Mississippi. A true and correct copy of said Warranty Deed is attached hereto as Exhibit "F".

9. At that Tax Sale dated August 31, 1992, the subject property was sold for taxes due and unpaid thereon for the year 1991 to LMG, which became the purchaser thereof. Said land was property assessed and said sale was made and certified in the manner required by law. After said sale remained on file in the office of the Chancery Clerk of DeSoto County, Mississippi, for the redemption period of more than two years and all required notices were given by the appropriate authorities, the tax sale was not redeemed by any party.

10. After the time for redemption had passed, the Chancery Clerk of DeSoto County, Mississippi executed a Tax Deed to LMG, a copy of which is attached as Exhibit "E".

11. That the State of Mississippi has appeared in this action but claims no interest in the real property.

12. DeSoto County has appeared and disclaims any interest in said property, except as to any unpaid county taxes and the liens which the taxes impose.

13. That the Plaintiff, APF, be awarded a default judgment against the Defendants, Robert Williams as District Attorney, Susan Johnson and all other persons, firms, corporations having or claiming any legal or equitable interests in the above described land located in DeSoto County, Mississippi, which was sold for taxes on August

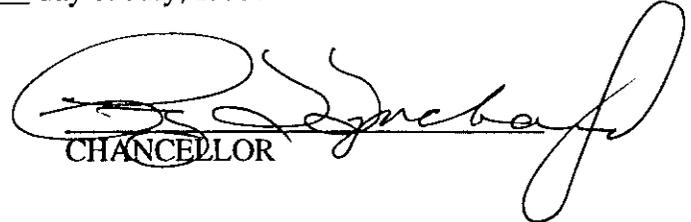
31, 1992, confirming the tax title of APF to the previously described property based on their failure to plead or otherwise defend.

14. This judgment is to be held as conclusive evidence that title to said land is vested in Plaintiff, as against all persons claiming same title to said property.

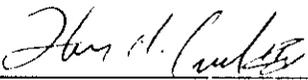
15. The claims of all Defendants are forever barred and they are enjoined from making any claim of right, title or interest in, to or upon said land by virtue of said claims, and all clouds on the title of Plaintiffs are hereby quieted and removed.

16. That final record be, and it hereby is, dispensed with but that this judgment be indexed as if a deed and recorded in the Records of Deeds of DeSoto County, Mississippi.

ORDERED AND ADJUDGED this 19<sup>th</sup> day of July, 1999.

  
CHANCELLOR

Michael S. MacInnis, MSB #  
Thomas H. Cassel, III, MSB #10501  
Rimmer, Rawlings, MacInnis & Hedglin, P.A.  
1290 Deposit Guaranty Plaza  
210 East Capitol Street  
Jackson, Mississippi 39201-2302  
Telephone: 601-969-1030

  
Attorney for American Public  
Finance, Incorporated

  
Attorney for DeSoto County

EXHIBIT "A"

PROPERTY DESCRIPTION

Lot 73, Section 'A', Lake O' The Hills Subdivision, located in Sections 19 & 20, Township 3 South, Range 9 West, DeSoto County, Mississippi, per plat thereof recorded in Plat Book 2, Pages 29-33, in the Office of the Chancery Clerk of DeSoto County, Mississippi.



GRANTOR: Lawrence/Mitchell Capital Management Group, Ltd.

GRANTEE: American Public Finance, Incorporated

**QUITCLAIM DEED AND ASSIGNMENT**

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, Lawrence/Mitchell Capital Management Group, Ltd., a Mississippi corporation, does hereby convey, assign and quitclaim unto AMERICAN PUBLIC FINANCE, INCORPORATED, a Mississippi Corporation, all of its right, title and interest in that certain property situated in DeSoto County, Mississippi, to wit:

Lake O The Hills S/D Lot 73 S/T/R 20-3-9 Parcel #3094-2001.0-00073.00  
Section A, Plat Book 2, Pages 29-33

Together with all improvements thereon and appurtenances thereunto belonging.

The above quitclaim and this conveyance is made subject to any and all valid and outstanding oil, gas, and mineral leases, exceptions, reservations, and conveyances, and any and all Power Line Easements, or other Easements or Rights of Way of record.

