IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

GRANDER LEE WILLIAMS, ET AL
As Owners of the Estate of Oscar Williams, Deceased, PLAINTIFFS

VS. CAUSE NO.: 00-2-261

EX PARTE, DEFENDANTS

FINAL DECREE PARTITING LAND IN KIND

THIS CAUSE came on to be heard on the duly verified Petition of GRANDER LEE WILLIAMS, BLANCHE PEARL HICKS, OLIVER LEON W. PARRISH, MASON WILLIAMS, GENEVA W. ANTHONY, ARLETTI WILLIAMS, VINNIE WILIAMS, THURMAN CALVIN WILLIAMS, JR., PEARLINE YVETTE WILLIAMS, MARIE BERBADETTE WILLIAMS, EARNESTINE WILLIAMS, BEMOTIA W. WILLIAMS, JR., TANDA D. WILLIAMS, CHUNSON E. WILLIAMS, and OPHELIA W. CHRISTOPHER, a *non compos mentis* by her husband, CHARLES CHRISTOPHER, as next friend, and the Court finds that all parties who have an interest in the hereinafter described land are joined herein and the Court finds as follows:

1. That Oscar Williams, a widower, died with out a Will in 1976 owning certain land in the northwest quarter of Section 12, Township 2 South, Range 9 West, DeSoto County, Mississippi, leaving as his heirs at law the following children and descendents of children: The children who survived him were Grander Lee Williams, Blanche Pearl Hicks, Oliver Leon W. Parrish, Mason Williams, Ophelia W. Christopher, Geneva W. Anthony and Arletti Williams. A son, Thurman Williams died in 1963 leaving his Widow, Vinnie Williams, and three (3) children, Thurman Calvin Williams, Jr., Pearline Yvette Williams and Marie Bernadette Williams. A son, Bemotia Williams died in 1976 leaving his Widow, Earnestine Williams and three (3) children, Bemotia W. Williams, Jr., Tanda D. Williams and Chunson E. Williams.

FILED
FEB 28 2000
W E DAVIS, CLERK

2. Oscar Williams in his lifetime conveyed 2.54 acres to Blanche Pearl Hicks and her Husband, Milton Hicks, by Deed dated October 28, 1967, recorded in Book 81, Page 609 in the Office of the Chancery Clerk of DeSoto County, Mississippi. Milton Hicks died in 1980 leaving Blanche Pearl Hicks as his surviving joint tenant and owner of the 2.54 acres.

3. Oscar Williams in his lifetime conveyed 2.068 acres to Grander Lee Williams and Wife, Ruthie Lee Williams, by Deed dated August 19, 1967, recorded in Book 71, Page 377 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

4. Oscar Williams in his lifetime conveyed 2.250 acres to Mason Williams by Deed dated March 14, 1964, recorded in Book 67, Page 512 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

5. Mason Williams and the other children, heirs of Oscar Williams, conveyed 2.5 acres to Oliver Leon W. Parrish on June 10, 1996 by Deed recorded in Book 303, Page 262 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

6. The parties have agreed the foregoing Deeds constitute an advancement of the Estate of Oscar Williams and at this time there remains in the Estate of Oscar Williams 14.65 acres in the northwest quarter of Section 12, Township 2 South, Range 9 West, subject to the right of way for Church Road on the north side which the Court is requested to divide in kind as herein set out and agreed to by the parties.

7. Geneva W. Anthony has traded for other land and transferred her interest in the land involved in this proceeding to Arletti Williams and by execution of the Complaint requests that she not be considered an owner of any of the land involved in this proceeding.

8. Earnestine Williams, Widow of Bemotia Williams, deceased, and the three (3) children of Bemotia Williams, namely Bemotia W. Williams, Jr., Tanda D. Williams and Chunson E. Williams, have sold and transferred all of their interest in the land involved in

this proceeding to Grander Lee Williams and by execution of the Complaint request that they not be considered owners of any of the land involved in this proceeding.

