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IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

DESOTO COUNTY, MISSISSIPPI

PETITIONER

VS.

CIVIL ACTION NO. C02005-0090

✓ EVELYN ROSS, EARL LEAKE,  
✓ TABITHA SMITH MASSEY,  
✓ AUDREY SMITH WASHINGTON,  
✓ MIRHONDA SMITH COLE, aka RHONDA SMITH,  
UNKNOWN HEIRS OF JANIE BAILEY,  
UNKNOWN HEIRS OF AUBREY SMITH,  
UNKNOWN HEIRS OF ANGELA SMITH,  
UNKNOWN HEIRS OF CLARENCE YOUNG

DEFENDANTS

AGREED ORDER

This cause came on for hearing upon the Petition for Special Court of Eminent Domain filed by DeSoto County, Mississippi in the above styled and numbered cause, by and through their counsel of record; 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 named Defendants and Petitioner desire to settle all claims and have reached an agreement as to just compensation for the property in an amount which the Plaintiff's appraiser has determined to be fair; and the Court having heard testimony and being further advised in the premises, does hereby Order as follows:

1. That title to the property described in Exhibit "A" of the Petition filed in this cause, a copy of which is attached hereto as Exhibit A, be and is hereby condemned for taking and is hereby fully vested in DeSoto County, Mississippi and DeSoto County be and is hereby granted all

✓ FILED

AUG 26 2005

DALE K. THOMPSON, CIRCUIT CLERK  
DESOTO COUNTY, MISSISSIPPI  
MINUTE BOOK 85 PAGE 563-571

DC04-0031-30.AGREED.ORDER

file

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associated easements described in said Exhibit "A."

2. That the amount of just compensation for the taking of property described herein is agreed to be Seven Thousand Three Hundred Dollars (\$7,300.00).

3. The lawful persons having ownership interest in the property are:

- a. Evelyn Ross
- b. Earl Leake
- c. Tabitha Smith Massey
- d. Audrey Smith Washington
- e. MiRhonda Smith Cole

4. That it is determined there are no known heirs of Janie Bailey, Aubrey Smith, Angela Smith or Clarence Young, unless set forth in paragraph 3 above, who hold any ownership interest in the property.

5. That the amount of just compensation for the taking of property, being Seven Thousand Three Hundred Dollars (\$7,300.00) is to be paid by the Petitioner to the Clerk of the Special Court of Eminent Domain. Upon deposit, the Defendants, or one of them, shall petition the Court for disbursement of the money deposited and set forth the percentage of money to which each is entitled. The Court shall determine the proper distributions to be made to the Defendants and enter such orders for disbursement of the funds as it deems appropriate.

6. The Clerk is hereby directed to mail a copy of this Order to all parties.

7. All costs are assessed to the Petitioner.

IT IS ORDERED AND ADJUDGED, this the 26<sup>th</sup> day of August, 2005.

This the 26<sup>th</sup> day of August, 2005.

Mrs. S. Barber  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By: Anthony Nowak  
Anthony Nowak, #10528

By: \_\_\_\_\_  
Evelyn Ross

By: \_\_\_\_\_  
Earl Leake

By: \_\_\_\_\_  
Tabitha Smith Maseey

By: \_\_\_\_\_  
Audrey Smith Washington

By: \_\_\_\_\_  
MiRhonda Smith Cole

STATE OF MISSISSIPPI  
DESOTO COUNTY  
I, Dale K. Thompson, 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 Agreed Order as same appears  
on file or of record in Book 23 Page 563 of the  
Records of DeSoto County, Mississippi.  
Witness my hand and official seal this the 21<sup>st</sup> day of  
August, 2007

Dale K. Thompson  
Circuit Clerk, DeSoto County, Mississippi  
By: L. Burns, DC

**IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI**

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**PETITIONER**

**VS.**

**CIVIL ACTION NO. CO2005-0090**

**EVELYN ROSS, EARL LEAKE,  
TABITHA SMITH MASSEY,  
AUDREY SMITH WASHINGTON,  
MIRHONDA SMITH COLE, aka RHONDA SMITH,  
UNKNOWN HEIRS OF JANIE BAILEY,  
UNKNOWN HEIRS OF AUBREY SMITH,  
UNKNOWN HEIRS OF ANGELA SMITH,  
UNKNOWN HEIRS OF CLARENCE YOUNG**

