

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

V.

CIVIL ACTION NO. CO2010-2711CD

JOEL BOWEN, s/p/a JOEL D. BOWEN,
CATHLEEN BOWEN, s/p/a CATHLEEN JOYCE BOWEN
REGIONS BANK d/b/a REGION MORTGAGE
and EMMETT JAMES HOUSE, TRUSTEE

DEFENDANTS

**ORDER GRANTING PLAINTIFF
RIGHT OF IMMEDIATE TITLE AND POSSESSION**

This day this cause having come on to be heard on the motion *ore tenus*, of Plaintiff, Mississippi Transportation Commission, for an Order granting said Plaintiff the right of immediate title and possession and entry upon the land sought to be condemned and as described in Exhibit "A" attached hereto and incorporated herein, and it appearing that the report of the Court-appointed appraiser has been filed with the Clerk of this Court showing the sum of \$11,700.00, as total compensation and damages for the taking of the Defendants' land, proper notice of said appraisal report having been given to the Court and to the Defendants as required by law, the Court has reviewed the Court-appointed appraiser's appraisal and considered the same, finds said Motion is well-taken and that Plaintiff is entitled to immediate title and possession of and entry upon the land described in Exhibit "A" attached hereto.

The Court further considered the Motion *ore tenus* of the Plaintiff for the payment of the Appraiser's fee of One Thousand Dollars to Gene Norwood, Court-appointed appraiser, who was appointed by Order of this Court dated January 5, 2011, and filed on that date.

FILED

FEB 28 2011

DALE K. THOMPSON, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK 24 PAGE 335-338

4

2nd pg

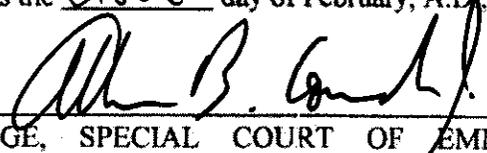
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The Court finds that said appraiser has filed with this Court and the Clerk of this Court the requisite number of copies of the Appraisal Report herein, which has been, or is subject to the review of this Court, and further, that said fee for such services is reasonable and is hereby approved for payment.

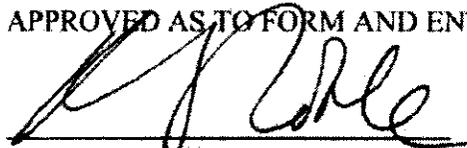
IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff, Mississippi Transportation Commission, be and it is hereby granted immediate title and possession and entry upon the lands sought to be condemned as described in Exhibit "A" attached hereto and in the complaint filed herein, provided only that said Plaintiff first deposit with the Clerk of this Court not less than eighty-five percent (85%) of the amount of compensation and damages as determined by said court-appointed appraisal, as provided by Section 11-27-85, as amended, Mississippi Code of 1972 Annotated.

IT IS FURTHER ORDERED AND ADJUDGED that the Clerk tax as costs herein and the Plaintiff pay unto Gene Norwood, for services as Court-appointed appraiser, the sum of \$1,000.00.

SO ORDERED AND ADJUDGED on this the 28th day of February, A.D. 2011.


 JUDGE, SPECIAL COURT OF EMINENT DOMAIN

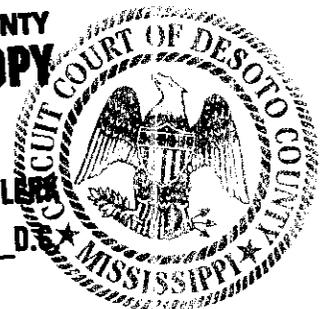
APPROVED AS TO FORM AND ENTRY:


 Richard G. Noble MB #3868
 Attorney for Plaintiff
 Crosthwait, Terney & Noble, PLLC
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STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

MAR 01 2011

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



061-2-00-W

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2711C0

JOEL BOWEN AKA JOEL D. BOWEN, JOEL DOUGLAS
BOWEN, ET UX CATHLEEN BOWEN

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: SW 1/4 of the SW 1/4 of Section 32, T-2-S, R-6-W, DESOTO COUNTY, MISSISSIPPI.

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of 0.999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000]. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way lines as defined by said project.

Commencing at an iron pin found in the center of Byhalia Road at the southwest corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said point having a coordinate value of N:1950540.33, E:2436781.36 on the above referenced coordinate system, thence North 00 degrees 11 minutes 37 seconds East a distance of 40.00 feet to the north right of way line of Byhalia Road; thence along the apparent north right of way line of Byhalia Road, North 89 degrees 51 minutes 08 seconds East a distance of 556.01 feet, to a 1/2 inch rebar set at the Defendants' southwest property corner (Book 370, Page 201) and the Point of Beginning;

- From said Point of Beginning run along the Defendants' western property line, North 12 degrees 18 minutes 48 seconds West a distance of 84.79 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line for the above reference project;
- Thence run along the proposed right of way line, South 89 degrees 49 minutes 59 seconds East a distance of 391.98 feet to a 3/4 inch rebar found at its intersection with the west right of way line of Craft Road (Book 508, Page 740);
- Thence run along the Craft Road right of way line, South 05 degrees 24 minutes 34 seconds West a distance of 79.66 feet to a 1/2 inch rebar set its intersection with the apparent northly right of way line of Byhalia Road, said point being 40.00 feet northerly of the centerline of the existing paved public road;
- Thence along said apparent north right of way line of Byhalia Road, being parallel to and 40 feet from its existing centerline, South 89 degrees 37 minutes 36 seconds West a distance of 366.39 feet, to the Point of Beginning, containing 0.71 acres, more or less, and situated in the Southwest Quarter of the Southwest Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

