

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CAUSE NO. CO-2000-0149

WALLACE M. GRAVES FAMILY TRUST NO. 1

DEFENDANT

**JUDGMENT**  
**(IN FAVOR OF THE MISSISSIPPI TRANSPORTATION COMMISSION)**

In this case the Mississippi Transportation Commission condemned certain lands named in the Complaint for Special Court of Eminent Domain, and in the Amended Complaint, which land is described in Amended Exhibit "A" to the Amended Complaint, and made a part hereof, and being the property of the Defendant, the Wallace M. Graves Family Trust No. 1. The matter was submitted to a jury on the 12<sup>th</sup> day of April, 2002, and the jury returned a verdict fixing total compensation and damages owing the said Defendant at \$1,283,000.00 and the verdict was received and entered. A Judgment confirming said verdict, together with legal interests, has been entered in this proceeding by this Court.

The sum of \$1,838,330.70 was deposited by the Plaintiff with the Clerk of this Court on July 17, 2000 under Order of the Court dated June 28, 2000, granting Plaintiff immediate title and possession and entry upon said property and appropriating it to the public use. By check dated July 20 2000 (check no. 1227) \$1,838,330.70 was disbursed to the Defendant, Wallace M. Graves Family Trust No. 1 pursuant to that Order. As a result of the payment of \$1,838,330.70 on July 20, 2000, that Judgment has been satisfied in full by Mississippi Transportation Commission.

CLERK OF COURSE - DESOTO CO.

APR 30 2 04 PM '02

FILED 22 DAY OF Apr 20 02  
*Abel K. Thompson*  
CIRCUIT COURT CLERK, DESOTO COUNTY, MISS.

BK 417 PG 712  
W.E. DAVIS CH. CLK.

Defendant Wallace M. Graves Family Trust No. 1 has been paid legal interest on the sum of \$1,283,000.00 from March 6, 2000, the date of filing the Complaint, to July 17, 2000, said legal interest being in the amount of \$37,400.33.

By virtue of the payment of \$1,838,330.70 to Defendant on July 20, 2000, Defendant Wallace M. Graves Family Trust No. 1 has been overpaid \$517,930.37 (\$1,838,330.70 - \$1,283,000 - \$37,400.33). Judgment is hereby entered in favor of Plaintiff, Mississippi Transportation Commission, against Defendant, Wallace M. Graves Family Trust No. 1, for \$517,930.37.

Let the Plaintiff pay the costs for which execution may issue.

ORDERED AND ADJUDGED, this the 22<sup>nd</sup> day of April, 2002.

Wm E. Barber  
COUNTY COURT JUDGE,  
(Judge, Special Court of Eminent Domain)

APPROVED AS TO FORM:

Hollaman M. Raney  
Hollaman M. Raney, Attorney for Plaintiff,  
Mississippi Transportation Commission

W. Webb Franklin, Attorney for Defendant,  
Wallace M. Graves Family Trust No. 1

STATE OF MISSISSIPPI  
DE SOTO COUNTY  
I, Dale K. Thompson, Clerk of the Circuit Court in and for said County and State, hereby certify that the foregoing is a true and correct copy of the Judgment as same appears on file or of record in Book          Page          of the Records of DeSoto County, Mississippi.  
Witness my hand and official seal, this the 24 day of April, 2002  
Dale K. Thompson  
Circuit Clerk, DeSoto County, Mississippi

BK0417PG0714

Defendant Wallace M. Graves Family Trust No. 1 has been paid legal interest on the sum of \$1,283,000.00 from March 6, 2000, the date of filing the Complaint, to July 17, 2000, said legal interest being in the amount of \$37,400.33.

By virtue of the payment of \$1,838,330.70 to Defendant on July 20, 2000, Defendant Wallace M. Graves Family Trust No. 1 has been overpaid \$517,930.37 (\$1,838,330.70 - \$1,283,000 - \$37,400.33). Judgment is hereby entered in favor of Plaintiff, Mississippi Transportation Commission, against Defendant, Wallace M. Graves Family Trust No. 1, for \$517,930.37.

Let the Plaintiff pay the costs for which execution may issue.

