

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

CITY OF SOUTHAVEN, MISSISSIPPI,

PLAINTIFF

VS.

CAUSE NO. CO2009-1163 (CD)-D

JAMES EDWARD BAPTIST, M.C. BAPTIST,  
DR. BETTIE RUTH BAPTIST JONES,  
WILLIE JAMES BAPTIST, FLOYD LEE BAPTIST,  
GLORIA JEAN BAPTIST, JOYCE ANN BAPTIST,  
THE HEIRS AT LAW OF JAMES E. BAPTIST,  
THE HEIRS AT LAW OF ROBERT BAPTIST, *et al*,

DEFENDANTS

ORDER ADJUDICATING HEIRSHIP

This matter came on for hearing June 14, 2010, on Plaintiff's *Petition to Determine Heirship* and the Court having heard the testimony of the witnesses, argument of counsel, reviewed the trial exhibits and read the applicable law finds as follows:

The Court has jurisdiction over the subject matter and parties.

The hearing is ancillary to the above styled and titled eminent domain action currently pending in this Court. During the course of pretrial investigation, the Plaintiff determined that a cloud existed on the title to this subject property.

**Facts**

Robert Baptist passed away on or about July 8, 1949. His estate was closed on or about February 25, 1950. At the time of his death, he was a resident of DeSoto County, Mississippi and the owner of the following described property situated in the County of DeSoto, State of Mississippi:

17 acres more or less being 9.5 acres in the Southwest ¼ of Section 20, Township 2 South, Range 7 West, and 7.5 acres in the Northwest ¼ of Section 29, Township 2 South, Range 7 West more particularly described as follows:

**FILED**

SEP 28 2010

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

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*et al:*  
*L. Burns*  
*Circuit*

BEGINNING at the Northeast corner of the Northwest  $\frac{1}{4}$  of Section 29, Township 2 South, Range 7 West, DeSoto County, Mississippi; Thence South 830 feet to a point; Thence West 430 feet; Thence North 420 feet to a point in the South line of Baptist Subdivision; Thence East 38 feet to the Southeast corner of said Subdivision; Thence North on the East line of Baptist Subdivision 1,404 feet to the Northeast corner of said Subdivision; Thence East 391.36 feet to the East line of the Southwest  $\frac{1}{4}$  of Section 20, Township 2 South, Range 7 West; Thence South on the half section line 994.5 feet to the POINT OF BEGINNING less the right-of-way for Baptist Road on the East side.

This is the same land owned by Robert Baptist at the time of his death being the East half of that certain 35 acres, more or less, composed of that certain 30 acres which was conveyed unto Robert Baptist by John Cloyd and wife by deed of date January 3, 1924, of record in Book 20, Page 240 of the Deed Records of DeSoto County, Mississippi along with 5 acres off the north side of that certain 25 acres that which was conveyed to Robert Bridgforth by Mrs. Mial Wall by said deed of date April 18, 1933, of record in Book 23, Page 456 of the Deed Records of DeSoto County, Mississippi.

Robert Baptist's (hereinafter referred to as "Robert") Last Will and Testament was probated and as a provision of his estate, he left a life estate in the above-referenced property to his son James Edward Baptist (hereinafter referred to as "James") with the remainder to the heirs of his (Robert's body).

James has since died intestate.

There are two central issues that are to be decided in this matter: 1) Should the *Last Will and Testament of Robert Baptist* be construed to read that the remainder of James' life estate go to his or Robert's heirs and 2) Who are the heirs that are to be deemed title holders of the property in question?

Certain heirs of James contended that a clerical mistake was made in the making of his will and asked this Court to construe the will to read "with the remainder to the heirs of his (James') body" rather than the remainder going to the heirs of Robert.

