

## IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JUDY M. MORELL

PLAINTIFF

VS.

CAUSE NO. 3-4-699YOUNGBLOOD CONSTRUCTION, INC. and  
USF&G INSURANCE COMPANY OF MISSISSIPPI

DEFENDANTS

## CONSENT ORDER TO QUIET AND CONFIRM TAX TITLE

This matter came on to be heard upon the sworn *Complaint to Quiet and Confirm Tax Title* filed herein by Judy M. Morell, by and through Counsel, and upon the known Defendants having been served in the time and manner prescribed by law, and upon publication being made for Unknown Defendants in the time and manner prescribed by law, and the Court being advised that no answer, objection or responsive pleading has been filed by any Defendant, and further, the Court finds that the Defendant, USF&G Insurance Company of Mississippi, has no objection to the granting of the relief sought therein as evidenced by its counsel's signature hereto, the Court finds and Orders as follows:

1. That this Court has jurisdiction of the subject matter and of the parties.
2. That all Defendants have been served in accordance with the *Mississippi Rules of Civil Procedure*.
3. That the Plaintiff is the owner in fee simple of the following described real property located and situated in DeSoto County, Mississippi, to-wit:

STATE MS. - DESOTO CO.  
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W.E. DAVIS, CLERK

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W.E. DAVIS CH. CLK.

0.43 acres, situated in the Northwest quarter of Section 4, Township 2 South, Range 6 West, DeSoto County, Mississippi, being part of the Bill Bowen 6.26 acre tract, and being more particularly described as BEGINNING at a point in the South line of West Sandidge Road, 150.0 feet East of the tangent intersection of the South line of West Sandidge Road and the East line of Ross Road, said point being the Northeast Corner of Lot 1 of Sandidge Center Subdivision; thence North 87° East along the South line of West Sandidge Road 75.0 feet to a point; thence South 2° 10' East parallel to Ross Road 250.0 feet to a point; thence South 87° West 75.0 feet to a point; thence North 2° 10' West 250.0 feet to the point of beginning, containing 18,748.02 square feet or 0.43 acres, more or less.

DERAIGNMENT OF TITLE

4. That the above described land was conveyed by Ah-to-Wis for the Chickasaw Nation of Indians (No. 378, Scaley's District) to Wilson T. Caruthers and Richard Bolton by deed dated May 14, 1836 and recorded in Deed Book B, page 72, in the office of the Chancery Clerk of DeSoto County, Mississippi.

5. That Wilson T. Caruthers and Richard Bolton conveyed the property to the Trustees for the New York and Mississippi Land Company by deed dated June 20, 1836 and recorded in Deed Book B, Page 45, in the office of the Chancery Clerk of DeSoto County, Mississippi.

6. That the Trustees of the New York and Mississippi Land Company conveyed the property to Walter Goodman by deed dated January 28, 1848 and recorded May 27, 1848 in Deed Book J, Page 389, in the office of the Chancery Clerk of DeSoto County, Mississippi.

7. That Walter Goodman conveyed the property to Robert Gordon by deed dated March 24, 1849 and recorded May 30, 1849 in Deed Book K, Page 130, in the office of the Chancery Clerk of DeSoto County, Mississippi.

8. That Robert Gordon and wife, Mary E. Gordon conveyed the property to William S. Daly by deed dated January 14, 1857 and recorded May 19, 1857 in Deed Book Q, Page 468, in the office of the Chancery Clerk of DeSoto County, Mississippi.

9. That William S. Daly conveyed the property to W. L. Coopwood by deed dated May 15, 1857 and recorded May 19, 1857 in Deed Book Q, Page 470, in the office of the Chancery Clerk of DeSoto County, Mississippi.

10. That John Welch, M. J. Welch, G. A. Welch, et al conveyed the property to W. L. Coopwood by deed dated October 6, 1863 and recorded October 16, 1863 in Deed Book S, Page 185, in the office of the Chancery Clerk of DeSoto County, Mississippi.

11. That W. L. Coopwood conveyed the property to J. A. Lindsey by deed dated July 16, 1866 and recorded November 6, 1882 in Deed Book 3, Page 369, in the office of the Chancery Clerk of DeSoto County, Mississippi.

12. That J. J. Lindsey conveyed the property to A. J. McLeod by deed dated December 4, 1889 and recorded November 21, 1890 at 7:00 a.m. in Deed Book 7, Page 184, in the office of the Chancery Clerk of DeSoto County, Mississippi.

13. That A. J. McLeod conveyed the property to Mrs. J. A. Lindsey by deed dated November 26, 1890 and recorded November 27, 1890 at 7:00 a.m. in Deed Book 7, Page 188, in the office of the Chancery Clerk of DeSoto County, Mississippi.

