

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

STATE MS.-DESOTO CO.

CORELLA CALDWELL CLARK; FOSTER MILLER JOHNSON;
ROBBIE MAE MILLER LEAKE; AND LASHAWN NEWBERN, ET AL.,

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Complainants,

vs.

CAUSE NO. 04-01478 CH. CLK. ^{EX 472} PG. ⁷⁴⁶

ALL KNOWN AND UNKNOWN HEIRS-AT-LAW OF WILLIE MAE MILLER AND ROBERT MILLER, DECEASED; ALL KNOWN AND UNKNOWN HEIRS-AT-LAW OF INEDA MILLER RICHARDSON, ALLEANE MILLER CALDWELL AND MASSEY MILLER, ALL DECEASED; AND KNOWN AND UNKNOWN CLAIMANTS AND PARTIES IN INTEREST TO THE PROPERTY HEREIN DESCRIBED, FORMERLY OWNED BY WILLIE MAE MILLER, WHOSE IDENTITIES, WHEREABOUTS, RESIDENCES, POST OFFICE AND STREET ADDRESSES ARE UNKNOWN TO THE COMPLAINANTS AFTER DILIGENT SEARCH AND INQUIRY TO ASCERTAIN SAME,

Defendants.

DECREE DETERMINING HEIRS-AT-LAW OF WILLIE MAE MILLER AND ROBERT MILLER, DECEASED, AND CONFIRMING AND QUIETING TITLE

This cause came on to be heard this day upon the petition of Corella Caldwell Clark, Foster Miller Johnson, Robbie Mae Miller Leake, Lashawn Newbern and others, to determine the heirs-at-law of Willie Mae Miller and Robert Miller, both deceased, and to quiet and confirm title pursuant to Mississippi Code Sections 91-1-27 et seq., 11-17-29 and 11-17-35. All necessary parties to the action are before the Court either by waiver of process or Rule 81 summons. And the Court, having been advised in the premises and having heard proof in open court, finds and adjudicates as follows:

1. That the court has subject matter jurisdiction, jurisdiction over the parties herein and jurisdiction over the property that is the subject of this action.
2. That the defendants in this cause are all known and unknown heirs-at-law of Willie

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Mae Miller and Robert Miller, both deceased; all known and unknown heirs-at-law of Ineda Miller Richardson, Alleane Miller Caldwell and Massey Miller, all deceased; and all known and unknown claimants and parties in interest to the property herein described, formerly owned by Willie Mae Miller, whose identities, whereabouts, residences, post office and street addresses are unknown to the Complainants after diligent search and inquiry to ascertain same.

3. That the Complainants and the lawful heirs-at-law of Willie Mae Miller and Robert Miller, Deceased, are the owners of the following described property lying and situated in Desoto County, Mississippi, formerly owned by Willie Mae Miller, Deceased, during her lifetime:

40 acres of land, more or less, situated in the Northwest Quarter of Section 35, Township 2, Range 7 West, Desoto County, Mississippi, being the 40 acres on the east end of the 98 acres tract shown as Tract No. 2 in the Willis Massey Last Will and Testament of record in Will Book 7, Pages 61, et. seq. LESS AND EXCEPT 2.08 acres conveyed to Corella Caldwell Clark under deed of December 11, 1992 from Robert Miller, et al, recorded at page 715 of Deed Book 253 in the office of the Desoto County, Mississippi Chancery Clerk.

4. That the land was conveyed out of the sovereign in the year 1836.

5. That the property described herein was conveyed to Jesse and Willis Massey on November 23, 1908 from W.S. Weissenger by deed recorded at page 159 of Deed Book 15 in the office of the Desoto County, Mississippi Chancery Clerk.

6. That by deed dated December 14, 1908, recorded in Deed Book 15 at page 184, Willis Massey conveyed the property described herein to Jesse Massey and, as shown by Will probated under Cause No. 8513 of this Court, of record in Will Book 7, page 61, a copy of which is attached as "Exhibit One," to the Complaint herein, Willis Massey came into possession of the property again as the heir-at-law of Jesse Massey.

7. That under said Will dated July 15th, 1948, of record in Will Book 7 Page 61 and

probated under Cause Number 8513 sometime in the year 1958, Willis Massey devised the property to his daughter, Willie Mae Miller.

8. That Willie Mae Miller died intestate in May 1980, leaving as her only heirs-at-law her husband, Robert Miller, and four children: Alleane Miller Caldwell, Ineda Miller Richardson, Massey Miller, Robbie Mae Miller Leake and Foster L. Miller Johnson.

9. That by Warranty Deed dated August 5, 1982, a copy of which is attached to the Complaint filed herein as "Exhibit Two," Massey Miller conveyed to Robert Miller, his father, and siblings, Robbie Mae Miller Leake, Foster L. Miller Johnson, Alleane Miller Caldwell, and Ineda Miller Richardson, as tenants-in-common, his one sixth (1/6) undivided interest in all of the property described above.

