

- RETURN TO:  
KIRKLAND, ROTHMAN - BRANNING  
& ASSOCIATES, PLLC  
6489 Quail Hollow, Suite 102  
Memphis, TN 38120

5/10/07 9:35:45  
BK 558 PG 65  
M BK 427 PG 545  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

File No. 5060712 IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI  
Tel. No.: (901) 758-5588

LITTLE SEQUATCHIE, LLC

PLAINTIFF

VS.

CAUSE NO. 06-08-1375

LILLARD DARWIN SANDERS, III, et al

DEFENDANTS

**DECREE ESTABLISHING BOUNDARY LINE AND  
QUIETING AND CONFIRMING TITLE**

THIS CAUSE CAME on to be heard upon the sworn *Complaint to Quiet and Confirm Title* filed in this cause by the Plaintiff Little Sequatchie, LLC, and the Court having been fully advised in the premises, does now find as follows:

1. The Plaintiff Little Sequatchie, LLC is a Mississippi limited liability company.
2. All necessary parties have been made defendants to this action, including all adjacent land owners affected hereby, together with all mortgagees of the adjacent properties, and all parties having or claiming any interest, legal or equitable, in and to the property described in the Complaint. All Defendants have been served with proper process of this Court for the time, and in the manner, required by law, or have duly waived service of process.
3. This Court has jurisdiction of the parties and subject matter of this Complaint.
4. The matters, facts, and things set forth in the sworn *Complaint to Quiet and Confirm Title* are true and correct as therein stated.
5. Plaintiff acquired 170.14 acres, more or less, located in the Southwest Quarter and part of the Northwest Quarter of Section 5, Township 2 South, Range 5 West, DeSoto County,

**FILED**

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W.E. DAVIS, CLERK *6*

*Kirkland*

Mississippi, by virtue of a Warranty Deed from Lillard Darwin Sanders, III and Catalina Spencer Sanders dated October 13, 2005 and recorded in Book 512, Page 449 of the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi. The 170.14 acres conveyed thereby is the same property conveyed to Lillard Darwin Sanders, III by deed from Maurice H. White, Jr. and Mary Adele White dated November 7, 1989 and recorded in Book 220 Page 437 of the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi; and by virtue of the Last Will and Testament of M. H. White as recorded in Will Book 11 at Page 467 and admitted to probate in Cause No. 75-383 of the Chancery Court of DeSoto County, Mississippi. Said Will and all proceedings in Cause No. 75-383 of this Court are incorporated by reference and made a part hereof as if fully set out in this Complaint.

6. The Plaintiff conveyed 163.77 acres, more or less, being a portion of the 170.14 acre tract described in paragraph 1 to First Capital Investments, LLC by Warranty Deed dated July 12, 2006 and recorded in Book 534, Page 125 of the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi. Plaintiff retained title to the remaining portion of the 170.14 acre tract.

7. By virtue of the aforesaid deeds, Plaintiff is the record owner of the following described real property:

The Southwest Quarter of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi, being more particularly described as follows:

Commencing at the commonly accepted southeast corner of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi; thence S 89° 23' 25" W along the south line of said Section 5 a distance of 2640.00 feet to the true point of beginning of the herein described tract; thence S 89° 48' 23" W (S 89° 48' 26" W-C) along the north line of the Pinecrest Development Company, Inc., property a distance of 2778.34 feet to a point on the east line of the Swan tract; thence N 00° 15' 59" W (N 00° 49' E-C) along said Swan east line a distance of 1401.79 feet (1369.21'-C) to a point on the south right of way of Whispering Pines Road; thence N 00° 12' 18" W a distance of 40.68 feet to a point on the north right of

way of Whispering Pines Road; thence N 00° 09' 08" W a distance of 1285.04 feet to a point N the south line of the White property; thence S 88° 58' 39" E (East-C) a distance of 2706.28 feet (2640.0'-C) to a point on the west line of the Calaway tract; thence S 02° 03' 30" E (S 00° 00' 00" E-C) along said Calaway west line a distance of 825.08 feet (825.63'-C) to a point at the northwest corner of Center Hill Downs Subdivision as recorded in Plat Book 82, Page 15 of the Chancery Court Clerks office, DeSoto County, Mississippi; thence S 01° 59' 30" E along the west line of said Center Hill Downs a distance of 846.81 feet (846.69'-C) to the southwest corner of said Center Hill Downs; thence S 01° 20' 48" E a distance of 999.24 feet to the point of beginning, containing 170.14 acres (166.03 AC-C) more or less.