Witness our signature, this the 13<sup>th</sup> day of November, 1996.

Lawrence/Mitchell Capital Management Group, Ltd.

By: Greta S. T. Lovell  
Greta S. T. Lovell, President

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 13<sup>th</sup> day of November, 1996, within my jurisdiction, the within named, Greta S. T. Lovell, who acknowledged that she is President of Lawrence/Mitchell Capital Management Group, Ltd., a Mississippi Corporation, and that for and on behalf of the said corporation, and as its act and deed she executed the above and foregoing instrument first having been authorized by said corporation, so to do.

Michelle C. Douglas  
NOTARY PUBLIC



My Commission Expires:  
Sept. 7, 1997

**Grantor's Address:**

Lawrence/Mitchell Capital Management Group, Ltd.  
102 Business Park Drive, Suite 102 B-C  
Jackson, MS 39213  
(601) 956-8676

**Grantee/Preparer's Address:**

American Public Finance, Incorporated  
102 Business Park Drive, Suite 102 B-C  
Jackson, MS 39213  
(601) 956-8676

TITLE NOT EXAMINED

INDEXING INSTRUCTIONS: Lake O The Hills S/D Lot 73 S/T/R 20-3-9

Prepared by: Lawrence/Mitchell Capital Management Group, Ltd., 102 Business Park Drive, Suite 201 B-C,  
Jackson, MS 39213 (601) 956-8676

Dec 13 2 07 PM '96

BK 310 PG 346  
W.F. DAVIS CH. CLK.



BK 0357 PG 0710

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash and other valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned LAND INVESTMENTS, INC., a Mississippi Corporation, does hereby sell, convey and quitclaim unto AMERICAN PUBLIC FINANCE, INCORPORATED, the following described land and property situated in DESOTO COUNTY, STATE OF MISSISSIPPI, to-wit:

LOT 73, LAKE O THE HILLS SUBDIVISION, SECTION A. Map or plat of said subdivision is on file and of record in the office of the Chancery Clerk of Desoto County at Hernando, Mississippi.  
Parcel Number: 3094-2001.0-00073.00 SJTR 20-3-9  
Plat Book 2, Pages 29-33

IN WITNESS THEREOF the undersigned has caused this instrument to be executed by its duly authorized officers and its corporate seal to be affixed hereto this the 7TH DAY OF NOVEMBER, 1996.

LAND INVESTMENTS, INC.

BY:

*W. J. Crisler*  
W. J. CRISLER, PRESIDENT



VICE PRESIDENT

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY CAME AND appeared before me, the undersigned authority in and for the jurisdiction aforesaid and while within my official jurisdiction, the within named W. J. CRISLER and T. M. CRISLER personally known to me to be the President and Vice President of the within named LAND INVESTMENTS, INC., who acknowledged that they signed, sealed and delivered the above and foregoing instrument of writing on this date and for the purpose therein mentioned for and on behalf of said corporation as its own act and deed, they having been duly authorized so to do.

WITNESS MY SIGNATURE and seal of office, on this the 7TH DAY OF NOVEMBER,



*Charles L. Goodrich*  
Notary Public

My Commission Expires: 12/9/98

Grantor: P. O. Box 1177  
Clinton, MS 39060-1177  
(601) 925-4980

Grantee: 102 Business Park Drive, Suite 102B-C  
Jackson, MS 39213  
(601) 956-8676

Deed Prepared by: Grantor (601) 925-4980

STATE OF MISSISSIPPI - DESOTO CO.  
Dec 19 2 07 PM '96  
BK 310 PG 345  
W.F. DAVIS CH. CLK.



GRANTOR: LMG Properties, Inc.

GRANTEE: Lawrence/Mitchell Capital Management Group, Ltd.