9. By execution of the Complaint, Mason Williams, Blanche Pearl Hicks, Oliver W. Parrish and Geneva W. Anthony advise the Court that they do not claim any of the land involved in this proceeding and would show the Court that the proposed division is fair and equitable and the share proposed to be divided to Ophelia W. Christopher represents her fair and equitable part of the land owned by their father and join in the prayer that this partition in kind be approved as agreed upon by the parties.

10. Ophelia W. Christopher does not have a legal guardian and is joined herein by her Husband, Charles Christopher, as next friend, with the request that the Court concur that the land be partited to him and his Wife together, as joint tenants with the right of survivorship.

11. The parties in interest have agreed upon a division of the 14.65 acres and have caused a survey to be made by Carl Grady Clark in 1999 whereby the land is divided into five (5) tracts. A copy of the survey is attached hereto as Exhibit A.

12. The parties in interest agree that a 50' easement for driveway purposes extend from Church Road south approximately 523.55 feet along the west side of the property for the benefit of the owners of Tracts 1, 2, and 3 as shown on the survey and that conveyance of such driveway easement be included in the partition of the land for the benefit of the owners of said tracts. Blanche Pearl Hicks agrees that a driveway may cross her property conveyed by the Deed recorded in Book 81, Page 609 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

13. DeSoto County, Mississippi has filed an eminent domain proceeding against the parties in Cause 99-0626 in the County Court of DeSoto County for a right of way of 53' from the centerline of Church Road located on the north side of the Williams' land. The

County and the owners of the land have agreed upon $2,760.00 as damages to be awarded and the parties agree that the award may be paid 28% to Ophelia W. Christopher for her 73' of frontage and 72% to Arletti Williams for her 190' feet of frontage taken by the eminent domain proceedings.

14. Ophelia W. Christopher is incompetent, in a nursing home and the award to her should be paid to her Husband, Charles Christopher, for her use and benefit. The family of Ophelia W. Christopher have requested the conveyance of land be made to her and her Husband, Charles Christopher, as joint tenants with the right of survivorship.

15. Arletti Williams requests that her share of the land be conveyed to her daughters, Deborah Williams and Cynthia Williams, and by execution of the Complaint transfer to them all of her interest in the property.

16. By way of explanation, the 0.29 acres designated as Tract 5 on the plat is to be conveyed to Grander Lee Williams because part of his home house was erroneously constructed thereon.

17. There are no title controversies or equities or claims to be disposed of by the Court and possession will be given when the partition is approved by the Court. The land is not encumbered except by that caused by the eminent domain proceedings for the right of way of Church Road.

18. The parties have agreed and request the Court to partite the land by Court order as follows:

A. Tract 1 to Deborah Williams and Cynthia Williams, children of Arletti Williams, described as follows:

Commencing at the northeast corner of the northwest quarter of Section 12, Township 2 South, Range 9 West, in DeSoto County Mississippi, said point being marked by a P.K. nail; thence west along the north line of said Section 12 and the center of Church Road 838.0 feet to the point of beginning of the tract herein described; thence south 450.3 feet to a point; thence west 45.0 feet to a point; thence south 261.4 feet to a point; thence east 45.0 feet to a

point; thence south 23.6 feet to a point; thence west 466.0 feet to a point; thence north 02 degrees, 39 minutes, 10 seconds west 285.3 feet to a point; thence east 240.38 feet to a point; thence north 450.0 feet to a point on the north line of Section 12 aforesaid and on the center of Church Road; thence east along the center of Church Road 189.6 feet to the point of beginning and containing 5.0 acres, more or less

B. Tract 2 to Vinnie Williams described as follows:

Commencing at the northeast corner of the northwest quarter of Section 12, Township 2 South, Range 9 West, in DeSoto County, Mississippi, said point being in the center of Church Road and being marked by a P.K. nail; thence west 838.0 feet along the center of Church Road to a point; thence south 735.3 feet to a point, said point being the point of beginning of the tract herein described; thence south 235.25 feet to a point; thence west 455.2 feet to a point; thence north 2 degrees, 39 minutes, 10 seconds west 235.25 feet to a point; thence east 466.0 feet to the point of beginning and containing 2.50 acres, more or less.

