

This Instrument Prepared By and
After Recording Return To:
* Eric L. Sappenfield, PLLC
MS Bar #6468
6858 Swinnea Road, 5 Rutland Place
Southaven, MS 38671

ORDER TO VACATE AND ALTER PLAT

Grantor:
BankPlus
4950 Venture Drive
Southaven, MS 38671
662-342-8581

Grantee:
Sembeks MS, LLC et al
c/o E. Gene Thornton
Evans Petree PC
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120
901-525-6781

INDEXING INSTRUCTIONS: Lot 7G, 7I Final Plat, First Revision to Lot 7G of the Sixth Revision to Section "B" of Briargate Commercial Subdivision, in Section 31, Township 1 South, Range 7 West, City of Southaven, DeSoto County, Mississippi, as shown on plat of record in Plat Book 92, Page 2, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi

Lot 7N, Final Plat, Second Revision to Lot 7G of the Sixth Revision to Section "B" of Briargate Commercial Subdivision, in Section 31, Township 1 South, Range 7 West, City of Southaven, DeSoto County, Mississippi, as shown on plat of record in Plat Book 96, Page 46, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi

Lot 7L, 7P, Final Plat, Third Revision to Lot 7G of the Sixth Revision to Section "B" of Briargate Commercial Subdivision, in Section 31, Township 1 South, Range 7 West, City of Southaven, DeSoto County, Mississippi, as shown on plat of record in Plat Book 105, Page 2, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi

Lot 7Q, 7R, & 7S, Final Plat, Fourth Revision to Lot 7G of the Sixth Revision to Section "B" of Briargate Commercial Subdivision, in Section 31, Township 1 South, Range 7 West, City of Southaven, DeSoto County, Mississippi, as shown on plat of record in Plat Book 107, Page 22, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

BANKPLUS, A MISSISSIPPI
BANKING CORPORATION

PLAINTIFF

VS.

Cause No. 10-11-2527

SEMBEKS MS, LLC, GROVE PARTNERS, LLC
ORANGE UTILITIES, INC., DONALD E. THERIOT,
OMKAR, INC, SUNTRUST BANK, AND ALL INTERESTED
PARTIES OF THE PROPERTY KNOWN AS
LOT 7G, LOT 7I, LOT 7L, LOT 7N, LOT 7P, LOT 7Q,
LOT 7R, LOT 7S, BRIARGATE COMMERCIAL
SUBDIVISION, SOUTHAVEN, DESOTO COUNTY,
MISSISSIPPI

DEFENDANTS

ORDER TO VACATE AND ALTER PLAT

This cause came upon pursuant to the Agreed Order by and through counsel and the Court considering the same finds that the Petition to Vacate and Alter Plats as filed herein is well taken and should be granted and the Court further finds as follows:

1. The Defendants, Orange Utilities, Inc., Donald E. Theriot, and Grove Partners, LLC having made no answer thereto and Defaults have been entered into by the Clerk of Court for said Defendants;

2. Further appearing that publication in this matter was made pursuant to Section 19-27-31, Mississippi Code Annotated.;

3. All the Defendants have been identified and named in this action that are directly interested or affected in the subject matter pursuant to Section 19-27-31, Mississippi Code Annotated.

FILED

FEB 23 2011

W E DAVIS, CLERK

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plat Book referenced in Plat Book 92, Page 2, Plat Book 96, Page 46, Plat Book 105, Page 2, and Plat Book 107, Page 22, in the Office of the Chancery Clerk of DeSoto County, Mississippi shall be amended and altered pursuant to the Exhibit "G" contained in Plaintiff's Petition and attached to in this Order;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any Warranty Deeds, Deeds of Trust, and other instruments referring to any corrected plats will as a matter of record now be referred to and altered to reflect the correct description for said lot as shown in the Exhibit "G" attached hereto and for other purposes as required by law;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Chancery Clerk shall make appropriate notations thereof on the above referenced plats in Plat Book 92, Page 2, Plat Book 96, Page 46, Plat Book 105, Page 2, and Plat Book 107, Page 22 to conform with this Order of Court;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any further legal descriptions referred to as of the date of this Order shall be pursuant to this Order and the attached Exhibit "G" as the plat of record;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court hereby adopts and approves said plat and the parcel subdivision described therein as attached to this Order, the approval which is deemed absolute and final for all purposes.

ORDERED AND ADJUDGED THIS 25th day of Feb, 2011.


CHANCELLOR

Agreed to:

Eric L. Sappenfield
Attorney at BankPlus
6858 Swinnea Road, 5 Rutland Place
Southaven, MS 38671
662-349-3436
MS Bar #6468