**LESS AND EXCEPT:**

The Southwest Quarter, of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi, being more particularly described as follows:

Commencing at the commonly accepted southeast corner of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi; thence S 89° 23' 25" W along the south line of said Section 5 a distance of 2640.00 feet to the true point of beginning of the herein described tract; thence S 89° 48' 23" W (West-C) along the north line of the Pinecrest Development Company, Inc, property a distance of 2640.00 feet to a point; thence N 01° 46' 40" W (North-C) a distance of 2727.20 feet to a point; thence S 88° 58' 39" E (East-C) a distance of 2642.46 feet (2640.0'-C) to a point; thence S 02° 03' 30" E (South-C) a distance of 825.08 feet to a point at the northwest corner of Center Hill Downs Subdivision as recorded in Plat Book 82, Page 15 of the Chancery Court Clerk's office, DeSoto County, Mississippi; thence S 01° 59' 30" E (South-C) along the west line of said Center Hill Downs a distance of 846.81 feet (846.69'-C) to the southwest corner of said Center Hill Downs; thence S 01° 20' 48" E (South-C) a distance of 999.24 feet to the point of beginning, containing 163.77 acres (166.03 AC-C) more or less.

Bearings referenced to west Line of Center Hill Downs as recorded in Plat Book 82, Page 15 of the Chancery Court Clerk's office, DeSoto County, Mississippi.

8. The Plaintiff's Property is bounded on the west by the Swan Property owned by Warrell Swan and wife Lynnette Swan by virtue of a Quitclaim Deed dated November 7, 2002 and recorded in Book 432, Page 294 of the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi and by virtue of a Warranty Deed from Thomas P. Nelson dated April 13, 1992 and recorded in Book 244, Page 485 of the Land Deed Records of said Clerk; and is also bordered on the west by the Carpenter Property owned by Milton P. Carpenter and wife Betty J.

Carpenter by virtue of a Warranty Deed from Scott D. Smith and Rebecca J. Smith dated October 24, 2000 and recorded in Book 382, Page 47 of the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi.

9. The Carpenter and Swan Properties are part of what was formerly referred to as the American Savings tract, which extended to the east line of Section 6, Township 2 South, Range 5 West, DeSoto County, Mississippi. The east boundary of the Swan and Carpenter Properties is therefore the east boundary line of Section 6, being also the west boundary line of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi. The east line of the Carpenter and Swan Properties referred to in the deeds referenced above is monumented by markers which were located and shown on the survey of Robert G. Jones dated October 13, 2005. Said deeds, markers and survey establish the eastern boundaries of the Swan and Carpenter Properties, and therefore the western boundary of the Plaintiff's Property.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court hereby adopts and affirms the foregoing findings of fact as part of this Decree and as a declaratory judgment pursuant to the Mississippi Rules of Civil Procedure.

2. This Court hereby finds as fact, determines, and declares that Plaintiff Little Sequatchie, LLC is the owner of good, merchantable, fee simple title in and to the following described property:

The Southwest Quarter of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi, being more particularly described as follows:

