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DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

PREPARED BY & RETURN TO:  
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IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

NATIONSCREDIT FINANCIAL SERVICES CORPORATION,

PLAINTIFF

V.

CAUSE NO. <sup>04</sup> ~~11~~-11-1794

REMELL TOWNES, JAMES B. TOWNES,  
WARDELL TOWNES, FRED L. BAPTIST,  
DEBBIE BAPTIST, FIRST FAMILY FINANCIAL SERVICES, INC.  
and MISSISSIPPI STATE TAX COMMISSION,

DEFENDANTS

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**CONSENT ORDER GRANTING DEFAULT JUDGMENT AND  
REFORMATION OF INSTRUMENT**

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THIS MATTER came on for hearing upon Plaintiff's Motion For Entry Of Default Judgment And For Other Relief, pursuant to Rule 55 of the Mississippi Rules of Civil Procedure, and Defendants, Remell Townes, James B. Townes, Wardell Townes, Fred L. Baptist, Debbie Baptist and First Family Financial Services, Inc., having been served with process for the time and in the manner prescribed by law, and not being infants or unrepresented incompetent persons, having failed to plead and their default having been duly entered. The Court, being fully advised, finds as follows, to wit:

1. NationsCredit is a business corporation, duly qualified and authorized to do business in the State of Mississippi, having its principal place of business at 225 E. John Carpenter Freeway, Irving, Texas 75062.
2. That Defendants, James B. Townes, Fred L. Baptist and Debbie Baptist, were duly served, in accordance with the Mississippi Rules of Civil Procedure, with a copy of Plaintiff's Complaint November 7, 2004, as reflected by the Court file herein.
3. That Defendants, Remell Townes and Wardell Townes, were duly served, in accordance with the Mississippi Rules of Civil Procedure, with a copy of Plaintiff's Complaint on November 8, 2004, as reflected by the Court file herein.

**FILED**  
JAN 31 2005  
WE DAVIS, CLERK

4. That Defendant, First Family Financial Services, Inc., was duly served, in accordance with the Mississippi Rules of Civil Procedure, with a copy of Plaintiff's Complaint on November 11, 2004, as reflected by the Court file herein.

5. That Defendant, Mississippi State Tax Commission, was duly served, in accordance with the Mississippi Rules of Civil Procedure, with a copy of Plaintiff's Complaint on November 12, 2004, as reflected by the Court file herein.

6. That Defendant, Mississippi State Tax Commission, entered its appearance herein on or about the 2<sup>nd</sup> day of December, 2004.

7. This court has jurisdiction of this matter under Article VI, § 160 of the Mississippi Constitution, Miss. Code Ann. §9-5-81, and applicable law. Venue of this matter is proper in DeSoto County pursuant to Miss. Code Ann. §11-5-1 in that the property made the subject of his lawsuit is located in DeSoto County, Mississippi.

8. The real property made the subject of the Complaint is situated in DeSoto County, and is described more fully in a warranty deed labeled Exhibit "A" and attached to the Complaint filed herein. Fred L. Baptist and Debbie Baptist became the owners of the real property by virtue of said Warranty Deed from Remell Townes, James B. Townes and Wardell Townes recorded at Book 269, Page 166 in the Land Records of DeSoto County, Mississippi.

9. On January 8, 1999, Defendants Fred L. Baptist and Debbie Baptist executed a Deed of Trust in favor of First Home Mortgage, Inc. The Deed of Trust is filed and of record in the land records of the DeSoto County Chancery Clerk at Book 1075, Page 510. A copy of the Deed of Trust is attached to the Complaint filed herein as Exhibit "B". Said Deed of Trust was later assigned to NationsCredit Financial Services Corporation by Assignment recorded at Book

1357, Page 416 of the land records of DeSoto County, Mississippi, said Assignment is attached to the Complaint filed herein as Exhibit "C".

