

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF:

MACK HIGHTOWER and
LUCILLE B. HIGHTOWER

CAUSE NO. 04-04-0657

**ORDER AUTHORIZING PROBATE OF LAST WILL AND TESTAMENT
AS A MUNIMENT OF TITLE**

THIS DAY this cause came on for hearing on petition of THELMA HIGHTOWER JENKINS, praying that this Court grant the authority to probate the Last Will and Testament of MACK HIGHTOWER and the Last Will and Testament of LUCILLE B. HIGHTOWER as a muniment of title, and the Court having fully heard and being fully advised in the premises finds as follows:

1.

That on or about November 10, 1996, Mack Hightower, the father of Petitioner, departed this life, having at the time of his death a fixed place of residence in DeSoto County, Mississippi, and being survived by his wife, Lucille B. Hightower and daughter, Thelma Hightower Jenkins.

2.

That on or about March 15, 2004, Lucille B. Hightower, the mother of Petitioner, Thelma Hightower Jenkins, departed this life having at the time of her death a fixed place of residence in DeSoto County, Mississippi, and being survived by her daughter, Thelma Hightower Jenkins, Petitioner herein.

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3.

That on or about May 2, 1975, Mack Hightower and Lucille B. Hightower each made, published and declared an instrument of writing to be his/her Last Will and Testament, which was so made when the testator/testatrix was over the age of 18 years, was of sound and disposing mind and memory. That Petitioner has filed in this cause the original of said instruments for probate as muniment of title.

4.

That the original Proof of Will of D. B. Bridgforth, one of the subscribing witnesses for each Last Will and Testament has been filed in this cause. That the attesting witnesses are in no way interested in the estate of the testator or the testatrix.

5.

That Petitioner, Thelma Hightower Jenkins, is an adult resident citizen of the City of Memphis, Shelby County, Tennessee, and is the only interested party necessary to the petition under §91-5-35 of the Mississippi Code Annotated, as amended.

6.

That Mack Hightower, departed this life on or about November 10, 1996. That at the time of death, testator, Mack Hightower, owned certain interest in real property in DeSoto County, Mississippi, and under the provisions of Item I of said Last Will and Testament of Mack Hightower, all of his property, real, personal or mixed, wherever situated, was devised and bequeathed unto his wife, Lucille B. Hightower. That in the event Lucille B. Hightower shall pre-decease the testator, the will provided that all property would be given, devised and bequeathed unto Thelma H. Jenkins, to be hers absolutely in fee simple. That Lucille B.

Hightower survived her husband, Mack Hightower, therefore, vesting her with title to the real property under the terms of the will.

7.

That at the time of death, testatrix, Lucille B. Hightower, owned certain interest in real property in DeSoto County, Mississippi, and under the provisions of Item I of said Last Will and Testament of Lucille B. Hightower, all of her property, real, personal or mixed, wherever situated, was devised and bequeathed unto her husband, Mack Hightower. That in the event Mack Hightower should pre-decease the testatrix, the will provided that all property would be given, devised and bequeathed unto Thelma H. Jenkins, to be hers absolutely in fee simple.

8.

That at the time of each of their deaths, testator and then testatrix owned approximately four (4) acres of land located at 6010 Sandidge Road, Olive Branch, Mississippi 38654, more particularly described as follows:

The east 25 acres of the south 50 acres of the northeast quarter of Section 1, Township 2, Range 7 West, less and except the following 3 tracts:

TRACT 1

Begin at the southeast corner of the east 25 acres of the south 50 acres of the northeast quarter of Section 1, Township 2, Range 7 West, which point is on the west boundary line of the Old Public Road, known as the Old Stone Road and Stateline Road, thence run in a northerly direction for a distance of 150 feet to a point, thence run in a westerly direction a distance of 400 feet to a point, thence a southerly direction and parallel to said Public Road a distance of 150 feet to a point, thence run 400 feet in an easterly direction to a point of beginning, on west boundary of said Public Road, said lot being 150 feet by 400 feet and the same being part of the land conveyed to Mack Hightower by deed recorded in Book 45, Page 445, DeSoto County, Mississippi; being the same property conveyed by Mack Hightower and Lucille Hightower to George Hightower and Geraldine Hightower in Book 51, Page 290.

TRACT 2

12 acres in the Northeast Quarter of Section 1, Township 2, Range 7 West, DeSoto County, Mississippi, described as BEGINNING at an iron pin in the south line of the Northeast Quarter of Section 1, Township 2, Range 7 West, said pin being 686.4 feet west of the southeast corner of said Northeast Quarter Section; thence south $84^{\circ} 30'$ west along south line of said Quarter Section, 633.6 feet to an iron pin; thence north $5^{\circ} 30'$ west along the east line of the Moody tract 825 feet to an iron pin; thence north $84^{\circ} 30'$ east along the south line of the Whitten tract 633.6 feet to an iron pin; thence south $5^{\circ} 30'$ west, 825.0 feet to the point of BEGINNING and containing 12.0 acres, more or less, as per survey by J. E. Lauderdale, civil engineer, dated December 27, 1967.