C. Tract 3 to Grander Lee Williams described as follows:

Commencing at the northeast corner of the northwest quarter of Section 12, Township 2 South, Range 9 West, in DeSoto County, Mississippi, said point being marked by a P.K. nail; thence west along the center of Church Road 838.0 feet to a point; thence south 735.05 feet to a point, said point being the point of beginning of the tract herein described; thence south 263.4 feet to a point; thence east 146.6 feet to a point; thence north 24.0 feet to a point; thence east 200.0 feet to a point; thence south 110.0 feet to a point; thence west 784.90 feet to a point; thence north 02 degrees, 39 minutes, 10 seconds west 350.18 feet to a point; thence east 455.2 feet to the point of beginning and containing 4.38 acres, more or less.

D. Tract 4 to Ophelia W. Christopher and her Husband, Charles Christopher, as joint tenants with the right of survivorship, described as follows:

Commencing at the northeast corner of the northwest quarter of Section 12, Township 2 South, Range 9 West, in DeSoto County, Mississippi, said point being marked by a P.K. nail; thence west along the center of Church Road 692.0 feet to the point of beginning of the tract herein described; thence south 1,124.0 feet to a point; thence east 200.0 feet to a point; thence south 110.0 feet to a point; thence west 200.0 feet to a point; thence south 24.0 feet to a point; thence west 73.0 feet to a point; thence north 1,234.00 feet to a point in the center of Church Road; thence east 73.0 feet to the point of beginning and containing 2.50 acres, more or less.

E. Tract 5 to Grander Lee Williams described as follows:

Commencing at the northeast corner of the northwest quarter of Section 12, Township 2 South, Range 9 West, in DeSoto County, Mississippi, said point

being marked by a P.K. nail; thence west along the center of Church Road 838.0 feet to a point; thence south 450.3 feet to the point of beginning of the tract herein described; thence south 261.4 feet to a point; thence west 45.0 feet to a point; thence north 261.4 feet to a point; thence east 45.0 feet to the point of beginning and containing 0.27 acres, more or less.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the division of land as described in the Petition and set out above represents a fair and equitable division of the land, that all equities and claims between the parties have been adjusted and agreed to by the parties, that the interest of OPHELIA W. CHRISTOPHER, *non compos mentis*, is protected and the land partited to her represents her fair and equitable share of the estate owned by the parties and is hereby approved in her behalf and that it is not necessary to appoint commissioners in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the partition agreed to by the parties and set out above be and the same is hereby approved and confirmed by the Court including the 50 foot driveway easement shown on the survey.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this final decree be recorded in the Deed records of DeSoto County, Mississippi as a muniment of title for the land described herein.

ORDERED, ADJUGED AND DECREED this the 28th day of Feb, 2000.