10. That Alleane Miller Caldwell, a daughter of Willie Mae Miller and Robert Miller, died intestate in August 1992, leaving as her only heirs-at-law four children: George Caldwell; Corella Caldwell Clark, a Complainant herein; Corenna Caldwell Gillespie; and Peggy Veasey. She left no husband.

11. That Robert Miller, husband of Willie Mae Miller, died testate in August 1994, and under his Will, probated under Cause No. 95-3-359 of this Court, excluded Massey Miller and left his portion of the property inherited from his wife to his remaining children in equal shares, and the children of Alleane Caldwell, who were left equally the child's share of their mother.

12. That Ineda Miller Richardson, daughter of Robert and Willie Mae Miller, whose spouse predeceased her, died intestate in November 2000, leaving as her only heirs-at-law the following children: Melva Jean Brittman, Irene Jackson, Helen Becton, Chester Richardson, Mabelean Hurd, Freddie Ann Clariet, Carolyn Faye Hardin, Willie Gwendella and LaShawn

Newbern.

13. That prior to their deaths, Robert Miller, Ineda Miller Richardson, and Massey Miller, joined with Robbie Mae Miller Leake, Foster L. Miller Johnson and the children of then deceased, Alleane Miller Caldwell (George Caldwell and Corena Caldwell Gillespie) to convey to Corella Caldwell Clark (also a child of Alleane Miller Caldwell) property described under Warranty Deed of December 14, 1992, recorded in Deed Book 253 at Page 715 in the office of the Desoto County, Mississippi Chancery Clerk, leaving the property described in Paragraph Three as property belonging to the Estate of Willie Mae Miller.

14. That, the plaintiffs and the lawful heirs-at-law of Willie Mae Miller and Robert Miller, except for the heirs-at-law of Massey Miller, have acquired possession of the property as the surviving lawful heirs-at-law of Willie Mae Miller and Robert Miller and by adverse possession under Mississippi law, and the plaintiffs and those lawful heirs-at-law of Willie Mae Miller have been in continuous open, notorious, hostile and adverse possession of the property under claim of right since the death of their predecessor in title, Willie Mae Miller, in May 1980.

15. That the plaintiffs and the parties named herein should be adjudicated as the lawful heirs-at-law of the decedents, Willie Mae Miller and Robert Miller, and owners as tenants-in-common of the property described in Paragraph Three, above, except for Massey Miller's heirs.

16. The Court finds that the lawful heirs-at-law of Willie Mae Miller are the following individuals: Maxine Shields, Laval Miller, Linda Miller Atkins, and Morris S. Miller, the children of her son Massey Miller; George Caldwell, Corella Caldwell Clark, Corena Caldwell Gillespie, and Peggy Veasey, the children of Alleane Miller Caldwell; Melva Jean Brittman, Irene Jackson, Helen Becton, Chester Richardson, Mabelean Hurd, Freddie Ann Clariet, Carolyn Faye Hardin, Willie Gwendella and LaShawn Newbern, the children of Ineda Miller Richardson; and Robbie

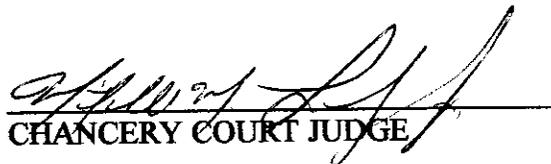
Mae Miller Leake and Foster Miller Johnson, Willie Mae and Robert Miller's only surviving children.

15. The Court, however, finds that the heirs-at-law of Massey Miller, have no interest in the property described in Paragraph 3, above, since he deeded his interest to his father and siblings and was later excluded under his father's Will.

IT IS, THEREFORE, ORDERED that, the parties named in Paragraph 15, above, be and are hereby adjudicated to be the only heirs-at-law of Willie Mae Miller and Robert Miller.

IT IS FURTHER ORDERED that, except for the heirs-at-law of Massey Miller, the other parties named in Paragraph 15 of this order be and are hereby adjudicated by this Court to be the owners of the property described in Paragraph 3, above, as the lawful heirs-at-law of Willie Mae Miller and Robert Miller and by adverse possession, and the Clerk of this Court is hereby directed to record a copy of this Decree in the land records of his office to show ownership of the property described in those parties.

SO ORDERED this the 10th day of May 2004.


CHANCERY COURT JUDGE

Prepared by:
Loraine Edwards
Attorney-at-Law
Drawer 313
Hernando, MS 38632
662-429-5786

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 12th day of May, 2004
W. E. Davis, Clerk of the Chancery court
By J. [Signature] D.C.