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

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

DESOTO COUNTY, MISSISSIPPI

PETITIONER

VS.

CIVIL ACTION NO. CO 2005-0055

ODELL CALDWELL, KATIE CALDWELL,  
PAULA SMALL, PATRICIA GUY,  
BETTIE SHERVINGTON LEE,  
TRIMEKA SHERVINGTON WINDBUSH,  
CAPRICIA SHERVINGTON, STEPHEN ALBERT  
SHERVINGTON, AMY WILLIAMS SHERVINGTON,  
DANYEL WHITE, MARILYN DAVIS,  
EASTER STREET, RICHARD CALDWELL,  
JAMES CALDWELL, JONQUIA BROWN, KEVIN BROWN  
UNKNOWN HEIRS OF JOHN R. CALDWELL  
UNKNOWN HEIRS OF BLANCHE BERNICE CALDWELL  
SHERVINGTON, UNKNOWN HEIRS OF  
STEPHEN SHERVINGTON, UNKNOWN HEIRS OF  
JOHN EDWARD CALDWELL and  
UNKNOWN HEIRS OF LARRY CALDWELL

DEFENDANTS

ORDER APPROVING SETTLEMENT,  
CONFIRMING JUST COMPENSATION AND  
DETERMINING HEIRS AND DISTRIBUTION OF SETTLEMENT PROCEEDS

This cause came on to be heard upon the Petitioner's motion seeking approval by this Court for a determination of just compensation, for approval of the settlement of claims by the parties and for the distribution of settlement proceeds; and it being shown to the Court that all known Defendants signed waivers of service of process and joinders in this cause; and it being shown to the Court that process has been appropriately published for the unknown Defendants; and it being shown that no Defendant has answered the Petition, filed any objection to the Petition, or filed a Statement of Values; and the Court being advised that the Defendants have signed waivers and joinders approving of Petitioners motion; and the Court having heard testimony and being further advised in the premises, does hereby find as follows:

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FILED

✓ OCT 21 2005

DALE K. THOMPSON, CIRCUIT CLERK  
DESOTO COUNTY, MISSISSIPPI  
MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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1. Petitioner filed to have condemned by eminent domain certain lands owned by Defendants. The known Defendants have waived service of process and process has been appropriately published to all unknown heirs of deceased title holders to the property. The Defendants have not answered the Petition filed, nor have they filed a Statement of Values.

2. The Defendant, Katie Caldwell, is being represented in this matter by the Court appointed Guardian Ad Litem, D. Pace Branan. Said Guardian Ad Litem has reviewed this matter and joins in Petitioner's motion and agrees to the relief sought therein.

3. Petitioner obtained an appraisal of the property to determine just compensation. Said appraisal determined just compensation to be \$11,100.00. Subsequent thereto, an appraisal was obtained from an appraiser appointed by this Court. Said appraisal established just compensation to be \$12,000.00.

4. Defendants have signed waivers and joinders approving of a settlement for the taking of the property with just compensation to be in the sum of \$11,100.00. However, D. Pace Branan, as Guardian Ad Litem for the Defendant, Katie Caldwell has requested that the settlement be for the sum of \$12,000.00 in accordance with the Court appointed appraisers report. Petitioner has approved of the settlement in the amount of \$12,000.00.

5. Petitioner has noticed all unknown heirs of persons known to have held title to the property in the past, but are deceased, and has made diligent effort to identify all such heirs. No persons not named in this action has come forth claiming to be an heir to any prior property owner and no Defendant has identified any other heirs that should be named in this action. This Court has, therefore, determined all persons holding interest in the property being acquired by Petitioner in this action.

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6. In accordance with Petitioner's motion, the ownership interest percentages of all the named parties is established, and the distribution of the just compensation is awarded in accordance with the ownership interests.

7. That the Defendants Marilyn Davis, Easter Street, Richard Caldwell, James Caldwell, Jonquia Brown and Kevin Brown have been determined to be the heirs of the Estate of John R. Caldwell, deceased by order of the Chancery Court of DeSoto County. Further, the Chancery Court of DeSoto County has ordered that the proceeds for said heirs, collectively being the proceeds of John R. Caldwell, should be paid into the estate.

**IT THEREFORE ORDERED AND ADJUDGED** as follows:

1. That the just compensation and damages due to Defendants is hereby determined to be Twelve Thousand Dollars (\$12,000.00);

2. That Petitioner is granted immediate title and possession to the following right of way and easement described in Exhibit A hereto.

3. That the following persons are adjudged to be the sole lawful parties entitled to receive compensation for the taking of property:

- a. Odell Caldwell;
- b. Katie Caldwell;
- c. Paula Small;
- d. Patricia Guy;
- e. Bettie Shervington Lee;
- f. Trimeka Shervington Windbush;
- g. Capricia Shervington;
- h. Stephen Albert Shervington;
- i. Amy Williams Shervington;
- j. Danyel White;
- k. The heirs of the Estate of John R. Caldwell:
  - 1. Marilyn (Caldwell) Davis;
  - 2. Easter Street;
  - 3. Richard Caldwell
  - 4. James Caldwell;

- 5. Jonquia Brown
- 6. Kevin Brown

4. That Petitioner is directed to disburse to the above identified parties the sum of \$12,000 in the following manner, rounded as necessary for full distribution, set forth below:

- a. Odell Caldwell, \$3,000.00;
- b. Katie Caldwell \$3,000.00;
- c. Paula Small, \$1,000.00;
- d. Patricia Guy, \$1,000.00;
- e. Bettie Shervington Lee, \$166.67
- f. Trimeka Shervington Windbush, \$166.67;
- g. Capricia Shervington, \$166.67;
- h. Stephen Albert Shervington, \$166.67;
- i. Amy Williams Shervington, \$166.66;
- j. Danyel White, \$166.66
- k. The Estate of John R. Caldwell, \$3,000.00, being the portion for:
  - 1. Marilyn (Caldwell) Davis;
  - 2. Easter Street;
  - 3. Richard Caldwell
  - 4. James Caldwell;
  - 5. Jonquia Brown
  - 6. Kevin Brown

5. That the Petitioner be ordered to pay to D. Pace Branan her attorney fees, as presented to the Court, in the amount of \$ 750<sup>00</sup> for serving as Guardian Ad Litem to Katie Caldwell;

6 That this matter be dismissed with prejudice with all costs are assessed to the Petitioner.

This the 21<sup>st</sup> day of October, 2005.

