

2/28/11 8:41:54
DK W BK 652 PG 653
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

SPACE ABOVE THIS LINE FOR RECORDING PURPOSES

PREPARED BY AND RETURN TO:
GARY P. SNYDER, MSB#7682
WATKINS LUDLAM WINTER & STENNIS, P.A.
6897 Crumpler Blvd., Suite 100
Olive Branch, MS 38654
(662) 895-2996

GRANTOR'S ADDRESS:
P.O. Box 1456
Olive Branch, MS 38654
Phone: 662-895-2996
Phone: 662-895-2996

GRANTEE'S ADDRESS:
6819 Crumpler Blvd., Ste. 300
Olive Branch, MS 38654
Phone: 662-890-6867
Phone: 662-890-6867

INDEXING INSTRUCTIONS: A 48.59 acre, more or less, tract of land located in the Northwest, Northeast, Southwest and Southeast Quarters of Section 23, Township 3 South, Range 8 West, DeSoto County, Mississippi.

File # 08878.36379

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, Montclair Development Group, LLC executed a Deed of Trust dated August 24, 2005 to J. Patrick Caldwell, Trustee for BancorpSouth Bank, said Deed of Trust appearing of record in Trust Deed Book 2293, Page 558, Office of the Chancery Clerk, DeSoto County, Mississippi.

WHEREAS, the aforesaid BancorpSouth Bank, the holder of said Deed of Trust and the Note secured thereby, substituted Gary P. Snyder, as Trustee therein, as authorized by the terms thereof, by instrument dated November 30, 2010 and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Trust Deed Book 3247, Page 655.

WHEREAS, Montclair Development Group, LLC executed a Deed of Trust dated January 16, 2007 to J. Patrick Caldwell, Trustee for BancorpSouth Bank, said Deed of Trust appearing of record in Trust Deed Book 2653, Page 11, Office of the Chancery Clerk, DeSoto County, Mississippi.

WHEREAS, the aforesaid BancorpSouth Bank, the holder of said Deed of Trust and the Note secured thereby, substituted Gary P. Snyder, as Trustee therein, as authorized by the terms

thereof, by instrument dated November 30, 2010 and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Trust Deed Book 3247, Page 654.

WHEREAS, default having been made in the terms and conditions of said Deeds of Trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said Deeds of Trust, and the legal holder of said indebtedness, BancorpSouth Bank, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said Deeds of Trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expenses of sale.

WHEREAS, the time, terms and place of sale were duly advertised for four (4) consecutive weeks immediately preceding said sale by publication in the *DeSoto Times*, a newspaper published and having a general circulation in DeSoto County, Mississippi, with proof of said publication being attached hereto and made a part hereof, and by posting the notice of said sale upon the bulletin board of the Courthouse in said county, on the 25th day of January, 2011, and said notice remaining upon the bulletin board until the date for the sale of the property.

WHEREAS, the undersigned Substitute Trustee, by the terms of the Deeds of Trust and the laws of the State of Mississippi, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.), on the 18th day of February, 2011, at public outcry, offered the hereinafter described property for sale at the East front door of the County Courthouse in Hernando, County of DeSoto, State of Mississippi; and

WHEREAS, at such sale, BancorpSouth Bank bid the sum of Seven Hundred Sixty-Nine Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$769,575.00); and

WHEREAS, said bid by BancorpSouth Bank was the highest bid.

NOW THEREFORE, I, Gary P. Snyder, Substitute Trustee, in consideration of the sum of Seven Hundred Sixty-Nine Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$769,575.00), do hereby sell and convey to BancorpSouth, the following described property located and situated in the County of DeSoto, State of Mississippi, to wit:

A tract of land located in Section 23, Township 3 South, Range 8 West, in DeSoto County, Mississippi, and being more particularly described as follows:

Beginning at a ½" steel rod previously set on a fence line, said rod being on the South line of Deerwood Subdivision, said rebar also being 1,395.15 feet South and 1,183.08 feet East of a PK nail found in the centerline of Oak Grove Road, marking the Northeast corner of Section 23, Township 3 South, Range 8 West in DeSoto County, Mississippi; run thence S 00°24'39" E leaving said fence line and said Subdivision for a distance of 486.77 feet to a ½" rebar set; run thence Due West for a distance of 594.67 feet to a ½" rebar set in the centerline of a ditch