ORDERED AND ADJUDGED, this the \_\_\_\_\_ day of April, 2002.

\_\_\_\_\_  
COUNTY COURT JUDGE,  
(Judge, Special Court of Eminent Domain)

APPROVED AS TO FORM:

\_\_\_\_\_  
Hollaman M. Raney, Attorney for Plaintiff,  
Mississippi Transportation Commission

*Handwritten initials*  
*W. Webb Franklin*  
\_\_\_\_\_  
W. Webb Franklin, Attorney for Defendant,  
Wallace M. Graves Family Trust No. 1

002-2-00-W

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DeSOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. C0-2000-0149

WALLACE M. GRAVES FAMILY TRUST NO. 1, ET AL

DEFENDANTS

AMENDED EXHIBIT "A"

INDEXING INSTRUCTIONS: SE 1/4 OF SECTION 34  
ALL OF SECTION 35 AND  
ALL OF SECTION 36,  
TOWNSHIP 2 SOUTH, RANGE 10 WEST,  
DeSOTO COUNTY, MISSISSIPPI

PARCEL NO. 1

Begin at the point of intersection of a Southern line of Defendants property with the present Northwestern right-of-way line of U.S. Highway No. 61 as shown on the right-of-way appraisal map for State Project No. 94-0029-01-002-10; from said point of beginning run thence West along said Southern property line, a distance of 88.065 meters (288.927 feet) to the Western property line of Defendants property; thence North 00° 10' 51" East along said Western property line, a distance of 22.943 meters (75.272 feet); thence North 64° 41' 43.36" East, a distance of 12.036 meters (39.488 feet); thence North 53° 19' 09.53" East, a distance of 125.248 meters (410.919 feet) to a point that is 20.000 meters (65.617 feet) Northwesternly of and perpendicular to the centerline of survey of the frontage road West of U.S. Highway No. 61 at Station 2 + 830; thence North 46° 05' 14.83" East, a distance of 769.718 meters (2525.322 feet); thence North 34° 46' 24.24" East, a distance of 50.990 meters (167.290 feet); thence North 46° 05' 00" East, a distance of 5.155 meters (16.945 feet) to the Northern line of Defendants property; thence East, a distance of 59.191 meters (227.000 feet) to the said present Northwestern right-of-way line of U.S. Highway No. 61; thence run the following bearings and distances: South 45° 21' 12.00" West, a distance of 579.402 meters (1900.925 feet); thence South 44° 38' 51.00" East, a distance of 7.620 meters (25.000 feet); thence South 45° 21' 09.00" West, a

distance of 383.683 meters (1258.802 feet) to the point of beginning, containing 4.815 hectares (11.897 acres), more or less, and being situated in and a part of the Northwest 1/4 of Section 35, Township 2 South, Range 10 West, DeSoto County, Mississippi, and