QUITCLAIM DEED AND ASSIGNMENT

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, LMG Properties, Inc. a/k/a LMG Properties As Agent, a Mississippi corporation in good standing, does hereby convey, assign and quitclaim unto Lawrence/Mitchell Capital Management Group, Ltd., all of its right, title and interest in that certain property recorded in Deed Book 276 at Page 410 of records of the Chancery Clerk of DeSoto County, Mississippi, in and to the following described property situated in DeSoto county, Mississippi, to wit:

LAKE O THE HILLS S/D LOT 73 S/T/R - 20-3-9 Parcel # 3094-2001.0-00073.00

Together with all improvements thereon and appurtenances thereunto belonging.

The above quitclaim and this conveyance is made subject to any and all valid and outstanding oil, gas, and mineral leases, exceptions, reservations, and conveyances, and any and all Power Line Easements, or other Easements or Rights of Way of record.

Witness our signature, this the 27<sup>th</sup> day of April, 1995.

LMG Properties, Inc.

By: Michael T. McRee, President

STATE OF MISSISSIPPI  
COUNTY OF HINDS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 27<sup>th</sup> day of April, 1995, within my jurisdiction, the within named, Michael T. McRee, who acknowledged that he is President of LMG Properties, Inc., a Mississippi Corporation, and that for and on behalf of the said corporation, and as its act and deed he executed the above and foregoing instrument, after first having been authorized so to do.

STATE MS. - DESOTO CO.

NOTARY PUBLIC

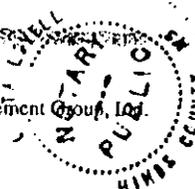
My Commission Expires:

JUN 28 10 10 AM '95

My Commission Expires November 25, 1995

Grantor's / Preparer Address:  
LMG Properties, Inc.  
c/o Sunburst Bank Trust Dept.  
Post Office Box 23053  
Jackson, MS 39225-3053  
601-355-6417

287 358  
W.E. DAVIS CH. CLK.  
By: m. Jaylor  
Grantor's Address:  
Lawrence/Mitchell Capital Management Group, Ltd.  
940 One Jackson Place  
Jackson, MS 39201  
(601) 355-6417



TITLE NOT EXAMINED

INDEXING INSTRUCTIONS: LAKE O THE HILLS S/D LOT 73

STATE MS. - DESOTO CO.

JUN 19 11 07 AM '95

W.E. DAVIS CH. CLK.



BR035 / R60 / 12

CHANCERY CLERK'S CONVEYANCE LAND **BK 0357 PG 0713**

SOLD FOR TAXES

(Chapter 27-43 Code of 1972)

SEP 30 10 11 AM '94  
 BK 276 PG 410  
 W.F. I. ...  
 by G. Cleveland  
 Tax Collector of said

THE STATE OF MISSISSIPPI

COUNTY OF DeSOTO

Be it known that Joey Treadway

County of DeSoto, did, on the 31 day of August, A. D., 1992

according to law, sell the following described land, situated in said county and assessed to Susan D. Johnson

DESCRIPTION OF LAND	SEC.	TWP.	RANGE
Lake O The Hills S/D			
Lot 73			
parcel # 3094-2001.0-00073.00	20	3	9

FOR THE TAXES ASSESSED THEREON for the year A. D., 1991, when

LMG Properties, as agent became the best bidder therefor, at and for the

sum of fifty two and 27/100 Dollars \$ 52.27

and the same not having been redeemed, I, therefore sell and convey said above described land to the said LMG Properties as agent

Given under my hand and official seal of office, this the 15 day of September, A. D., 1994

W. F. Davis  
 Chancery Clerk

COSTS TO BE PAID BY PURCHASER WHEN THIS DEED IS MADE

Chancery Clerk for issuing Notice to Land Owner, Sec. 27-43-3	\$3.00
Sheriff, Serving Notice to Land Owner, Sec. 27-43-3	4.00
Chancery Clerk, for Notice to Holder of Lien, Sec., 27-43-11	2.50
Chancery Clerk, for executing tax deed, as above	5.00
Chancery Clerk for recording above deed	7.00
TOTAL (to be collected from purchaser), (charge against said land)	21.50