/s/ Jeffrey S. McCaskill

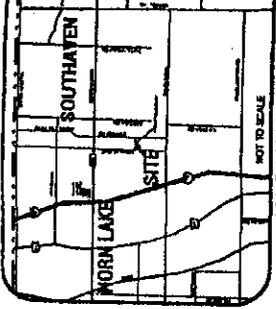
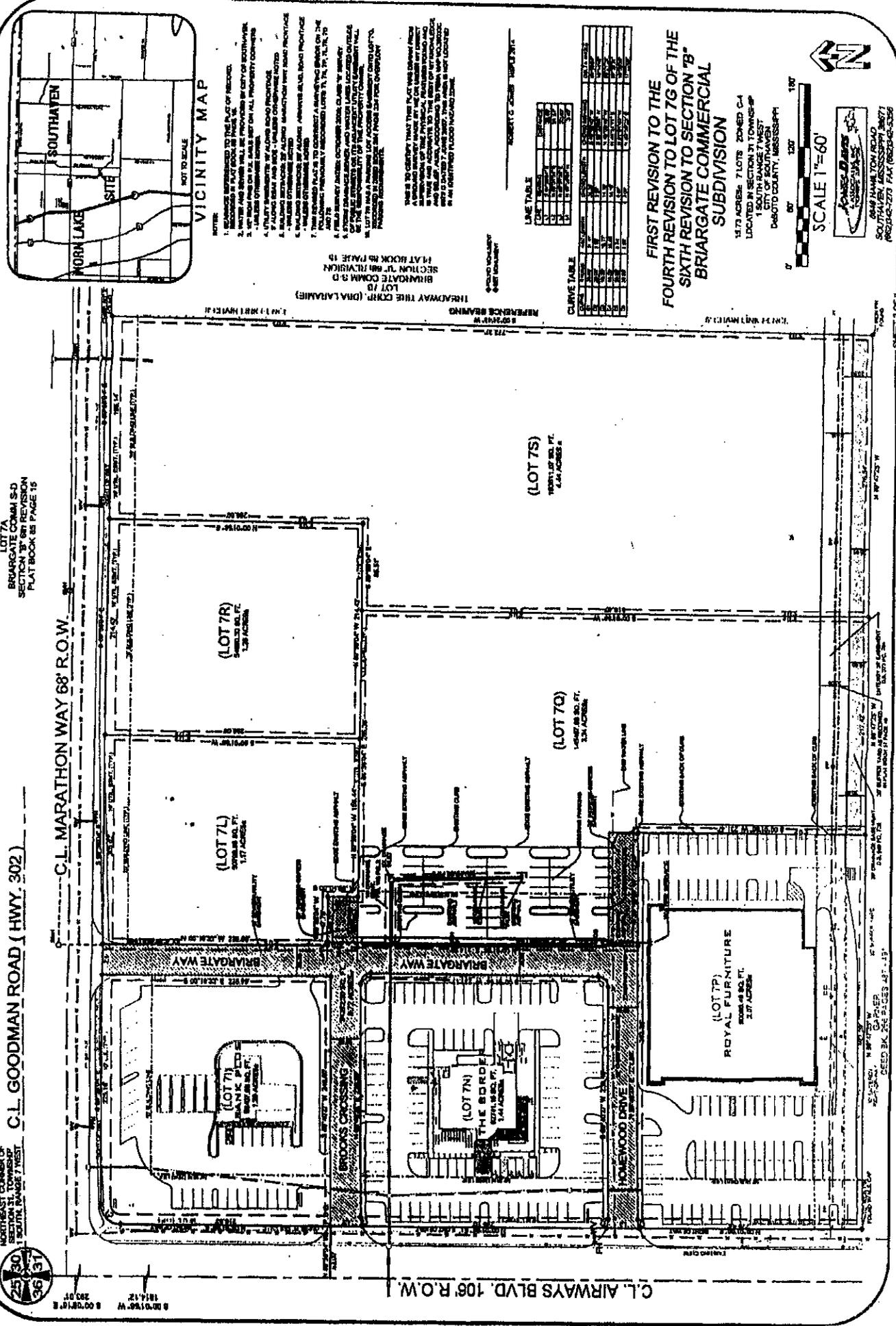
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/s/ Jeffrey R. King

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/s/ E. Gene Thornton

E. Gene Thornton
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Evans Petree PC
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901-525-6781
MS Bar #100982



NOTES:

1. RECORDS REFERENCED TO THIS PLAN ARE FILED IN THE OFFICE OF THE CLERK OF COURTS, DEPT. OF REVENUE, SOUTHAVEN, MISSISSIPPI.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. ALL CORNERS ARE TO BE BENCHMARKS OR OTHER PERMANENT MARKERS.
4. UTILITY LOCATIONS ARE SHOWN BY DASHED LINES AND ARE NOT TO BE CONSIDERED AS GUARANTEED.
5. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR ALONG THE CENTERLINE OF THE EASEMENT.
6. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR ALONG THE CENTERLINE OF THE EASEMENT.
7. THE DISTANCE BETWEEN THE CENTERLINE OF THE ROAD AND THE CENTERLINE OF THE EASEMENT IS 10 FEET.
8. THE DISTANCE BETWEEN THE CENTERLINE OF THE ROAD AND THE CENTERLINE OF THE EASEMENT IS 10 FEET.
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LINE TABLE

LINE NO.	DESCRIPTION	START POINT	END POINT	LENGTH
1
2
3
4
5
6
7
8
9
10

CURVE TABLE

CURVE NO.	START POINT	END POINT	LENGTH	CHORD BEARING	CHORD LENGTH	PI
1
2
3
4
5
6
7
8
9
10

**FIRST REVISION TO THE
FOURTH REVISION TO LOT 76 OF THE
SIXTH REVISION TO SECTION 7B
BRIARGATE COMMERCIAL
SUBDIVISION**

15.73 ACRES, 7 LOTS ZONED C-1
LOCATED IN SECTION 7B TOWNSHIP
1 SOUTH RANGE 7 WEST
CITY OF SOUTHAVEN
DEBOTO COUNTY, MISSISSIPPI

SCALE 1"=60'

ASICS DISTRIBUTION CENTER
1500 S. AIRWAYS BLVD.
SOUTHAVEN, MISSISSIPPI 38671
(662) 345-2270 FAX (662) 345-5356

ASICS DISTRIBUTION CENTER
LOT 74
BRIARGATE COMM S-D
SECTION 7B 6TH REVISION
PLAT BOOK 68 PAGE 16

C.L. GOODMAN ROAD (HWY. 302)

C.L. MARATHON WAY 68' R.O.W.

C.L. AIRWAYS BLVD. 106' R.O.W.

SHEET 2 OF 2



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 23rd day of January, 2011
W.E. Davis, Clerk of the Chancery Court
By W. L. Ramsey D.C.