10. First Family Financial Services, Inc. is named as a party herein due to its status as a junior lienholder by virtue of that Deed of Trust recorded at Book 1142, Page 501. A true and correct copy of said Deed of Trust is attached to the Complaint filed herein as Exhibit "D".

11. The Mississippi State Tax Commission is named as a party herein due to a judgment lien, numbered 70172, in the amount of \$400.00, against the subject property and owners, Fred L. Baptist and Debbie Baptist.

12. Subsequent to the recording of the Warranty Deed recorded at Book 269, Page 166 and the Deed of Trust recorded at Book 1075, Page 510, NationsCredit Financial Services was notified that the property description in said instruments incorrectly reflects calls in the legal description.

13. Plaintiff, NationsCredit Financial Services Corporation, has obtained a default judgment granting its request to reform the legal description in the Deed of Trust recorded at Book 1075, Page 510. The aforereferenced matter was brought before the Chancery Court of DeSoto County, Mississippi as Cause No. 04-07-1155 and was limited to reforming the legal description in the aforereferenced Deed of Trust.

14. Plaintiff, NationsCredit Financial Services, is entitled to have the legal description in the Warranty Deed recorded at Book 269, Page 166 reformed to correct a property description error which was a mutual inadvertent mistake, the product of a scrivener's error, that may be remedied by this court by reformation of the Warranty Deed.

15. A docket entry of default was entered against Defendants, Rem ell Townes, James B. Townes, Wardell Townes, Fred L. Baptist, Debbie Baptist and First Family Financial Services, Inc., and filed with this Court on January 7, 2005.

16. The Mississippi State Tax Commission has joined with Plaintiff in consenting to the relief requested as signified by the signature hereinbelow of counsel for the Comission.

17. The Plaintiff's Complaint is taken as true and the relief requested in the Complaint should be granted.

18. NationsCredit therefore is entitled to a judgment being entered in its favor reforming the Warranty Deed recorded at Book 269, Page 166 to properly reflect the property description by amending certain language as follows:

The incorrect call is:

"Commencing at a point commonly accepted as the Southeast Corner of said Northwest Quarter ..."

The correct call is:

"Commencing at a point commonly accepted as the Southwest Corner of said Northwest Quarter ..."

IT IS THEREFORE ORDERED, ADJUDGED and DECREED as follows, to wit:

A. This Court does hereby enter a judgment in favor of Plaintiff, NationsCredit Financial Services Corporation, reforming the Warranty Deed recorded at Book 269, Page 166 to properly reflect the property description by amending certain language as follows:

The incorrect call is:

"Commencing at a point commonly accepted as the Southeast Corner of said Northwest Quarter ..."

The correct call is, and the Warranty Deed recorded at Book 269, Page 166 is reformed to read as follows:

"Commencing at a point commonly accepted as the Southwest Corner of said Northwest Quarter ..."

B. That nothing in this Court's Order shall affect the validity of the Mississippi State Tax Commission judgment lien number 70172.

C. That this Order shall be recorded as a deed in the Land Records of DeSoto County, Mississippi and a notation thereof placed on the face of the instrument recorded in Warranty Deed Book 269, Page 166.

D. That said reformation of legal description as set forth herein shall relate back to the original date of recording of the Warranty Deed recorded at Book 269, Page 166.

ORDERED, ADJUDGED AND DECREED, this 31<sup>st</sup> day of January, 2005.

*M. J. Williams*  
CHANCELLOR

*Bryan E. Dye*  
Bryan E. Dye (MS Bar No. 100796)  
Attorney for Plaintiff,  
NationsCredit Financial Services Corporation

*Samuel T. Polk III*  
SAMUEL T. POLK, III (MS Bar No. 4434)  
Attorney for Defendant,  
Mississippi State Tax Commission

CHANCERY COURT  
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 31<sup>st</sup> day of Jan, 2005  
W. E. Davis, Clerk of the chancery court  
*S. Patrick*  
D.C.