

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MARK DYE,

COMPLAINANT

VS.

CIVIL ACTION NO. 05-08-1433

MABLE RUTH STREET PAYNE, AND ANY AND ALL  
UNKNOWN PERSONS OR PARTIES CLAIMING ANY LEGAL  
OR EQUITABLE INTEREST IN AND TO THE PROPERTY  
DESCRIBED IN THE COMPLAINT

DEFENDANTS

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FINAL DECREE

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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 the hearing to assess relief, ordered by this Court herein, and Defendant, having been served with process for the time and in the manner prescribed by law, and not being an infant or an unrepresented incompetent person, having failed to plead and his default having been duly entered. Upon consideration of the pleadings and the proof offered by the Plaintiff, the Court finds as follows, to wit:

1.

The Complainant, Mark Dye, is an adult resident citizen of Olive Branch, DeSoto County, Mississippi.

2.

The last known residence of Defendant, Mable Ruth Street Payne, was 1300 South Karlov, Chicago, IL 60623. Other Defendants who may claim an interest, legal or equitable, are unknown to Complainant, but are made parties hereto and were provided notice via publication.

**FILED**  
OCT 21 2005  
W E DAVIS, CLERK

3.

Complainant is the legal and equitable owner of the following described real property situated in the County of DeSoto, State of Mississippi, to wit:

One acre, more or less in the southeast quarter of Section 32, Township 1 South, Range 6 West, described as commencing at the southeast corner of said Section 32; running thence west 412.5 feet to the point of beginning; thence continuing west 210 feet to a point; thence north 210 feet; thence east 210 feet; thence south along Oscar Harris west line 210 feet to the point of beginning containing one acre, more or less.

Complainant's title is based upon a tax deed from W.E. Davis, DeSoto County Chancery Clerk, recorded at Book 496, Page 533 of the Land Records of DeSoto County, Mississippi.

4.

For the tax year 2001, all of the herein above described land was assessed to Mable Ruth Street Payne, she being the owner of the subject property under Cause No. 94-5-467, James Street vs. Moses Street, and said land was lawfully subject to State and County taxes for the year 2001; that said land was duly and lawfully assessed for said State and County taxes by the proper taxing authorities of DeSoto County, Mississippi, for said year 2001, and all steps necessary or required for the preparation, making and filing of a valid assessment roll against said land were duly taken by said lawful authorities; that taxes were duly and legally levied against said lands but were not paid; and that, consequently, said land was, in accordance with law, on August 26, 2002, struck off and sold to Complainant described hereinabove, Mark Dye, by the Tax Collector of said County for the non-payment of said delinquent taxes, the amount having been paid by Mark Dye being the sum of Three Hundred Three and 05/100 Dollars (\$303.05). Complainant shows that said land was not redeemed from the aforesaid tax sale within the time required by law and that on the 10<sup>th</sup> day of September, 2004, good, valid and absolute title thereto became vested in Mark Dye.

## 5.

That upon the expiration of the period for redeeming the above described property from said tax sale, the Chancery Clerk of DeSoto County, Mississippi, issued a tax sale deed to Mark Dye, said tax deed being dated September 10, 2004, and being recorded in Deed Book 496 at Page 533 of the Land Records of DeSoto County, Mississippi, a copy of said tax deed being attached hereto as Exhibit "A" and made a part hereof by reference.

## 6.

That all acts and proceedings necessary to the validity of the tax sale to Mark Dye, as herein alleged, were done and legally performed and that said sale was a valid tax sale in every respect and served to divest the actual and assessed owners thereof and anyone else having any legal or equitable title or interest therein, of all title, both legal and equitable, which they had or claimed in said land or any part thereof.

## 7.

Complainant is now the legal and equitable owner of the subject property and is entitled to a Decree from this Court confirming the above described tax title.