STATE OF MISSISSIPPI,

COUNTY OF DeSOTO

Personally appeared before me, the undersigned authority of law in and for the county and state aforesaid, the within named W. F. Davis, Chancery Clerk in and for said county and state, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office at my office at Hernando Miss., this 15th

of September, 1994

My Commission Expires Jan. 2, 1996

Jeanette B. Martin  
 TUE Circuit Court Clerk



MARIE J. DUNAVION, A WIDOW  
 SS# 429-48-6683  
 P.O. BOX 574  
 TUCKERMAN, ARKANSAS 72434  
 TELEPHONE NO: 501-349-2600  
*NO WORK PHONE*

GRANTOR

TO

WARRANTY DEED

SUSAN ANNETTE DUNAVION JOHNSON  
 SS# 430-13-1619  
 P.O. BOX 574  
 TUCKERMAN, ARKANSAS 72434  
 TELEPHONE NO: 501-349-2215  
*NO WORK PHONE*

GRANTEE

For and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, and the love and affection that I have for my daughter, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, MARIE J. DUNAVION, A WIDOW, GRANTOR, do hereby sell, convey, and warrant unto GRANTEE, SUSAN ANNETTE DUNAVION JOHNSON, my beloved daughter, a certain parcel of land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

Lot 73 in Section A of Lake O' the Hills Subdivision, shown on plat appearing of record in Plat Book 2, pages 29-33, in the chancer Court Clerk's Office of DeSoto County, Mississippi, to which recorded plat reference is made for a more particular description. Said lot being situated in Section 20, Township 3, Range 9 West.

By way of explanation, this is the same property conveyed by W. Q. Caraway, Et Ux to Lavell Dunavion, Et Ux by virtue of a Warranty Deed executed on the 14th day of March, 1969, being filed for record at 4 O'clock twenty-five minutes P.M. on the 14th day of March, 1969, recorded in Deed Book 78, page 5 of the Warranty Deed Records in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

By way of further explanation, Grantor herein is the widow of LaVell Dunavion. That LaVell Dunavion died on July 29, 1990 at Newport Hospital in Newport, Arkansas. That the above described property vested in the Grantor by virtue of the above described Deed held as Tenants by the entirety with full rights of survivorship and not as tenants in common. It is the Grantor's intention herein to convey her interest in and to said Lot unto her beloved Daughter, SUSAN ANNETTE DUNAVION JOHNSON, the Grantee referred to herein.

The hereinabove described property is subject to rights-of-way, public utilities, easements, subdivision and zoning regulations of DeSoto County, Mississippi, restricted covenants on Section A of Lake O' of The Hills Subdivision as set out on Plat on said subdivision recorded in plat book 2, page 29-

STATE OF MISSISSIPPI, COUNTY OF DESOTO  
 I hereby certify that the above and foregoing is a  
 copy of the original filed in this office.  
 This the 19 day of July 19 99

W.E. Davis, Clerk of the Chancery Court



33, covenants, limitations and restrictions which are to run with the land in the same manner and for the same time as the restrictions on said recorded Plat of said Subdivision as more specifically set out in deed conveying said lot recorded in book 65, page 121.

Taxes for the year of 1990 and the Lake O' The Hills Maintenance Assessment shall be paid pro-rata as of the date of this deed.

The Grantor herein warrants that she has paid in full the "Tap-on" fee as assessed by the Water association for which services the above described property.

Possession shall pass upon delivery of this Deed.

Witness my signature, this the 20<sup>th</sup> day of August, 1990.

Marie J. Dunavion  
MARIE J. DUNAVION, A WIDOW,  
GRANTOR

STATE OF ARKANSAS  
COUNTY OF Jackson

Personally appeared before me, the undersigned authority in and for said county and state, the within named MARIE J. DUNAVION, A WIDOW, who acknowledged that she executed the above and foregoing Warranty Deed on the Day and Date therein mentioned for the purposes therein expressed as her free and voluntary act and deed.

Given under my hand and official seal of office, this the 20<sup>th</sup> day of August, 1990.

Carol House  
Notary Public

(SEAL)

My Commission Expires:

10-19-96



STATE HS.-DESOTO CO. h.o.  
FILED

AUG 21 3 57 PM '90

RECORDED 8-21-90  
DEED BOOK 228  
PAGE 373  
W.E. DAVIS CH. CLK.