Further less and except the 12 acre tract conveyed by Mack Hightower and Lucille Hightower to D. B. Bridgforth and Rowerline Bridgforth in Deed Book 73, Page 249 in the office of the Chancery Court Clerk of DeSoto County, Mississippi

TRACT 3

Part of the northeast quarter of Section 1, Township 2, Range 7 West, Described as BEGINNING at an iron pin in the south line Northeast quarter Section 1, Township 2, Range 7 West, said pin being 333.4 feet west of southeast corner said quarter section; thence south $84^{\circ}30'$ West along said south line 353.0 feet to an iron pin at southeast corner of the Bridgforth 12 acre tract; thence north $5^{\circ} 30'$ West along east line said Bridgforth tract 825.0 feet to an iron pin at the northeast corner; thence north $84^{\circ} 30'$ East along south line of the Whitten tract 686.4 feet to an iron pin in East line said Section 1; thence south $5^{\circ} 30'$ East along said Section line 171.8 feet to an iron pin; thence south $84^{\circ} 30'$ West 333.4 feet to an iron pin; thence south $5^{\circ} 30'$ East 653.2 feet to the point of beginning and containing 8.0 acres, more or less. All bearings are magnetic.

Further, less and except the 8 acres of property conveyed by Mack Hightower and Lucille Hightower to D. B. Bridgforth, Jr., et al, in Deed Book 81, Page 54 in the office of the Chancery Court Clerk of DeSoto County, Mississippi.

9.

That all known debts, including Mississippi and Federal estate and income taxes of the testator and the testatrix and his/her estate have been paid or none are owed. That the value of testator's or testatrix's personal estate at the time of his or her death did not exceed the sum of \$10,000.00.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the Last Will and Testament of MACK HIGHTOWER, dated May 2, 1975, and the Last Will and Testament of LUCILLE B. HIGHTOWER, are hereby admitted to probate as a muniment of title by and in this Court and in the records of DeSoto County, Mississippi.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Item I of the Last Will and Testament of Mack Hightower, and pursuant to Item I of the Last Will and Testament of Lucille B. Highwer, title shall be and hereby is vested in Thelma Hightower Jenkins, the following described property:

The east 25 acres of the south 50 acres of the northeast quarter of Section 1, Township 2, Range 7 West, less and except the following 3 tracts:

TRACT 1

Begin at the southeast corner of the east 25 acres of the south 50 acres of the northeast quarter of Section 1, Township 2, Range 7 West, which point is on the west boundary line of the Old Public Road, known as the Old Stone Road and Stateline Road, thence run in a northerly direction for a distance of 150 feet to a point, thence run in a westerly direction a distance of 400 feet to a point, thence a southerly direction and parallel to said Public Road a distance of 150 feet to a point, thence run 400 feet in an easterly direction to a point of beginning, on west boundary of said Public Road, said lot being 150 feet by 400 feet and the same being part of the land conveyed to Mack Hightower by deed recorded in Book 45, Page 445, DeSoto County, Mississippi; being the same property conveyed by Mack Hightower and Lucille Hightower to George Hightower and Geraldine Hightower in Book 51, Page 290.

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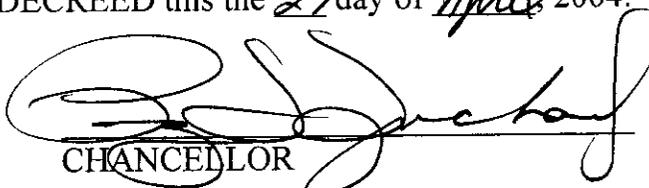
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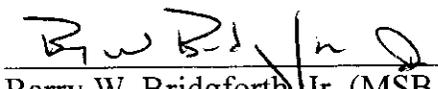
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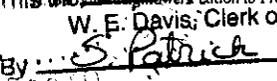
The Chancery Court Clerk of DeSoto County is hereby directed to file a certified copy of this decree in the land records of DeSoto County, Mississippi, as a muniment of title.

SO ORDERED, ADJUDGED AND DECREED this the 27th day of April 2004.


CHANCELLOR

Submitted by:


Barry W. Bridgforth, Jr. (MSB #9797)
Bridgforth & Buntin
P. O. Box 241
Southaven, MS 38671
(662) 393-4450

STATE OF MISSISSIPPI, COUNTY OF DESOTO
HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 30 day of June 2004
W. E. Davis, Clerk of the chancery court
By:  D.C.
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