The Court heard testimony from a number of family members and friends. In support of the faction to construe the will in favor of the heirs of James, they testified that James was treated the same as the other children and that Robert would have wanted his son to inherit the same as the other children. Those children argued that the property should go to five children of James Edward Baptist: Betty Ruth Baptist Jones, Willie James Baptist, Floyd Lee Baptist, Gloria Jean Baptist and Joyce Ann Baptist Glasper. However, testimony was elicited that there was a sixth sibling, half-brother, Ernest Lee Baptist. While James Edward Baptist apparently made a Last Will and Testament that left the property to the aforementioned five children, that Will was never probated. For all intents and purposes, James Edward Baptist died intestate and therefore, Ernest Lee Baptist would receive a child's share of any real property in James' estate.

In contrast, those family members opposing reformation of the Will cite that the Will "says what it says" and that some of Robert's other children were completely excluded from the will. It should be noted that James filed a *Petition to Construe the Last Will and Testament of Robert Baptist, Testator* in the Chancery Court of DeSoto County on November 22, 1996. The matter was set for trial but continued several times until some time in 1998 when the matter was continued generally. No action has occurred in the Chancery Court matter since 1998 and no adjudication or hearing on the merits of the Petition was had.

The Court reviewed the *Last Will and Testament of Robert Baptist*, considered the testimony of the witnesses and reviewed the applicable case law and finds as follows regarding the construction of the will.

The Mississippi Supreme Court has clearly stated rules for interpretation and construction of wills:

We are reminded of the most solemn obligation any court can have: to see that the true intent of the testator is carried out. *Costello v. Hall*, 506 So.2d 293 (Miss.1987), and further that it is not the court's function to decide whether a will was in fact "unfair" or "unjust," *Matter of Last Will of Dickey*, 542 So.2d 903 (Miss.1989)

It is elemental that when construing the will of a testator, the function of the chancellor, as well as that of this Court, is to determine and respect the intent of the testator. *Matter of Estate of Dedeaux*, 584 So.2d 419, 421 (Miss.1991) citing *Yeates v. Box*, 198 Miss. 602, 609, 22 So.2d 411, 413 (1945), *Stovall v. Stovall*, 360 So.2d 679, 681 (Miss.1978), *In the Matter of the Estate of Vick*, 557 So.2d 760, 765 (Miss.1989). In determining the testator's intent, in the absence of ambiguity, this Court is limited to the 'four corners' of the will itself. *Tinnin v. First Bank of Mississippi*, 502 So.2d 659, 663 (Miss.1987); *Matter of Estate of Dedeaux*, 584 So.2d at 421; *Cockrell v. Jones*, 275 So.2d 105, 107 (Miss.1973). The four cardinal rules of construction are:

"First, the prime inquiry is the intention of the testatrix ...

"Second, the law favors the vesting of the estates at the earliest possible moment ...

"Third, in the absence of a clear intent to the contrary, that construction should be adopted which will result in a just and reasonable disposition of the property ...

"Fourth, life tenancies are not favored."

In *Raworth's Estate*, 211 Miss. 780, 785, 52 So.2d 661, 662-663 (1951).

The Court will address those four questions separately.

### **1. Intention of Testator**

Robert Baptist owned several pieces of property at the time he made his Will. Although he had seven children, he left interests in real property to only five of them. In each case, he left a life estate to the child. With the exception of James, he then left the remainder to the heirs of that child. In the case of James, he left the remainder to the

heirs of his (Robert's) body. Those proponents asking the Court to construe the will differently from the written word argue that Robert would not have intended for James to be excluded from inheriting property in the same manner as his siblings. However, a closer examination of the *Last Will and Testament of Robert Baptist* shows that in addition to the clause that directly involved the property that is at issue in this case, Robert purposely excluded his son James from inheriting other lands that were part of his estate. Specifically, Robert left a life estate interest in certain property to his sister, Ludonia Haley, with the remainder to "my heirs at law **exclusive of my son, James Edward Baptist**" (Court's emphasis added). No other child or heir was mentioned or specifically excluded from inheritance of any other parcel of land or devise in Robert's Will.

