

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

TODD MAHAN
Plaintiff

vs.

Civil Action No. 06-02-270 (ML)

UNKNOWN HEIRS OF
JEAN A. MCCOY, deceased
UNKNOWN PARTIES IN
INTEREST
MICHAEL D. MCCOY
Defendants

JUDGMENT

THIS MATTER came before the Court upon the complaint of a purchaser of real property, against the unknown heirs of the seller, for specific performance of the written purchase contract, for determination of heirs and for other relief.

The Court, having considered the matter, finds and adjudicates as follows:

1. The Court has jurisdiction over the parties and the subject matter.

2. All necessary parties Defendant have been served with process and no party Defendant has filed a responsive pleading or made an appearance.

3. Other parties in interest are unknown to the Plaintiff.

FILED
MAR 21 2006
W E DAVIS, CLERK

4. The property, which is the subject of this litigation, is located in Desoto County, Mississippi. It is described as follows:

Lot 68, Section "B", Desoto Woods Subdivision, in Section 2, Township 2 South, Range 8 West, as per plat thereof recorded in Plat Book 6, Page 8, in the office of the Chancery Clerk of Desoto County, Mississippi.

a/k/a 1022 Great Oaks Drive, Southaven, MS 38671.

5. On April 21, 2001, Plaintiff as buyer and Jean A. McCoy as seller executed a written contract for the lease and purchase of real property improved with a home. The contract provides that the buyer shall receive ownership of the property at the end of the term of the lease within 30 days of the last lease payment received.

6. Plaintiff has complied with all terms of the contract. His last lease payment was made on August 10, 2005.

7. During the term of the lease, Jean A. McCoy, the seller, passed away. Her son, Defendant Michael D. McCoy, instructed the Plaintiff to continue making the remaining lease payments to him. Plaintiff has done so.

8. No estate has been filed of record for Jean A. McCoy.

9. In the enforcement of a contract for the purchase of real estate, a buyer is entitled to a judgment awarding specific performance.

10. Anyone interested in any property owned by a person who has died intestate or partially intestate may ask the Court to determine heirship.

IT IS THEREFORE ORDERED AS FOLLOWS:

(a) Michael D. McCoy is declared to be the heir of Jean A. McCoy, deceased.

(b) Title to the following described property is hereby vested in the Plaintiff, TODD MAHAN:

Lot 68, Section "B", Desoto Woods Subdivision, in Section 2, Township 2 South, Range 8 West, as per plat thereof recorded in Plat Book 6, Page 8, in the office of the Chancery Clerk of Desoto County, Mississippi.

a/k/a 1022 Great Oaks Drive, Southaven, MS 38671.

(c) Costs are assessed against the Plaintiff.

SO ORDERED, this the 21st day of March, 2006.

Submitted by:

Christian Goeldner
Christian Goeldner
Attorney for Plaintiff

CHANCELLOR

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 21st day of March, 2006
 W.E. Davis, Clerk of the chancery court
 By S. P. [Signature] D.C.