**DEFENDANTS**

**EXHIBIT "A"**

Right-of-Way: Begin at a point on the existing North Right-of-Way of Church Road, said point being 543.84 ft. East and 36.18 ft. North of the Southwest corner of Section 5, Township 2 South, Range 7 West in DeSoto County, Mississippi, said point also being 40.00 ft. North of the centerline of Church Rd.; run thence due North, leaving said existing Right-of-Way, for a distance of 10.00 ft. to a point; run thence 293.93 ft. along a curve to the left (Radius = 5,681.44 ft. and Chord Bearing = North 89 degrees 00' 60" East) to a point; run thence North 88 degrees 04' 48" East for a distance of 250.13 ft. to a point; run thence due South for a distance of 10.01 ft. to a point on said existing Right-of-Way; run thence South 88 degrees 04' 48" West, along said existing Right-of-Way, for a distance of 249.74 ft. to a point; run thence 294.31 ft. along a curve to the right (Radius = 5,691.44 ft. and Chord Bearing = South 89 degrees 00' 59" West), along said existing Right-of-Way, to the point of beginning, containing 0.125 acre more or less. All bearings are relative to true North. Said property being located in the Southwest Quarter.

Easement: Begin at a point on the proposed North Right-of-Way of Church Road, said point being 543.84 ft. East and 46.18 ft. North of the Southwest corner of Section 5, Township 2 South, Range 7 West in DeSoto County, Mississippi, said point also being 50.00 ft. North of the centerline of Church Rd.; run thence due North, leaving said proposed Right-of-Way, for a distance of 20.00 ft. to a point; run thence North 89 degrees 38' 16" East for a distance of 543.85 ft. to a point; run thence due South for a distance of 10.01 ft. to a point on said proposed Right-of-Way; run thence South 88 degrees 04' 48" West, along said proposed Right-of-Way, for a distance of 250.13 ft; run thence 293.93 ft. along a curve to the right (Radius = 5,681.44 ft. and Chord Bearing = South 89 degrees 00' 60" West), along said proposed Right-of-Way, to the point of beginning, containing 0.210 acre more or less. All bearings are relative to true North. Said property being located in the Southwest Quarter.

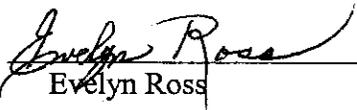
IT IS ORDERED AND ADJUDGED, this the \_\_\_\_ day of April, 2005.

This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By: \_\_\_\_\_  
Anthony Nowak, #10528

By:  \_\_\_\_\_  
Evelyn Ross

By: \_\_\_\_\_  
Earl Leake

By: \_\_\_\_\_  
Tabitha Smith Maseey

By: \_\_\_\_\_  
Audrey Smith Washington

By: \_\_\_\_\_  
MiRhonda Smith Cole

IT IS ORDERED AND ADJUDGED, this the \_\_\_\_ day of April, 2005.

This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

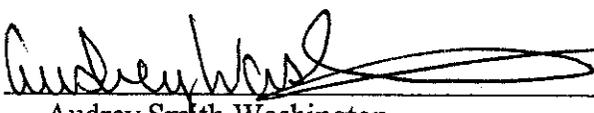
Approved as to form:

By: \_\_\_\_\_  
Anthony Nowak, #10528

By: \_\_\_\_\_  
Evelyn Ross

By: \_\_\_\_\_  
Earl Leake

By: \_\_\_\_\_  
Tabitha Smith Maseey

By:   
Audrey Smith Washington

By: \_\_\_\_\_  
MiRhonda Smith Cole

IT IS ORDERED AND ADJUDGED, this the \_\_\_\_ day of April, 2005.

This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By: \_\_\_\_\_  
Anthony Nowak, #10528

By: \_\_\_\_\_  
Evelyn Ross

By: \_\_\_\_\_  
Earl Leake

By: \_\_\_\_\_  
Tabitha Smith Maseey

By: \_\_\_\_\_  
Audrey Smith Washington

By: MiRhonda Smith Cole  
MiRhonda Smith Cole

IT IS ORDERED AND ADJUDGED, this the 30 day of April, 2005.

This the 4 day of 30, 2005.

\_\_\_\_\_  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By: \_\_\_\_\_  
Anthony Nowak, #10528

By: \_\_\_\_\_  
Evelyn Ross

By: \_\_\_\_\_  
Earl Leake

By: *Tabitha S. Masey*  
Tabitha Smith Masey

By: \_\_\_\_\_  
Audrey Smith Washington

By: \_\_\_\_\_  
MiRhonda Smith Cole

IT IS ORDERED AND ADJUDGED, this the \_\_\_\_ day of April, 2005.

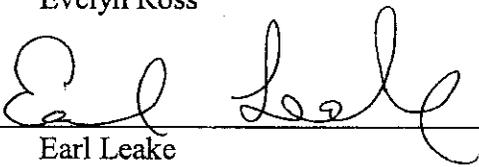
This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Approved as to form:

By: \_\_\_\_\_  
Anthony Nowak, #10528

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Evelyn Ross

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Earl Leake

By: \_\_\_\_\_  
Tabitha Smith Masey

By: \_\_\_\_\_  
Audrey Smith Washington

By: \_\_\_\_\_  
MiRhonda Smith Cole