The devises to Ludonia Haley and James are the only instances where Robert left property to his own heirs-at-law at the expiration of the devised life estate. All other conveyances would pass directly to heirs of the devisee upon their death. Reading the plain language of the Will as it relates to the direct devise of a life estate to James in conjunction with the only other retention of a remainder to the estate, it can be said that Robert Baptist evidenced his intent to **not** pass title to his real property to his son James Edward Baptist. Rather, he meant for his son to retain a life estate and the remainder to go back into his estate.

## **2. Vesting of Estate at Earliest Possible Moment**

The earliest possible moment that title could have passed to James would have been at the death of Robert Baptist in 1949. However, as noted above, Robert, in other provisions of his Last Will and Testament, intentionally created life estates in his real

estate holdings. While not favored, as will be discussed below, the practice is not prohibited and will be recognized as a valid provision of a Will. While it certainly would make for a cleaner and easier disposition of this case and also greatly reduce the number of heirs/owners of the property in question, Robert Baptist's intent to create life estates in his real property will not be disturbed.

**3. In the Absence of a Clear Intent to the Contrary, that Construction Should be Adopted which will Result in a Just and Reasonable Disposition of the Property**

As mentioned above, it would be easy to vest title in the six (6) heirs of James Edward Baptist. However Robert Baptist, in the drafting of his Will, signaled a clear intent to prevent James Edward Baptist from inheriting his real property. He did so directly by excluding James Edward's heirs from inheriting the remainder of the life estate and he did so again when excluding him from inheriting as an heir of the remainder of Ludonia Haley's life estate.

The Court cannot ignore the clear intent of the testator.

**4. Life Tenancies are not favored**

While life tenancies are not favored by the Courts, they are not prohibited either. In leaving life estates to his sister and five of his children, he provided that they may continue to reside at homesteads built on each of the properties until their death.

Accordingly, this Court declines to modify the Last Will and Testament of Robert Baptist. Specifically, the Court finds that the language excluding James Edward Baptist from inheriting anything but a life estate in the property in question to be the intent of the Testator, Robert Baptist. However, as an heir of the body of Robert Baptist, James

Edward Baptist's heirs would receive a proportionate share or interest in the property according to the terms of the Will.

In addition to the determination of heirship and construction of the will issues, Plaintiff's *Petition* raised a potential adverse possession claim. The Court heard no testimony on that issue and as the matter was not litigated in this Court, this Court declines to rule upon the issue.

Having taken testimony from numerous family members, family friends and a title abstractor who examined the public records relevant to this case, the Court finds that Robert Baptist left the following heirs of his body: daughters NELLIE B. BAPTIST RUSSELL and HATTIE MAE BAPTIST; sons, ROBERT BAPTIST, JR., JAMES EDWARD BAPTIST, SAM BAPTIST, NEEDHAM "BUCK" BAPTIST and NAPOLEON "BUDDY" BAPTIST. All of those children died prior to this proceeding and the Court will identify their respective heirs.

**NELLIE BAPTIST RUSSELL**

Nellie Baptist Russell died intestate prior to the institution of this proceeding leaving as her heirs-at-law her husband Roy Russell and children Lula Mae Jackson, Theodore Russell, Leroy Russell and Dan Russell.

Husband Roy Russell died intestate leaving the same heirs-at-law as Nellie Baptist Russell.

Lula Mae Jackson is still living.

Theodore Russell died intestate prior to the institution on this proceeding leaving as his heirs-at-law: his wife Jessie Russell and children Johnnie Russell, Barbara Russell Greer, Violet Marie Russell and Eula Jean Russell.

Dan Russell died intestate prior to the institution on this proceeding leaving as his heirs-at-law: his children Roy Lee Russell and Rudolph Russell.

Leroy Russell died intestate prior to the institution on this proceeding leaving as his heirs-at-law: his wife Catherine Russell and children Devon Russell Wirth, Thomas Russell, Jearline Russell Williams, James Rogers Russell, Debra Russell, Betty Russell, Lula Russell Elliott, Joyce Ann Russell, Melvin Russell and Phyllis Russell.