running generally in a East to West direction; run thence along said centerline of a ditch as follows: South 72°13'08" West for a distance of 110.00 feet to a ½" rebar set, run thence South 83°33'13" West for a distance of 194.09 feet to a ½" rebar set, run thence South 86°32'22" West for a distance of 166.40 feet to a ½" rebar set, run thence South 71°43'18" West for a distance of 168.92 feet to a ½" rebar set, run thence South 86°58'16" West for a distance of 75.79 feet to a ½" rebar set, run thence South 67°34'47" West for a distance of 202.70 feet to a ½" rebar set, run thence South 72°07'15" West for a distance of 113.70 feet to a ½" rebar set, run thence South 60°49'37" West for a distance of 176.05 feet to a ½" rebar set, run thence South 73°53'56" West for a distance of 81.88 feet to a ½" rebar set, run thence South 77°12'12" West for a distance of 122.11 feet to a ½" rebar set, run thence South 33°14'04" West for a distance of 50.47 feet to a ½" rebar set, run thence South 60°26'00" West for a distance of 175.20 feet to a ½" rebar set, run thence South 50°52'53" West for a distance of 355.78 feet to a ½" rebar set, run thence South 53°24'22" West for a distance of 109.36 feet to a ½" rebar set, run thence South 35°35'19" West for a distance of 69.83 feet to a ½" rebar set, run thence South 65°20'27" West for a distance of 51.46 feet to a ½" rebar set, run thence South 49°54'38" West for a distance of 113.45 feet to a ½" rebar set, run thence South 48°51'00" West for a distance of 201.43 feet to a ½" rebar set, run thence South 60°15'11" West for a distance of 87.71 feet to a ½" rebar set at the intersection of said ditch and the centerline of a ditch that runs generally in a North to South direction, run thence along said centerline of North to South ditch and leaving said centerline East to West ditch as follows: run thence North 31°36'04" East for a distance of 68.90 feet to a ½" rebar set, run thence North 15°26'42" East for a distance of 185.70 feet to a ½" rebar set, run thence North 16°41'13" East for a distance of 197.24 feet to a ½" rebar set, run thence North 15°54'34" East for a distance of 99.79 feet to a ½" rebar set, run thence North 15°36'14" East for a distance of 81.67 feet to a ½" rebar set, run thence North 14°07'06" East for a distance of 137.95 feet to a ½" rebar set, run thence North 02°03'22" West for a distance of 36.33 feet to a ½" rebar set, run thence North 15°05'46" East for a distance of 237.95 feet to a ½" rebar set, run thence North 15°36'25" East for a distance of 196.44 feet to a point on the East line of Oak Manor West Subdivision, run thence along the East line of said subdivision as follows: run thence North 12°36'30" East for a distance of 426.48 feet to a point; run thence North 15°57'30" East for a distance of 204.07 feet to a point; run thence North 15°01'30" East for a distance of 201.13 feet to a point; run thence North 18°17'30" East for a distance of 310.48 feet to a point at the Northeast corner of Lot 28 of said subdivision; run thence South 89°28'59" East leaving said ditch and along the South line of Lot 15B of said subdivision for a distance of 163.56 feet to a fence corner post at the centerline extension of Scott Street, passing thru a ½" steel rod previously set 73.45 feet back; run thence along a fence line as follows: South 00°20'05" East along the centerline extension of Scott Street for a distance of 699.98 feet to a fence corner post, passing thru two reference ½" steel rod previously set at 10.00 feet and 689.98 feet back; run thence North 89°39'29" East leaving said centerline extension of Scott Street and along the south boundary line of Ivy Manor Subdivision and the South boundary line of Deerwood Subdivision for a distance of 2,078.84 feet to the point of beginning of the herein described tract of land. Said tract contains 48.59 acres, more or less. Being situated in the Northwest, Northeast, Southwest and Southeast quarters.

LESS AND EXCEPT Lots 42, 43, 46, 47, 48, 49, 50, 51, 54 and 55, Phase 1, Montclair Subdivision, situated in Section 23, Township 3 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 102, Pages 27-28 in the Office of the Chancery Clerk of DeSoto County, Mississippi, and also

LESS AND EXCEPT the common open space and all streets dedicated to the public in Phase 1, Montclair Subdivision, situated in Section 23, Township 3 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 102, Pages 27-28 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

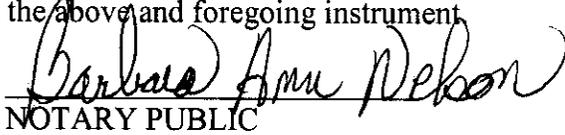
WITNESS MY SIGNATURE, this the 24th day of February, 2011.



GARY P. SNYDER, SUBSTITUTE TRUSTEE

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of February, 2011, within my jurisdiction, the within named Gary P. Snyder, who acknowledged that he executed the above and foregoing instrument.



NOTARY PUBLIC

DESOTO TIMES-TRIBUNE

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

NOTICE OF SALE BY SUBSTITUTE TRUSTEE

WHEREAS, Montclair Development Group, LLC executed a Deed of Trust dated August 24, 2005 to J. Patrick Caldwell, Trustee for BancorpSouth Bank, said Deed of Trust appearing of record in Trust Deed Book 2293, Page 558, Office of the Chancery Clerk, DeSoto County, Mississippi.

WHEREAS, the aforesaid BancorpSouth Bank, the holder of said Deed of Trust and the Note secured thereby, substituted Gary P. Snyder, as Trustee therein, as authorized by the terms thereof, by instrument dated November 30, 2010 and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Trust Deed Book 3247, Page 655.