CHANCELLOR

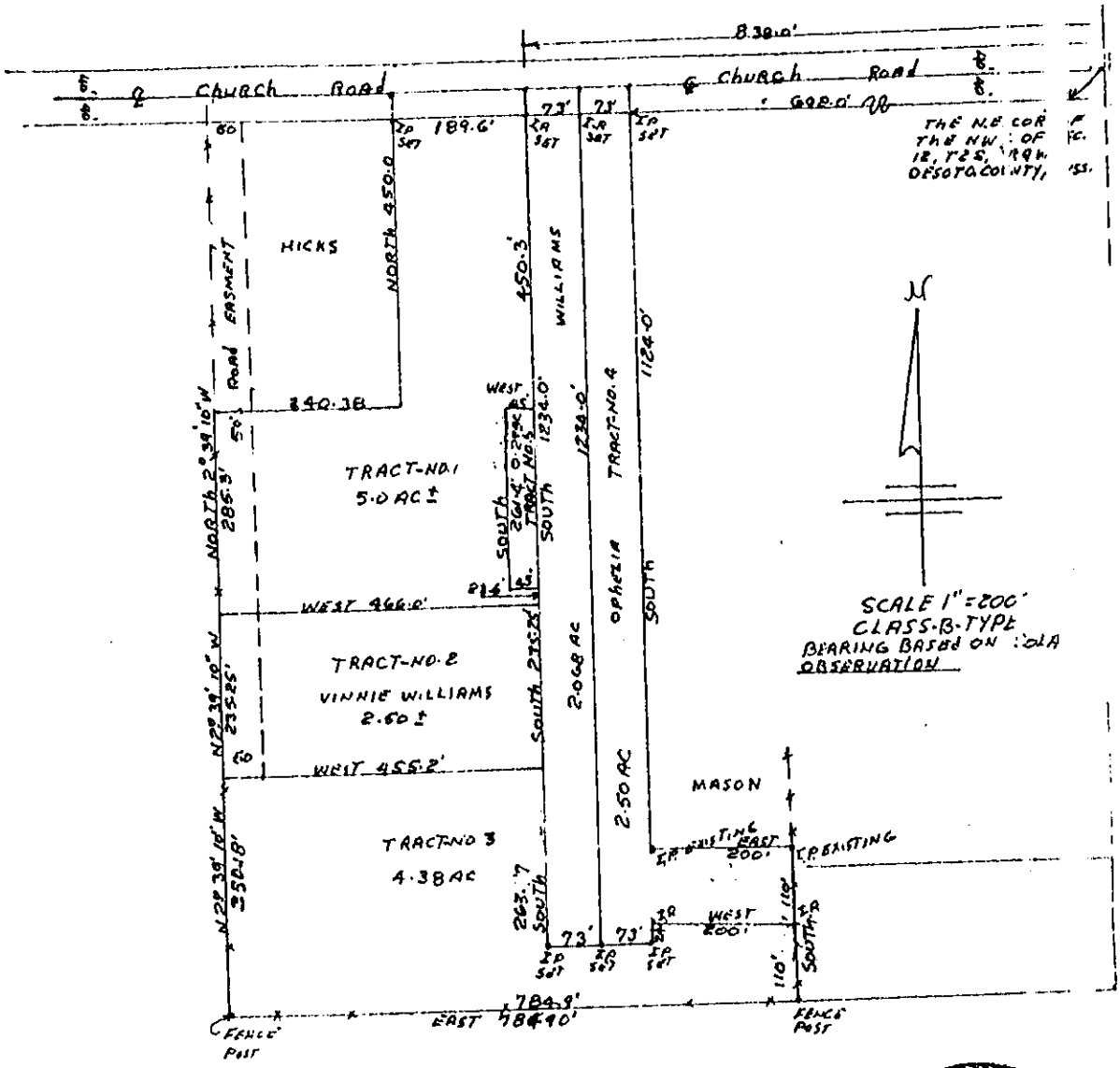
APPROVED FOR THE PARTIES:

Joel P. Walker
Attorney for the Parties

j williams ex parte order 2002

OCTOBER 1999

BK0368PG0173



CERTIFICATE

To all persons interested in premises surveyed, this survey was actually made on the ground as shown hereon and is correct to the best of my knowledge. This is to certify that this property is not located in a HUD IDENTIFIED SPECIAL FLOOD HAZARD AREA according to FIA MAPS in DeSoto County, Mississippi dated May 3, 1990.

CARL GRADY CLARK
LAND SURVEYOR
STATE OF MISSISSIPPI

STATE MS.-DESOTO CO
FILED

FEB 28 4 18 PM '00

BK 368 PG 167

Carl G. Clark, P.L.S.

Clark's Land Surveying
3490 Baldwin Road
Hernando, Mississippi 38632
(662) 429-9550

STATE OF MISSISSIPPI COUNTY OF DESOTO
I HEREBY CERTIFY THAT the foregoing is a true copy of the original office.
This the 28th day of Feb 2000
W. E. Davis, Clerk of the Chancery Court
By N. Graham D.C.

EXHIBIT A