**HATTIE MAE BAPTIST**

Hattie Mae Baptist died intestate prior to the institution of this proceeding leaving as her heirs-at-law her child Andrew Reed. Andrew Reed also died intestate prior to this proceeding leaving as his sole heir, Ernest Reed.

**ROBERT BAPTIST, JR**

Robert Baptist, Jr. died intestate prior to the institution of this proceeding leaving as his heirs-at-law his wife, Arevia Baptist, and children Armentie King, M.C. Baptist, Willie C. Reynolds, Tilda Mae Price, Evonia Smith, Rosie Erma Jean Irving, Sam Ella Baptist, George Baptist and Robert (Junior) Baptist a/k/a Robert Baptist, III.

His wife Arevia Baptist died intestate leaving the same heirs as Robert Baptist, Jr.

His children Armentie King, Sam Ella Baptist, Evonia Smith, Willie C. Reynolds and Rosie Erma Jean Irving are still living.

His son Robert Baptist, III died intestate prior to the institution of this proceeding leaving as his heirs-at-law, his children Donald Baptist, Melvin Baptist, Pamela Baptist and Beverly Baptist Kimbrough.

His son M.C. Baptist died intestate prior to the institution of this proceeding leaving as his heirs-at-law, his children Lafayette Baptist, Cheryl Baptist, Myron Baptist, Melvin Baptist, Willette Vaughn, Melinda Wright and Catina Glover.

His son George Baptist died intestate prior to the institution of this proceeding leaving as his heirs-at-law, his children Toney Baptist, George Baptist, Jr., Sylvester Baptist, Geneva Moss and Ella Coleman.

His daughter Tilda Mae Price died intestate prior to the institution of this proceeding leaving as her heirs-at-law, Kelvin Baptist, Olivia Baptist, Mary Ann Baptist, Victor Baptist and Jessie James Wendall (who died intestate and left six unknown heirs.)

#### **JAMES EDWARD BAPTIST**

James Edward Baptist died intestate prior to the institution of this proceeding leaving as his heirs-at-law his children Betty Ruth Baptist Jones, Willie James Baptist, Floyd Lee Baptist, Gloria Jean Baptist, Joyce Ann Baptist Glasper and Ernest Lee Baptist.

#### **SAM BAPTIST**

Sam Baptist died intestate prior to the institution of this proceeding leaving as his heirs-at-law his children Laura Logan, Ethel B. Wilkerson, Leona Williams, Rosie Lee Williams, Marean Milam, Sam Baptist, Jr., Robert Lee Baptist, John Henry Baptist, Joe Willie Baptist and James "Big James" Baptist.

Marean Milam, Sam Baptist, Jr., Robert Lee Baptist, John Henry Baptist, Joe Willie Baptist and James "Big James" Baptist died intestate prior to the institution of this proceeding. Laura Logan, Ethel B. Wilkerson, Leona Williams and Rosie Lee Williams are still living.

James "Big James" Baptist died without heirs; therefore, his portion of the real estate would revert unto to his siblings and/or their estates in equal shares.

Marean Milam died intestate prior to the institution of this proceeding. The heirs-at-law of Marean Milam are: Catherine Milam Rayborn, Thelma Brooks, Herman Eppinger, Tracy Milam, Linda Moss, Angela Milam Todd (Haley), Roy Lee Milam and Janice Hampton Clay.

Joe Willie Baptist died intestate prior to the institution of this proceeding. The sole heir-at-law of Joe Willie Baptist is: Hubert Lewis Baptist.

Sam Baptist, Jr. died intestate prior to the institution of this proceeding. The heirs-at-law of Sam Baptist, Jr. are: Stephanie Richardson, Ella Mae Henderson and Orlene Littlejohn.

Robert Lee Baptist died intestate prior to the institution of this proceeding. The heirs-at-law of Robert Lee Baptist are: (2 unknown children of Robert Baptist, Jr.), Charles Baptist, Doris Stewart, Beatrice McGowan and Carolyn Cole.

John Henry Baptist died intestate prior to the institution of this proceeding. The heirs-at-law of John Henry Baptist are: Ruth Ann Malone, Jimmie Lue Baptist Echols and Mary Young.