14. That J. A. Lindsey and wife, J. J. Lindsey conveyed the property to G. W. Hurt and wife, Amanda Hurt by deed dated October 7, 1897 and recorded November 22, 1897 at 9:20 a.m. in Deed Book 9, Page 428, in the office of the Chancery Clerk of DeSoto County, Mississippi.

15. That N. E. Wilroy, Commissioner, conveyed the property to George Hurt, Silas Hurt, Milton Hurt and Jno Hurt by deed dated October 8, 1909 and recorded October 8, 1909 at 9:30 a.m. in Deed Book 16, Page 32, in the office of the Chancery Clerk of DeSoto County, Mississippi.

16. That Herbert Holmes, Jr., Trustee, conveyed the property to F. C. Holmes by deed dated January 27, 1912 and recorded February 6, 1912 at 11:30 a.m. in Deed Book 16, Page 316, in the office of the Chancery Clerk of DeSoto County, Mississippi.

17. That R. C. Clifton, Commissioner, conveyed the property to F. C. Holmes by deed dated November 11, 1912 and recorded November 11, 1912 at 11:20 a.m. in Deed Book 16, Page 418, in the office of the Chancery Clerk of DeSoto County, Mississippi.

18. That Maggie Hurt Brown conveyed the property to F. C. Holmes by deed dated December 19, 1912 and recorded December 19, 1912 at 11:20 a.m. in Deed Book 16, Page 431, in the office of the Chancery Clerk of DeSoto County, Mississippi.

19. That F. C. Holmes conveyed the property to J. A. Smith by deed dated January 1, 1914 and recorded January 10, 1914 at 9:00 a.m. in Deed Book 18, Page 18, in the office of the Chancery Clerk of DeSoto County, Mississippi.

20. That R. C. Clifton, Commissioner, conveyed the property to Mrs. J. A. Smith by deed dated October 7, 1922 and recorded October 12, 1922 at 1:20 p.m. in Deed Book 20, Page 48, in the office of the Chancery Clerk of DeSoto County, Mississippi.

21. That Mrs. J. A. Smith conveyed the property to R. P. Funderburk by deed dated January 1, 1947 and recorded January 17, 1947 at 9:30 a.m. in Deed Book 35, Page 36, in the office of the Chancery Clerk of DeSoto County, Mississippi.

22. That R. P. Funderburk conveyed the property to W. M. Maxwell by deed dated December 16, 1947 and recorded December 17, 1947 at 3:30 p.m. in Deed Book 35, Page 340, in the office of the Chancery Clerk of DeSoto County, Mississippi.

23. That W. M. Maxwell, et ux, conveyed the property to Mississippi Power & Light Company by deed dated September 30, 1949 and recorded November 4, 1949 in Deed Book 37, Page 144, in the office of the Chancery Clerk of DeSoto County, Mississippi.

24. That W. M. Maxwell and wife, Gladys H. Maxwell, conveyed the property to the Town of Olive Branch by deed dated January 23, 1972 and recorded October 9, 1972 at 3:00 p.m. in Deed Book 100, Page 391, in the office of the Chancery Clerk of DeSoto County, Mississippi.

25. That Gladys H. Maxwell conveyed the property to Williams Edgar Bowen by deed dated January 8, 1982 and recorded January 20, 1982 at 10:50 a.m. in Deed Book 157, Page 253, in the office of the Chancery Clerk of DeSoto County, Mississippi.

26. That William Edgar Bowen conveyed the property to Home Telephone Company by deed dated May 1, 1985 and recorded May 14, 1985 at 4:30 p.m. in Deed Book 180, Page 125, in the office of the Chancery Clerk of DeSoto County, Mississippi.

27. That William Edgar Bowen conveyed the property to Thomas W. King, Jr. by deed dated September 23, 1988 and recorded October 5, 1988, in Deed Book 208 at Page 597, in the office of the Chancery Clerk of DeSoto County, Mississippi.

28. That William Edgar Bowen conveyed the property to Thomas W. King, Jr. by Quitclaim Deed dated November 20, 1988 and recorded November 30, 1988 in Deed Book 210 at Page 252 in the office of the Chancery Clerk of DeSoto County, Mississippi.

29. That Thomas W. King, Jr. conveyed an undivided one-half (1/2) interest in the property to James E. Youngblood, Sr. by deed dated November 20, 1988 and recorded November 30, 1988 in Deed Book 210 at Page 254 in the office of the Chancery Clerk of DeSoto County, Mississippi.