PARCEL NO. 2

Begin at the point of intersection of the Southern line of Defendants property with the present Southeastern right-of-way line of U.S. Highway No. 61 as shown on the right-of-way appraisal map for State Project No. 94-0029-01-002-10; from said point of beginning run thence along said present Southeastern right-of-way line the following bearing and distances: North 54° 05' 55" East, a distance of 4.863 meters (15.955 feet); thence North 23° 54' 17" East, a distance of 45.847 meter (150.417 feet); thence North 45° 21' 09.00" East, a distance of 701.040 meters (2300.000 feet); thence North 46° 18' 26" East, a distance of 91.453 meters (300.043 feet); thence North 45° 21' 09" East, a distance of 1289.304 meters (4230.000 feet); thence North 60° 17' 03.04" East, a distance of 85.173 meters (279.439 feet); thence North 21° 55' 25.71" East, a distance of 49.828 meters (163.478 feet); thence North 45° 21' 09" East, a distance of 96.672 meters (317.165 feet) to the Northern line of Defendants property; thence South 45° 21' 09" West, a distance of 96.672 meters (317.165 feet); thence South 21° 55' 25.71" West, a distance of 49.828 meters (163.478 feet); thence South 60° 17' 03.04" West, a distance of 85.173 meters (279.439 feet); thence South 45° 21' 09" West, a distance of 281.523 meters (923.632 feet) to a point that is 51.210 meters (168.012 feet) Southeasterly of and perpendicular to the centerline of survey of said U.S. Highway No. 61 at Station 11 + 000; thence South 41° 57' 44.24" West, a distance of 219.699 meters (720.797 feet); thence Southerly along the circumference of a curve to the left having a radius of 145.000 meters (475.722 feet), an arc distance of 206.543 meters (677.635 feet) [said arc having a chord bearing of South 04° 32' 44" West for a distance of 189.519 meters (621.781 feet)]; thence South 56° 28' 43.97" East, a distance of 144.826 meters (475.151 feet); thence East, a distance of 80.000 meters (262.467 feet) to a point that is 60.000 meters (196.850 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 10 + 600; thence East, a distance of 150.000 meters (492.126 feet); thence North 64° 17' 21.86" East, a distance of 50.249 meters (164.859 feet); thence East, a distance of 50.000 meters (164.042 feet) to a point that is 65.000 meters (213.25 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 10 + 850; thence South 53° 26' 05.82" East, a distance of 11.180 meters (36.68 feet); thence East, a distance of 140.000 meters (459.318 feet); thence North 67° 35' 05.07" East, a distance of 91.316 meters (299.593 feet) to a point that is 40.000 meters (131.234 feet) Westerly of and perpendicular to the centerline of survey of Mississippi Highway No. 3 at Station 10 + 375; thence North 03° 38' 30.00" East, a distance of 250.000 meters

(820.210 feet); thence South  $86^{\circ} 21' 30.00''$  East, a distance of 19.000 meters (62.336 feet) to the present Westerly right-of-way line of Mississippi Highway No. 3; thence South  $03^{\circ} 38' 30.00''$  West along said present Westerly right-of-way line, a distance of 342.466 meters (1123.576 feet); thence South  $03^{\circ} 38' 30.00''$  West along said present Westerly right-of-way line, a distance of 282.534 meters (926.949 feet); thence North  $86^{\circ} 21' 30.00''$  West, a distance of 19.000 meters (62.336 feet); thence North  $03^{\circ} 38' 30.00''$  East, a distance of 200.000 meters (656.168 feet) to a point that is 40.000 meters (131.234 feet) Westerly of and perpendicular to the centerline of survey of said Mississippi Highway No. 3 at Station 10 + 200; thence North  $74^{\circ} 51' 52.99''$  West, a distance of 75.936 meters (249.134 feet); thence West, a distance of 165.000 (541.339 feet) to a point that is 60.000 meters (196.850 feet) southerly of and perpendicular to the centerline of survey of said project at Station 10 + 835; thence South  $36^{\circ} 52' 11.63''$  West, a distance of 25.000 meters (82.021 feet); thence West, a distance of 80.000 meters (262.467 feet); thence North  $63^{\circ} 26' 05.82''$  West, a distance of 44.721 meters (146.722 feet); thence West, a distance of 100.000 meters (328.084 feet) to a point that is 60.000 meters (196.850 feet) southerly of and perpendicular to the centerline of survey of said project at Station 10 + 600; thence North  $84^{\circ} 17' 21.86''$  West, a distance of 100.499 meters (329.721 feet); thence South  $59^{\circ} 02' 10.48''$  West, a distance of 59.310 meters (191.306 feet); thence South  $86^{\circ} 49' 12.61''$  West, a distance of 90.139 meters (295.732 feet); thence North  $65^{\circ} 43' 21.32''$  West, a distance of 83.424 meters (273.701 feet); thence South  $82^{\circ} 20' 57.11''$  West, a distance of 68.254 meters (223.930 feet); thence Southwesterly along the circumference of a curve to the left having a radius of 567.641 meters (1862.339 feet), an arc distance of 323.051 meters (1059.879 feet) [said arc having a chord bearing of South  $67^{\circ} 39' 39''$  West for a distance of 318.709 meters (1045.633 feet)]; thence South  $52^{\circ} 47' 06''$  West, a distance of 180.655 meters (592.700 feet) to the present Southeastern right-of-way line of said U.S. Highway No. 61; thence South  $46^{\circ} 18' 26''$  West along said present Southeastern right-of-way line, a distance of 16.084 meters (52.769 feet); thence South  $45^{\circ} 21' 09.00''$  West along said present Southeastern right-of-way line, a distance of 701.04 meters (2300.000 feet); thence South  $23^{\circ} 54' 17''$  West along said present Southeastern right-of-way line, a distance of 45.847 meters (150.417 feet); thence South  $54^{\circ} 05' 55''$  West along said present Southeastern right-of-way line, a distance of 4.863 meters (15.955 feet) to the point of beginning, containing 18.412 hectares (45.497 acres), more or less, and being situated in and a part of the Southeast 1/4 of Section 34 and the Northwest 1/4, Northeast 1/4, Southwest 1/4 and the Southeast 1/4 of Section 35, Township 2 South, Range 10 West, DeSoto County, Mississippi.

