

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MELANIE BOWEN WIGGINS

PLAINTIFF

VS.

CAUSE NUMBER 02-03-0323

ESTATE OF ROBERT G. GILDER, JR, DECEASED
AND HIBERNIA NATIONAL BANK

DEFENDANT

AND

JEANNIE HARPER GILDER

PLAINTIFF

VS.

CAUSE NUMBER 95-6-725

GATLIN GLADNEY GILDER, JR.

DEFENDANT

STATE MS. - DESOTO CO.
FILED

MAY 12 4 06 PM '03

AGREED ORDERBK 443 PG 543
W.E. DAVIS CH. CLK.

THIS CAUSE was presented on the Motion of the parties for entry of an Agreed Order on the Suit To Remove Cloud, filed by Melanie Bowen Wiggins; Motion To Remand Divorce Decree, filed by Jeannie Harper Gilder Miller (hereinafter "Miller"); and Suit To Remove Cloud and To Set Aside Deed, filed by Gatlin Gladney Gilder, Jr. (hereinafter "Gilder?"), all filed in the above styled causes which were consolidated for trial and/or hearing purposes. The Court being advised in the premises that the parties have agreed to resolve their disputes, and each desires with approval of their respective counsel, to have the following Agreed Order entered to implement their agreement. The Court finds that the Motions are well taken, and that the following Agreed Order should be entered.

FILED

APR 30 2003

WE DAVIS, CLERK

S. Davis

IT IS THEREFORE ORDERED ADJUDGED AND DECREED as follows, all pertaining to the real property more particularly described as Lot 2671, Section M, Southaven West subdivision, in Section 27, Township 1 South, Range 8 West, as per plat thereof recorded in Plat Book 4, Pages 52-53, in the Office of the Chancery Clerk of DeSoto County, Mississippi:

- A. The quit claim deed from Gatlin G. Gilder, Jr., to W. E. Davis, Guardian of the estate of Melanie Bowen, dated March 25, 1996, and recorded in Deed Book 298, Page 310, of the land records aforesaid is null and void.
- B. The quit claim deed from W. E. Davis to Melanie Bowen Wiggins, dated January 17, 2002, and recorded in Deed Book 409, Page 209, and re-recorded in Deed Book 411, Page 714, of the land records aforesaid is null and void.
- C. The Deed of Trust executed by Gatlin G. Gilder, Jr., naming Robert G. Gilder as beneficiary, dated September 21, 1994, and recorded in Deed of Trust Book 728, Page 361, in the land records aforesaid, shall be released upon payment to the Estate of Robert G. Gilder, and Gatlin G. Gilder, Jr.
- D. Gilder is to execute a quit claim deed to Miller immediately after the entry of this Agreed Order, which shall have attached thereto a copy of this Agreed Order, in an effort to promote a quick and efficient closing once a buyer is contracted to purchase the real property described herein.
- E. The real property described herein, is to be advertised and marketed for sale by Miller. Upon receipt of a proposed contract for the purchase of the real property, Miller is to receive written approval of the sales price from counsel for Gilder. At the closing of such sale/purchase of the house, the proceeds from the sale should

be disbursed as follows:

1. To pay off and fully satisfy the first lien and deed of trust originally recorded in Deed of Trust Book 207, Page 833, and currently held by Hibernia National Bank, by way of an assignment recorded in Deed of Trust Book 1066, Page 559, all in the land records aforesaid.
 2. To all closing costs incurred by seller.
 3. The remaining funds shall be divided equally between Miller and Gilder (representing both the Estate of Robert G. Gilder, and Gatlin Gladney Gilder, Jr., jointly); however, Miller shall be paid an additional \$17,500.00, from Gilder's half of the proceeds to reimburse her for certain funds she expended on the real property, which shall leave an amount not in excess of \$20,000.00 in proceeds to the Estate of Robert G. Gilder, and Gatlin Gladney Gilder, Jr., jointly. Any funds belonging to the Estate of Robert G. Gilder, and Gatlin Gladney Gilder, Jr., jointly, exceeding \$20,000.00, shall be paid to Miller.
- F. The Clerk of the Chancery Court is hereby authorized and directed to record a certified copy of this order in the land records of DeSoto County, and index the same property for the property hereinabove described.

SO ORDERED ADJUDGED AND DECREED this the ^{April} ~~2~~ day of March, 2003.

[Signature]
CHANCELLOR

APPROVED AND AGREED:

[Signature]
M. LAUNA GRAY – MBN 10853
HOLCOMB DUNBAR
A Professional Association
728 Goodman Road East
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Southaven, Mississippi 38671
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[Signature]
JEFFERSON D. GILDER – MBN ~~8693~~
GILDER, HOWELL & ASSOCIATES, P.A.
P. O. Box 193
Southaven, MS 38671
Attorneys for Gatlin Gladney Gilder, Jr.

[Signature]
STEVEN G. ROBERTS – MBN ~~5600~~
6263 Poplar Ave., Suite 1032
Memphis, TN 38119
Attorney for Estate of
Robert G. Gilder, Jr., deceased

After Recording, Return To:
Holcomb Dunbar, P.A.
P.O. Box 190
Southaven, MS 38671
601.349.0664

File No. 900.050 Initials mlg

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 28 day of May, 2003
W. E. Davis, Clerk of the chancery court
OF DESOTO BY *[Signature]* D.C.

INDEXING INSTRUCTIONS: Lot 2671, Section M, Southaven West
Subdivision, Section 27, Township 1 South, Range 8
West, DeSoto County, MS