30. That James E. Woods, as Substitute Trustee for Citizens Bank conveyed the property to Citizens Bank by deed dated June 22, 1990 and recorded June 25, 1990 in Deed Book 227 at Page 5 in the office of the Chancery Clerk of DeSoto County, Mississippi.

31. That Citizens Bank conveyed the property to Youngblood Construction, Inc. by Warranty Deed dated May 15, 1991 recorded May 17, 1991 in Deed Book 235 at Page 302 in the office of the Chancery Clerk of DeSoto County, Mississippi.

32. That on or about September 8, 1994, United States Fidelity and Guaranty instituted a civil proceeding against Youngblood Construction, Inc. A default judgment was taken against Youngblood Construction, Inc. on or about May 5, 1995. The said judgment was not renewed and expired on or about May 5, 2002 pursuant to *Mississippi Code Annotated §15-1-43*. Further, that USF&G was served on or about May 1, 2003, according to the *Mississippi Rules of Civil Procedure*.

33. That on or about the 28<sup>th</sup> day of August, 2000, the land was sold for taxes due by the Tax Collector, Joey Treadway, for the taxes due for 1999, and the Plaintiff became the Purchaser thereof. That said sale was certified to the Chancery Court Clerk in the manner and within the time required by law; that the tax sale remained on file in the office of the Chancery Clerk for two (2) years; and the Chancery Clerk gave all notice required by law to the owner and to any lienholders of record; and that after the time for redemption had expired, the Chancery clerk made and delivered a Tax Deed to the Plaintiff, and the Plaintiff caused the same to be recorded in Deed Book 430 at Page 685 in the office of the Chancery Clerk of DeSoto County, Mississippi. A true and correct copy of said Tax Deed is attached to the Complaint filed in this cause.

34. That the said land at the time of the tax sale was assessed in the name of Youngblood Construction, Inc. The said Defendant, Youngblood Construction, Inc., owned the property through

a chain extending back to the Chickasaw Nation of Indians. Further, Defendant, Youngblood Construction, Inc., was served on or about June 16, 2003, according to the *Mississippi Rules of Civil Procedure*.

35. That after diligent search and inquiry, Plaintiff is unable to give the names, residences or post office addresses of any persons other than those herein mentioned who have any claim to or any interest in this land, but because of the long number of years since the patent to said land was issued, it is possible that there may be others not now ascertainable after diligent search and inquiry by the Plaintiff. That publication has been made on June 19, June 26 and July 3, 2003, in the *DeSoto Times Today*, a local newspaper with a general circulation in DeSoto County, Mississippi, for any unknown persons claiming an interest in the aforescribed property. A Proof of Publication has been filed in this cause, in the time and manner prescribed by law. No responsive pleading was filed and a Docket Entry of Default was entered against Defendants, Youngblood Construction, Inc. and Unknown Defendants, by the Clerk on or about July 25, 2003.

36. That there has been no answer or contest filed by any defendant known or unknown.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that any clouds of record affecting the subject property are hereby cancelled, and the Tax Deed to Judy M. Morell is hereby confirmed, vesting perfect title in Judy M. Morell to the following described property:

0.43 acres, situated in the Northwest quarter of Section 4, Township 2 South, Range 6 West, DeSoto County, Mississippi, being part of the Bill Bowen 6.26 acre tract, and being more particularly described as BEGINNING at a point in the South line of West Sandidge Road, 150.0 feet East of the tangent intersection of the South line of West Sandidge Road and the East line of Ross Road, said point being the Northeast Corner of Lot 1 of Sandidge Center Subdivision; thence North 87° East along the South line of West Sandidge Road 75.0 feet to a point; thence South 2°10' East parallel to Ross Road 250.0 feet to a point; thence South 87° West 75.0 feet to a point; thence North 2°10' West 250.0 feet to the point of beginning, containing 18,748.02 square feet or 0.43 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order shall be filed by the Chancery Court deed records.

SO ORDERED, ADJUDGED AND DECREED this the 18<sup>th</sup> day of August, 2003.

[Signature]  
CHANCELLOR

CONSENTED:

[Signature]  
Barry W. Bridgforth, Jr.  
Attorney for Plaintiff

USF&G INSURANCE COMPANY OF  
MISSISSIPPI, now known as  
St. Paul Company

By: [Signature]  
Christopher R. Maddux, Its Attorney

CHANCERY COURT  
STATE OF MISSISSIPPI, COUNTY OF DEBOTO  
I HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 18<sup>th</sup> day of August, 2003  
W. E. Davis, Clerk of the chancery court  
By [Signature] D.C.