PARCEL NO. 3

Begin at the point of intersection of a Western line of Defendants

property and the present Eastern right-of-way line of Mississippi Highway No. 3 with the centerline of survey of State Project No. 94-0029-01-002-10; from said point of beginning run thence North 03° 38' 30.00" East along said Western property line, a distance of 341.129 meters (1119.190 feet); thence South 86° 21' 30.00" East, a distance of 19.000 meters (62.336 feet); thence South 03° 38' 30.00" West, a distance of 150.000 meters (492.126 feet) to a point that is 40.000 meters (131.234 feet) Easterly of and perpendicular to the centerline of survey of Mississippi Highway No. 3 at Station 10 + 475; thence South 44° 09' 53.42" East, a distance of 55.828 meters (183.163 feet); thence South 68° 44' 03.17" East, a distance of 148.937 meters (488.638 feet); thence South 77° 22' 01.98" East, a distance of 123.083 meters (403.816 feet); thence North 87° 22' 35.99" East, a distance of 31.631 meters (103.776 feet) to a point that is 70.000 meters (229.659 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 11 + 500; thence North 87° 08' 15.34" East, a distance of 200.250 meters (656.988 feet); thence East, a distance of 96.762 meters (317.461 feet) to an Eastern line of Defendants property; thence South 00° 53' 50.87" West along said Eastern property line, a distance of 80.010 meters (262.500 feet); thence South 00° 53' 50.87" West along said Eastern property line, a distance of 80.010 meters (262.500 feet); thence West, a distance of 94.256 meters (309.239 feet) to a point that is 80.000 meters (262.467 feet) Southerly of and perpendicular to the centerline of survey of said project at Station 11 + 700; thence North 87° 08' 15.34" West, a distance of 200.250 meters (656.988 feet); thence West, a distance of 60.000 meters (196.850 feet); thence South 63° 26' 05.82" West, a distance of 22.361 meters (73.363 feet) to a point that is 80.000 meters (262.467 feet) Southerly of and perpendicular to the centerline of survey of said project at Station 11 + 420; thence North 88° 32' 25.09" West, a distance of 103.154 meters (338.432 feet); thence South 65° 35' 03.16" West, a distance of 86.627 meters (284.209 feet); thence South 58° 17' 23.82" West, a distance of 53.240 meters (174.672 feet); thence South 46° 31' 18.25" West, a distance of 63.291 meters (207.615 feet) to a point that is 40.000 meters (131.234 feet) Easterly of and perpendicular to the centerline of survey of said project at Station 10 + 1300; thence South 03° 38' 30.00" West, a distance of 100.000 meters (328.084 feet); thence North 86° 21' 30.00" West, a distance of 19.000 meters (62.336 feet) to the said Western line of Defendants property; thence North 03° 38' 30.00" East along said Westerly property line, a distance of 282.534 meters (926.949 feet); thence North 03° 38' 30.00" East along said Western property line, a distance of 1.337 meters (4.386 feet) to the point of beginning, containing 12.742 hectares (31.485 acres), more or less, and being situated in and a part of the Northeast 1/4 and the Southeast 1/4 of Section 35 and the Northwest 1/4 and the Southwest 1/4 of Section 36, Township 2 South, Range 10 West, Desoto County, Mississippi, and