#### **NEEDHAM "BUCK" BAPTIST**

Needham "Buck" Baptist died intestate prior to the institution of this proceeding leaving as his heirs-at-law his wife, Nellie Jane Baptist, and children John Baptist, Sue Holloway and Annie Black.

His wife Nellie Jane Baptist died intestate leaving the same heirs as Robert Baptist, Jr.

His daughter Susie B. Hollowell died intestate leaving as her heirs-at-law Pam Hollowell and Betty Hollowell.

His daughter Annie Black died intestate leaving as her heirs-at-law children Phyllis Black, Annie Ruth Watkins, Melba Smith (who is survived by Karen Williams, Philander Black, Olga Smith and Tarine Black), Barney Black, Ellis Black, Shirley Myers and Horace Black.

His son John Baptist died intestate leaving as his sole heir-at-law, his wife Nellie Jane Baptist.

#### **NAPOLEON "BUDDY" BAPTIST**

Napoleon "Buddy" Baptist died testate prior to the institution of this proceeding leaving his estate and interest in the subject property to his wife, Mattie Mae Baptist.

#### **Notice to Heirs and Possible Heirs.**

All heirs known and unknown of Robert Baptist were lawfully summoned as part of this eminent domain action and were given notice of the hearing on Plaintiff's *Petition to Determine Heirship*. Therefore, process of law has been duly issued to all possible heirs of Robert Baptist and all heirs-at-law of Robert Baptist are properly before this Court. The matter was called up in Open Court for hearing and the following individuals appeared: Mary Baptist, Gloria Jean Baptist, Betty Ruth Baptist Jones, Leona Williams Baptist, Laura Baptist Logan, Mattie Baptist Irby, Beverly Ann Baptist Kimbrough, Sam Ella Baptist, Donald Ray Baptist, Barbara Brown, Joyce Baptist Glasper, Thurman Glasper, Jerome Moss, Melinda Wright, Herman Eppinger, Rosie Mae Jackson, Aaron Hill and Willie James Baptist. No additional parties appeared or answered in any way to

contest the aforesaid *Petition*. Therefore, Petitioner and the heirs-at law of Robert Baptist are entitled to the following Order:

IT IS ORDERED, ADJUDGED and DECREED that LULA MAE JACKSON, ROY LEE RUSSELL, RUDOLPH RUSSELL, CATHERINE RUSSELL, DEVON RUSSELL WIRTH, THOMAS RUSSELL, JEARLINE RUSSELL WILLIAMS, JAMES ROGERS RUSSELL, DEBRA RUSSELL, BETTY RUSSELL, LULA RUSSELL ELLIOTT, JOYCE ANN RUSSELL, MELVIN RUSSELL, PHYLLIS RUSSELL, JESSIE RUSSELL, JOHNNIE RUSSELL, BARBARA RUSSELL GREER, VIOLET MARIE RUSSELL, EULA JEAN RUSSELL, ERNEST REED, ARMENTIE KING, SAM ELLA BAPTIST, EVONIA SMITH, WILLIE C. REYNOLDS, ROSIE ERMA JEAN IRVING, DONALD BAPTIST, MELVIN BAPTIST, PAMELA BAPTIST, BEVERLY BAPTIST KIMBROUGH, LAFAYETTE BAPTIST, CHERYL BAPTIST, MYRON BAPTIST, MELVIN BAPTIST, WILLETTE VAUGHN, MELINDA WRIGHT, CATINA GLOVER, TONEY BAPTIST, GEORGE BAPTIST, JR., SYLVESTER BAPTIST, GENEVA MOSS, ELLA COLEMAN, KELVIN BAPTIST, OLIVIA BAPTIST, MARY ANN BAPTIST, VICTOR BAPTIST, THE SIX (6) UNKNOWN HEIRS OF JESSIE JAMES WENDALL, DECEASED, BETTY RUTH BAPTIST JONES, WILLIE JAMES BAPTIST, FLOYD LEE BAPTIST, GLORIA JEAN BAPTIST, JOYCE ANN BAPTIST GLASPER, ERNEST LEE BAPTIST, LAURA LOGAN, ETHEL B. WILKERSON, LEONA WILLIAMS, ROSIE LEE WILLIAMS, CATHERINE MILAM RAYBORN, THELMA BROOKS, HERMAN EPPINGER, TRACY MILAM, LINDA MOSS, ANGELA MILAM TODD (HALEY), ROY LEE MILAM , JANICE HAMPTON CLAY, HUBERT LEWIS BAPTIST,