Wm S. Bonte  
 JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

Anthony Nowak  
 Anthony Nowak, Attorney for Petitioner, #10528

D Pace Branan, by permission  
 D. Pace Branan, Guardian Ad Litem for Katie Caldwell

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STATE OF MISSISSIPPI  
 DE SOTO COUNTY  
 Clerk of the Circuit Court in and for said County and State hereby certify that the foregoing is a true and correct copy of the Order as same appears in the records of De Soto County, Mississippi, Book 86 Page 305 of the 21 day of 10 2005  
 In witness whereof I have hereunto set my hand and official seal this the 21 day of 10 2005  
W. S. Bonte  
 Clerk, De Soto County, Mississippi

## EXHIBIT "A"

Right-of-Way: Begin at a point on the existing South Right-of-Way of Church Road, said point being 534.29 ft. West and 42.79 ft. South of the Northeast corner of Section 8, Township 2 South, Range 7 West in DeSoto County, Mississippi, said point also being 40.00 ft. South of the centerline of Church Rd.; run thence South 89 degrees 42' 01" West, along said existing Right-of-Way, for a distance of 435.27 ft. to a point; run thence South 89 degrees 17' 51" West, along said existing Right-of-Way, for a distance of 602.57 ft. to a point; run thence South 89 degrees 44' 42" West, along said existing Right-of-Way, for a distance of 999.91 ft. to a point; run thence North 89 degrees 25' 01" West, along said existing Right-of-Way, for a distance of 85.28 ft. to a point; run thence due South, leaving said existing Right-of-Way, for a distance of 36.25 ft. to a point; run thence North 89 degrees 25' 04" East for a distance of 85.27 ft. to a point; run thence North 89 degrees 44' 42" East for a distance of 126.00 ft. to a point; run thence due North for a distance of 25.00 ft. to a point; run thence North 89 degrees 44' 42" East for a distance of 873.99 ft. to a point; run thence North 89 degrees 17' 51" East for a distance of 162.81 ft. to a point; run thence due South for a distance of 25.00 ft. to a point; run thence North 89 degrees 17' 51" East for a distance of 40.00 ft. to a point; run thence due North for a distance of 25.00 ft. to a point; run thence North 89 degrees 17' 51" East for a distance of 399.76 ft. to a point; run thence North 89 degrees 42' 01" East for a distance of 345.66 ft. to a point; run thence due South for a distance of 60.00 ft. to a point; run thence North 51 degrees 47' 24" East for a distance of 113.93 ft. to a point on said existing Right-of-Way and the point of beginning, containing 0.684 acre more or less. All bearings are relative to true North. Said property being located in the Northeast Quarter.

Easement - Tract I: Begin at a point on the proposed South Right-of-Way of Church Road, said point being 1,409.20 ft. West and 60.46 ft. South of the Northeast corner of Section 8, Township 2 South, Range 7 West in DeSoto County, Mississippi, said point also being 50.00 ft. South of the centerline of Church Rd.; run thence South 89 degrees 17' 51" West, along said proposed Right-of-Way, for a distance of 162.81 ft. to a point; run thence South 89 degrees 44' 42" West, along said proposed Right-of-Way, for a distance of 873.99 ft. to a point; run thence due South, along said proposed Right-of-Way, for a distance of 20.00 ft. to a point; run thence North 89 degrees 44' 42" East for a distance of 874.16 ft. to a point; run thence North 89 degrees 17' 51" East for a distance of 162.64 ft. to a point on said proposed Right-of-Way; run thence due North, along said proposed Right-of-Way, for a distance of 20.00 ft. to a point on said proposed Right-of-Way and the point of beginning, containing 0.476 acre more or less. All bearings are relative to true North. Said property being located in the Northeast Quarter.

Easement- Tract II: Begin at a point on the proposed South Right-of-

Way of Church Road, said point being 623.81 ft. West and 53.26 ft. South of the Northeast corner of Section 8, Township 2 South, Range 7 West in DeSoto County, Mississippi, said point also being 50.00 ft. South of the centerline of Church Rd.; run thence South 89 degrees 42' 01" West, along said proposed Right-of-Way, for a distance of 345.66 ft. to a point; run thence South 89 degrees 17' 51" West, along said proposed Right-of-Way, for a distance of 399.76 ft. to a point; run thence due South, along said proposed Right-of-Way, for a distance of 20.00 ft. to a point; run thence North 89 degrees 17' 51" East for a distance of 399.94 ft. to a point; run thence North 89 degrees 42' 01" East for a distance of 345.49 ft. to a point on said proposed Right-of-Way; run thence due North, along said proposed Right-of-Way, for a distance of 20.00 ft. to a point on said proposed Right-of-Way and the point of beginning, containing 0.342 acre more or less. All bearings are relative to true North. Said property being located in the Northeast Quarter.