PARCEL NO. 4

Begin at the point of intersection of a Western line of Defendants property with the centerline of survey of State Project No. 94-0029-01-002-10 at Highway Survey Station 11 + 825.993; from said point of beginning run thence North  $00^{\circ} 53' 49.84''$  East along said Western property line, a distance of 80.010 meters (262.50 feet); thence East, a distance of 272.755 meters (894.865 feet); thence South  $84^{\circ} 17' 21.95''$  East, a distance of 200.998 meters (659.442 feet) to a point that is 60.000 meters (196.850 feet) Northerly of and perpendicular to the centerline of survey of said project at Station 12 + 300; thence East, a distance of 600.000 meters (1968.504 feet); thence South  $79^{\circ} 25' 34.32''$  East, a distance of 54.495 meters (178.789 feet); thence Easterly along the circumference of a curve to the left having a radius of 3445.000 meters (11302.493 feet), an arc distance of 306.518 meters (1005.636 feet) [said arc having a chord bearing of North  $97^{\circ} 27' 04''$  East for a distance of 306.417 meters (1005.305 feet)] to the Eastern line of Defendants property; thence South  $00^{\circ} 13' 25.88''$  East along said Eastern property line, a distance of 50.179 meters (164.629 feet); thence South  $00^{\circ} 13' 27.51''$  East along said Eastern property line, a distance of 50.174 meters (164.613 feet); thence Westerly along the circumference of a curve to the right having a radius of 3545.000 meters (11630.577 feet), an arc distance of 306.890 meters (1006.857 feet) [said arc having a chord bearing of South  $87^{\circ} 31' 12''$  West for a distance of 306.794 meters (1006.542 feet)]; thence South  $73^{\circ} 25' 34.32''$  West, a distance of 54.495 meters (178.789 feet); thence West, a distance of 420.000 meters (1377.953 feet) to a point that is 60.000 meters (196.850 feet) Southerly of and perpendicular to the centerline of survey of said project at Station 12 + 480; thence South  $45^{\circ} 00' 00.00''$  West, a distance of 14.142 meters (46.398 feet); thence West, a distance of 40.000 meters (131.234 feet); thence North  $45^{\circ} 00' 00.00''$  West, a distance of 14.142 meters (46.398 feet); thence West, a distance of 120.000 meters (393.701 feet) to a point that is 50.000 meters (196.850 feet) Southerly of and perpendicular to the centerline of survey of said project at Station 12 + 300; thence South  $82^{\circ} 05' 19.58''$  West, a distance of 166.208 meters (545.302 feet); thence West, a distance of 310.261 meters (1017.917 feet) to the said Western line of Defendants property; thence North  $00^{\circ} 53' 50.87''$  East along said Western property line, a distance of 80.010 meters (262.500 feet) to the point of beginning, containing 18.125 hectares (44.789 acres), more or less, and being situated in and a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and the Southeast 1/4 of Section 36, Township 2 South, range 10 West, DeSoto County, Mississippi.

Parcel Nos. 1 through 4 contain an aggregate of 54.094 hectares (133.668 acres), more or less.

Together with any and all abutters rights of access, if any, in, to, over, on and across the land described in Parcels No. 2, No. 3 and Parcel No. 4 above, and

Any and all rights of access, including any rights of ingress and egress, of abutting property owner, to and from that section of the present right-of-way of existing U.S. Highway No. 61 which abuts the following described line:

Begin at the point of intersection of a Southern line of Defendants property with the present Northwestern right of way line of U.S. Highway 61 as shown on the plans for State Project No. 94-0029-01-002-10; from said point of beginning run thence along the said present Northwestern right of way line as follows: North 45° 21' 09.00" East, 383.683 meters (1258.202 feet); North 44° 38' 51.00" West, 7.620 meters (25.000 feet); North 45° 21' 12.00" East, 579.402 meters (1900.925 feet) to the intersection of the Northern line of Defendants property with the present Northwestern right of way line of U.S. Highway 61, and being situated in and a part of Northwest 1/4 of Section 35, Township 2 South, Range 10 West, DeSoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.