STEPHANIE RICHARDSON, ELLA MAE HENDERSON, ORLENE LITTLEJOHN, TWO (2) UNKNOWN CHILDREN OF ROBERT BAPTIST, JR., CHARLES BAPTIST, DORIS STEWART, BEATRICE MCGOWAN, CAROLYN COLE, RUTH ANN MALONE, JIMMIE LUE BAPTIST ECHOLS, MARY YOUNG, PAM HOLLOWELL, BETTY HOLLOWELL, PHYLLIS BLACK, ANNIE RUTH WATKINS, KAREN WILLIAMS, PHILANDER BLACK, OLGA SMITH, TARINE BLACK, BARNEY BLACK, ELLIS BLACK, SHIRLEY MYERS, HORACE BLACK, NELLIE JANE BAPTIST (WIFE OF JOHN BAPTIST) and MATTIE MAE BAPTIST are the sole surviving heirs-at-law and heirs of the body of the Decedent, ROBERT BAPTIST.

That many of the aforementioned heirs-at-law of Robert Baptist have executed Quit Claim Deeds in favor of Betty Ruth Baptist Jones, Willie James Baptist, Floyd Lee Baptist, Gloria Jean Baptist and Joyce Ann Baptist, conveying their interest in the aforementioned property. Many of those Deeds had been signed but not recorded at the time of the hearing in this matter and were supplemented per the Court's instructions. Further, those parties continue to submit copies of Deeds that have been filed since the hearing.

The Court takes judicial notice, pursuant to MRCP 201, of that certain Quit Claim Deed recorded at Book 593, Page 577 in the DeSoto County, Mississippi Land Records Office wherein Rosie Jean Irving, Evonia Smith, Willie C. Reynolds and Armentie King conveyed their interest in the property to Sam Ella Baptist. It should be noted that Rosie Jean Irving had previously conveyed her interest to Bettie Ruth Baptist Jones, *et al* on March 8, 2000 at Book 368, Page 672. Therefore, she would have no interest to convey to Sam Ella Baptist. Accordingly the following finding of heirs and respective interests

is subject to any and all Deeds of record conveying an interest in the property that may be filed subsequent to the entry of this Order.

The Court ORDERS, ADJUDGES and DECREES that after consideration of all Quit Claim Deeds filed as of August 2, 2010, the aforementioned heirs-at-law of ROBERT BAPTIST have the following undivided interest(s) in the subject property:

**14.286%**

ERNEST REED (Sole heir of Hattie Baptist)

**10.843%**

BETTY RUTH BAPTIST JONES (Descendant of James E. Baptist)  
 WILLIE JAMES BAPTIST (Descendant of James E. Baptist)  
 FLOYD LEE BAPTIST (Descendant of James E. Baptist)  
 GLORIA JEAN BAPTIST (Descendant of James E. Baptist)  
 JOYCE ANN BAPTIST GLASPER (Descendant of James E. Baptist)

**6.348%**

SAM ELLA BAPTIST (Descendent of Robert Baptist, Jr.)