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WHEREAS, the aforesaid BancorpSouth Bank, the holder of said Deed of Trust and the Note secured thereby, substituted Gary P. Snyder, as Trustee therein, as authorized by the terms thereof, by instrument dated November 30, 2010 and recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi, in Trust Deed Book 3247, Page 654.

WHEREAS, default having been made in the terms and conditions of said Deeds of Trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said Deeds of Trust, and the legal holder of said indebtedness, BancorpSouth Bank, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said Deeds of Trust for the purpose of raising the sum due thereunder, together with attorney's fees, Substitute Trustee's fees and expenses of sale.

NOW, THEREFORE, I, Gary P. Snyder, Substitute Trustee in said Deeds of Trust, will, on the 18th day of February, 2011, offer for sale and will

- Volume No. 116 on the 27 day of Jan., 2011
- Volume No. 116 on the 3 day of Feb., 2011
- Volume No. 116 on the 10 day of Feb., 2011
- Volume No. 116 on the 17 day of Feb., 2011
- Volume No. _____ on the _____ day of _____, 2011
- Volume No. _____ on the _____ day of _____, 2011

Diane Smith

Sworn to and subscribed before me, this 17 day of Feb., 2011

BY Judy Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



- A. Single first insertion of 1424 words @ .12 \$ 170.88
 - B. 3 subsequent insertions of 4272 words @ .10 \$ 427.20
 - C. Making proof of publication and depositing to same \$ 300
- TOTAL PUBLISHER'S FEE: \$ 601.08

sell at public outcry, to the highest bidder for cash, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) at the East front door of the County Courthouse at Hernando, County of DeSoto, Mississippi, the following described property lying and being situated in the County of DeSoto, Mississippi.

A tract of land located in Section 23, Township 3 South, Range 8 West, in DeSoto County, Mississippi, and being more particularly described as follows:

Beginning at a 1/2" steel rod previously set on a fence line, said rod being on the South line of Deerwood Subdivision, said rebar also being 1,395.15 feet South and 1,183.08 feet East of a PK nail found in the centerline of Oak Grove Road, marking the Northeast corner of Section 23, Township 3 South, Range 8 West in DeSoto County, Mississippi; run thence S 00°24'39" E leaving said fence line and said Subdivision for a distance of 486.77 feet to a 1/2" rebar set; run thence Due West for a distance of 564.67 feet to a 1/2" rebar set in the centerline of a ditch running generally in a East to West direction; run thence along said centerline of a ditch as follows: South 72°13'08" West for a distance of 110.00 feet to a 1/2" rebar set; run thence South 83°33'13" West for a distance of 194.09 feet to a 1/2" rebar set; run thence South 86°32'22" West for a distance of 166.40 feet to a 1/2" rebar set; run thence South 71°43'18" West for a distance of 168.92 feet to a 1/2" rebar set; run thence South 86°58'16" West for a distance of 75.79 feet to a 1/2" rebar set; run thence South 67°34'47" West for a distance of 202.70 feet to a 1/2" rebar set; run thence South 72°07'15" West for a distance of 113.70 feet to a 1/2" rebar set; run thence South 60°49'37" West for a distance of 176.05 feet to a 1/2" rebar set; run thence South 73°53'56" West for a distance of 81.86 feet to a 1/2" rebar set; run thence South 77°12'12" West for a distance of 122.11 feet to a 1/2" rebar set; run thence South 33°14'04" West for a distance of 50.47 feet to a 1/2" rebar set; run thence South 60°28'00" West for a distance of 175.20 feet to a 1/2" rebar set; run thence South 60°52'53" West for a distance of 365.78 feet to a 1/2" rebar set; run thence South 53°24'22" West for a distance of 109.36 feet to a 1/2" rebar set; run thence South 35°35'19" West for a distance of 69.83 feet to a 1/2" rebar set; run thence South 65°20'27" West for a distance of 51.46 feet to a 1/2" rebar set; run thence South 49°54'38" West for a distance of 113.45 feet to a 1/2" rebar set; run thence South 48°51'00" West for a distance of 201.43 feet to a 1/2" rebar set; run thence South 60°15'11" West for a distance of 87.71 feet to a 1/2" rebar set at the intersection of said ditch and the centerline of a ditch that runs generally in a North to South direction; run thence along said centerline of North to South ditch and leaving said

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LESS AND EXCEPT the common open space and all streets dedicated to the public in Phase 1, Montclair Subdivision, situated in Section 23, Township 3 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 102, Pages 27-28 in the Office of the Chancery Clerk of DeSoto County, Mississippi.

I WILL CONVEY only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE, this 25th day of January, 2011.

/s/ Gary P. Snyder

Substitute Trustee

Watkins Ludlam Winter & Stennis, P.A.

P.O. Box 1456

Olive Branch, MS 38654

662-895-2996

Publiah: January 27, 2011, February 3, 2011, February 10, 2011 and February 17, 2011.