Commencing at the commonly accepted southeast corner of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi; thence S 89° 23' 25" W along the south line of said Section 5 a distance of 2640.00 feet to the true point of beginning of the herein described tract; thence S 89° 48' 23" W (S 89° 48' 26" W-C) along the north line of the Pinecrest Development Company, Inc., property a distance of 2778.34 feet to a point on the east line of the Swan tract; thence N 00° 15' 59" W (N 00° 49' E-C) along said Swan east line a distance of 1401.79

feet (1369.21'-C) to a point on the south right of way of Whispering Pines Road; thence N 00° 12' 18" W a distance of 40.68 feet to a point on the north right of way of Whispering Pines Road; thence N 00° 09' 08" W a distance of 1285.04 feet to a point N the south line of the White property; thence S 88° 58' 39" E (East-C) a distance of 2706.28 feet (2640.0'-C) to a point on the west line of the Calaway tract; thence S 02° 03' 30" E (S 00° 00' 00" E-C) along said Calaway west line a distance of 825.08 feet (825.63'-C) to a point at the northwest corner of Center Hill Downs Subdivision as recorded in Plat Book 82, Page 15 of the Chancery Court Clerks office, DeSoto County, Mississippi; thence S 01° 59' 30" E along the west line of said Center Hill Downs a distance of 846.81 feet (846.69'-C) to the southwest corner of said Center Hill Downs; thence S 01° 20' 48" E a distance of 999.24 feet to the point of beginning, containing 170.14 acres (166.03 AC-C) more or less.

**LESS AND EXCEPT:**

The Southwest Quarter, of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi, being more particularly described as follows:

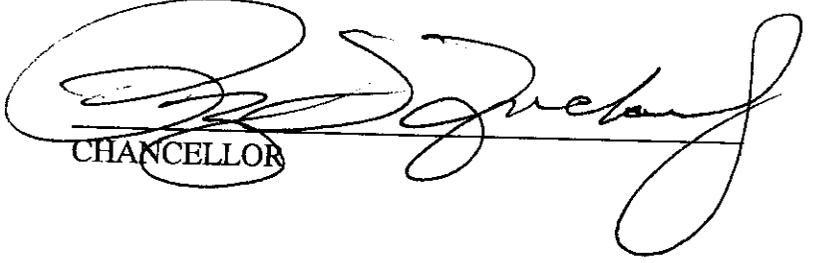
Commencing at the commonly accepted southeast corner of Section 5, Township 2 South, Range 5 West, DeSoto County, Mississippi; thence S 89° 23' 25" W along the south line of said Section 5 a distance of 2640.00 feet to the true point of beginning of the herein described tract; thence S 89° 48' 23" W (West-C) along the north line of the Pinecrest Development Company, Inc, property a distance of 2640.00 feet to a point; thence N 01° 46' 40" W (North-C) a distance of 2727.20 feet to a point; thence S 88° 58' 39" E (East-C) a distance of 2642.46 feet (2640.0'-C) to a point; thence S 02° 03' 30" E (South-C) a distance of 825.08 feet to a point at the northwest corner of Center Hill Downs Subdivision as recorded in Plat Book 82, Page 15 of the Chancery Court Clerk's office, DeSoto County, Mississippi; thence S 01° 59' 30" E (South-C) along the west line of said Center Hill Downs a distance of 846.81 feet (846.69'-C) to the southwest corner of said Center Hill Downs; thence S 01° 20' 48" E (South-C) a distance of 999.24 feet to the point of beginning, containing 163.77 acres (166.03 AC-C) more or less.

Bearings referenced to west Line of Center Hill Downs as recorded in Plat Book 82, Page 15 of the Chancery Court Clerk's office, DeSoto County, Mississippi.

3. The western boundary line of the Plaintiff's Property is hereby established as the eastern boundary line of the Swan and Carpenter Properties, being the common section line between Sections 5 and 6, Township 2 South, Range 5 West, DeSoto County, Mississippi.

4. A true and correct copy of this Decree shall be recorded in the Land Deed Records of the Chancery Clerk of DeSoto County, Mississippi.

SO ORDERED, ADJUDGED, AND DECREED this the 1<sup>st</sup> day of ~~September~~ November, 2006.

  
CHANCELLOR

SUBMITTED:

  
ATTORNEY FOR PLAINTIFF

Stetson Bull (MSB167489)  
ATTORNEY FOR CHASE MANHATTAN  
MORTGAGE CORPORATION

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 9 day of Nov., 2006  
W.E. Davis, Clerk of the chancery court  
By S. Patrick D.C.