## 8.

The deraignment of title for the subject property is as follows:

On or about the 8<sup>th</sup> day of February, 1901, M.J. McNeill, et ux deeded the subject property to Francis I. Stephenson by Warranty Deed recorded at Book 11, Page 144 of the Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

On or about the 15th day of May, 1954, Fannie S. Prewitt, being one and the same person as Francis I. Stephenson, deeded the subject property to James Humphrey, et ux by Warranty

Deed recorded at Book 40, Page 399 of the Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

On or about the 10th day of November, 1965, James Humphrey, et ux, deeded the subject property to James Street, et ux by Warranty Deed recorded at Book 63, Page 613 of the Land Records, Chancery Clerk's Office, DeSoto County, Mississippi.

On or about the 17th day of June, 1992, James Street departed this life having left a Last Will and Testament which was duly admitted to probate in the Chancery Court of DeSoto County, Mississippi as part of Cause No. 94-5-467. Said cause states that James Street's wife, Willie Street, predeceased James Street. The Last Will and Testament of James Street directs that the subject property was given and devised unto the daughter of James Street, Mable Ruth Street Payne, the Defendant herein.

The DeSoto County Tax Collector sold the subject property for unpaid 2001 taxes on August 26, 2002 to the highest bidder, Mark Dye. A Tax Deed dated September 10, 2004, whereby Joey Treadway, DeSoto County Tax Collector, conveyed the subject property to Mark Dye, was recorded in Book 496, Page 533 of the Land Records, DeSoto County Chancery Clerk's Office. Complainant, Mark Dye, is now the legal and equitable owner of the subject property and is entitled to a Decree from this Court confirming the above described tax title.

9.

That the above-styled and numbered Cause was filed in the Chancery Court of Desoto County, Mississippi, on August 31, 2005, and a Summons by Publication to Mable Ruth Street Payne was published in The Desoto County Tribune on September 8, 2005, September 15, 2005, and September 22, 2005. Proof of said publication was filed in the Court file herein on September 28, 2005.

## 10.

That more than thirty (30) days have elapsed since the first date of publication of the Summons to Defendant, Mable Ruth Street Payne.

## 11.

That Plaintiff and Plaintiff's counsel have complied with all applicable provisions of Rule 4 of the Mississippi Rules of Civil Procedure. Specifically, Plaintiff's counsel mailed to what was believed to be Defendant's last known addresses copies of said Summons and Complaint pursuant to Rule 4(c)(4)(C) of the Mississippi Rules of Civil Procedure.

## 12.

That the Defendant has failed to serve a copy of any Answer or other defense which the Defendant might have, upon the undersigned attorney of record for the Plaintiff.

## 13.

That the Plaintiff is entitled to a decree adjudging the tax sale to him, as herein above set forth, to be a valid and legal tax sale which served to vest, the Complainant, Mark Dye, with a good and sufficient legal title to said land; that the tax deed issued to Complainant, Mark Dye, by the Chancery Clerk of Desoto County, Mississippi, was legally and fairly executed and acquired and served to pass to Complainant, Mark Dye, the full title in said land, and that Complainant, Mark Dye, be decreed and confirmed to now be the owner of a good and sufficient, absolute and indefeasible, simple title in and to the said land as against all other persons.

IT IS THEREFORE ORDERED AND ADJUDGED as follows, to wit:

A. The tax title to the above-described property be, and the same is hereby confirmed, pursuant to Section 11-17-1 of the Mississippi Code (1972), in favor of the Plaintiff, Mark Dye, against all parties named herein, and that said title be and the same hereby is declared

to be a good and sufficient, absolute and indefeasible, fee simple title in and to the said land as against all other persons.

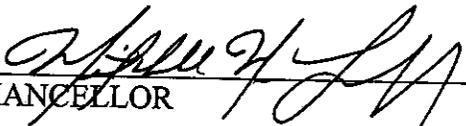
B. The Defendant named in this cause shall have no further ownership or other interest in the above described property.

C. The Clerk of this Court be, and he is hereby requested and directed to record a certified copy of this Decree on the Land Records of Desoto County, Mississippi.

D. The Plaintiff shall be responsible for all court costs.

ORDERED, ADJUDGED AND DECREED this 18<sup>th</sup> day of October,

2005.