**4.762%**

NELLIE JANE BAPTIST (wife of John Baptist/daughter-in-law of Needham Baptist)

**3.571%**

LULA MAE JACKSON (daughter of Nellie B. Russell)

**2.381%**

ERNEST LEE BAPTIST (Descendant of James E. Baptist)

**1.786%**

RUDOLPH RUSSELL (Descendant of Nellie B. Russell)

**.714%**

JESSIE RUSSELL (wife of Theodore Russell, Descendent of Nellie B. Russell)  
 JOHNNIE RUSSELL (Descendent of Nellie B. Russell)  
 VIOLET MARIE RUSSELL (Descendent of Nellie B. Russell)  
 EULA JEAN RUSSELL (Descendent of Nellie B. Russell)

**0.68%**

ANNIE RUTH WATKINS (Descendent of Needham Baptist)  
 BARNEY BLACK (Descendent of Needham Baptist)

**0.53%**

MARY YOUNG (Descendent of Sam Baptist)  
 STEPHANIE RICHARDSON (Descendent of Sam Baptist)  
 ORLENE LITTLE JOHN (Descendent of Sam Baptist)

**0.40%**

DONALD BAPTIST (Descendent of Robert Baptist, Jr.)  
 MELVIN BAPTIST (Descendent of Robert Baptist, Jr.)  
 PAMELA BAPTIST (Descendent of Robert Baptist, Jr.)  
 BEVERLY BAPTIST KIMBROUGH (Descendent of Robert Baptist, Jr.)

**0.33%**

DEVON RUSSELL WIRTH (Descendent of Nellie B. Russell)  
 JAMES ROGERS RUSSELL (Descendent of Nellie B. Russell)  
 PHYLLIS RUSSELL (Descendent of Nellie B. Russell)

**0.32%**

TONEY BAPTIST (Descendent of Robert Baptist, Jr.)  
 GEORGE BAPTIST, JR. (Descendent of Robert Baptist, Jr.)  
 SYLVESTER BAPTIST (Descendent of Robert Baptist, Jr.)  
 ELLA COLEMAN (Descendent of Robert Baptist, Jr.)  
 KELVIN BAPTIST (Descendent of Robert Baptist, Jr.)  
 OLIVIA BAPTIST (Descendent of Robert Baptist, Jr.)  
 VICTOR JAMES BAPTIST (Descendent of Robert Baptist, Jr.)  
 CHARLES BAPTIST (Descendent of Sam Baptist)

**0.20%**

ANGELA TODD HALEY (Descendent of Sam Baptist)  
 TRACEY MILAM (Descendent of Sam Baptist)

ROY LEE MILAM (Descendent of Sam Baptist)

0.17%

KAREN WILLIAMS (Descendent of Needham Baptist)  
PHILANDER BLACK (Descendent of Needham Baptist)  
OLIGA SMITH (Descendent of Needham Baptist)

0.15%

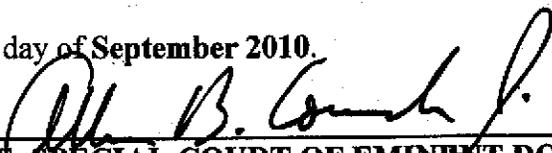
UNKNOWN CHILD OF ROBERT BAPTIST, JR. (Descendent of Sam Baptist)  
UNKNOWN CHILD OF ROBERT BAPTIST, JR. (Descendent of Sam Baptist)

0.047%

UNKNOWN CHILD OF JESSIE JAMES WENDALL (Descendent of Robert Baptist, Jr.)  
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UNKNOWN CHILD OF JESSIE JAMES WENDALL (Descendent of Robert Baptist, Jr.)

IT IS ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall enter this Order in the public records of this Court and forward an attested copy to the Chancery Clerk of DeSoto County for entry in the Land Deed Records of DeSoto County, Mississippi.

SO ORDERED, this the 27<sup>th</sup> day of September 2010.

  
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JUDGE, SPECIAL COURT OF EMINENT DOMAIN

INDEXING INSTRUCTIONS: NW 1/4, Section 29, Township 2S, Range 7W, and SW 1/4, Section 20, Township 2S, Range 7W, DeSoto County, Mississippi.

STATE OF MISS., DESOTO COUNTY  
**CERTIFIED A TRUE COPY**

SEP 29 2010

DALE K. THOMPSON, CIRCUIT CLERK  
BY L Burns D.C.