  
CHANCELLOR

Submitted by:  
Nicholas H. Manley (MS Bar No. 101641)  
WATKINS LUDLAM WINTER & STENNIS, P.A.  
Post Office Box 1456  
Olive Branch, Mississippi 38654  
(662) 895-2996

# CHANCERY CLERK'S CONVEYANCE LAND SOLD FOR TAXES

(Chapter 27-43 Code of 1972)

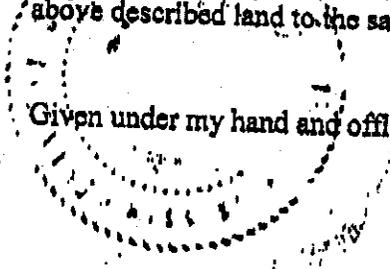
STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Be it known that Joey Treadway, Tax Collector of said County of Desoto, did, on the 26<sup>th</sup> day of August, A.D., 2002 according to law, sell the following described and situated in said county and assessed to MABLE RUTH STREET PAYNE to wit:

DESCRIPTION OF LAND: PART SE 1/4 SE 1/4	SEC 32	TWP 1	RANGE 6
PARCEL NUMBER: 1069-3200.0-00015.00			

FOR THE TAXES ASSESSED THEREON for the year A.D. 2001, when MARK DYE became the best bidder therefore, at and for the sum of THREE HUNDRED THREE DOLLARS AND 05/100 Dollars \$203.05, and the same not having been redeemed, I, therefore sell and convey said above described land to the said MARK DYE.

Given under my hand and official seal of office, this the 10<sup>th</sup> day of September 2004.



*W. E. Davis*

W. E. Davis, Chancery Clerk

## COSTS TO BE PAID BY PURCHASER UPON DELIVERY OF CONVEYANCE

Recording tax conveyance (Section 25-7-9).....	\$7.00	\$7.00
<b>TOTAL RECORDING COST.....</b>		\$
<b>DUE TO COUNTY</b>		
County actual postage fee (Section 27-43-3).....		\$3.74
Publisher's actual fee paid by county (Section 27-43-3).....		\$8.00
<b>TOTAL DUE TO COUNTY.....</b>		\$18.74
<b>DUE TO CHANCERY CLERK</b>		
Identify record owners (Section 27-43-3).....	\$20.00	\$20.00
Recording list, each subdivision (Section 25-7-21(4)(a)).....	\$1.00	\$1.00
Issue sheriff's notice (Section 27-43-3).....	\$2.00	\$2.00
Mail 1 <sup>st</sup> owner's notice (Section 27-43-3).....	\$1.00	\$1.00
Mail 2 <sup>nd</sup> owner's notice (Section 27-43-3).....	\$2.50	\$
Issue each lienor notice (Section 27-43-11).....	\$7.00	\$7.00
Recording each redemption (Section 25-7-21(4)(d)).....	\$6.00	\$6.00
Abstracting each subdivision (Section 25-7-21(4)(e)).....	\$1.00	\$1.00
Certify amount to redeem (Section 25-7-9(1)(a)).....	\$1.00	\$1.00
Certify release from sale (Section 25-7-9(1)(a)).....	\$1.00	\$1.00
<b>TOTAL AMOUNT DUE TO CHANCERY CLERK.....</b>		\$47.00
<b>GRAND TOTAL DUE.....</b>		\$58.74

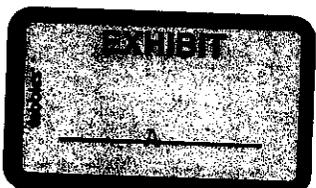
STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority of law in and for the county and state aforesaid, the within named W. E. Davis, Chancery Clerk in and for said county and state, who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal of office at my office at Hernando, Mississippi, this the 10<sup>th</sup> day of September, 2004.

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 21<sup>st</sup> day of Oct, 2005  
W. E. Davis, Clerk of the chancery court  
By S. L. Davis D.C.

*Dale K. Thompson*  
Title Circuit Court Clerk  
My Commission expires Jan. 07, 2008



11/15/04 3:30:23  
EK 486 PG 383  
DESOTO COUNTY, MS  
W. E. DAVIS, CH CLERK