

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION PLAINTIFF

V. CIVIL ACTION NO. CO2010-2712CD

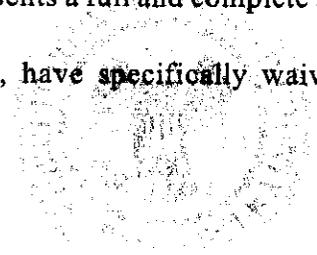
RUSSELL KYLE, MERCHANTS & FARMERS BANK,  
L. SCOTT PICKLE, TRUSTEE, DOYLE RICKY PICKENS,  
MARY R. PICKENS, FIRST TENNESSEE BANK, NATIONAL  
ASSOCIATION, THOMAS F. BAKER, IV, TRUSTEE and  
JOEY TREADWAY, DESOTO COUNTY TAX COLLECTOR DEFENDANTS

AGREED JUDGMENT AND ORDER OF DISBURSEMENT

In the cause, Plaintiff, MISSISSIPPI TRANSPORTATION COMMISSION, brought an action to condemn property as described in the Complaint filed herein and described in Exhibit "A" attached hereto and incorporated herein, and the landowner Defendants, Russell Kyle, Merchants & Farmers Bank and L. Scott Pickle, Trustee, were duly served with process of this Court. And, the Court having found that the parties have reached an Agreement, does find and adjudicate as follows:

1. This Court has jurisdiction of the parties and subject matter herein.
2. The Court being advised by counsel for the Plaintiff and the Defendants, Russell Kyle, Merchants & Farmers Bank and L. Scott Pickle, Trustee, that the fair market value representing just compensation due the Defendants for the condemnation of the lands described in Exhibit "A" is Three Thousand Five Hundred Fifty Dollars (\$3,500.00), and that said amount represents a full and complete settlement of all issues before the Court. Further, the parties hereto, have specifically waived the right to appeal this judgment and Defendants

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STATE OF MISS. DESOTO COUNTY  
CERTIFIED A TRUE COPY

JUL 13 2011

DALE K. THOMPSON, CIRCUIT CLERK  
BY Burke, D.C.

FILED  
DESOTO COUNTY, MS  
JUL 13 2011  
Dale K. Thompson  
CIRCUIT COURT CLERK

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acknowledge to the Court that the amount of Three Thousand Five Hundred Fifty Dollars (\$3,500.00) constitutes full and just compensation due the Defendants for the land and any and all damages or other rights pertaining to said land, and is in full and complete settlement of all issues resulting from the condemnation described in the Complaint filed herein.

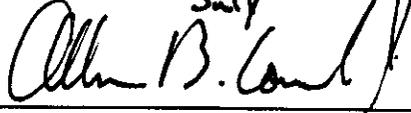
3. That Merchants & Farmers Bank has a security interest in said land.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that this Agreed Judgment shall be entered in the cause; that the impaneling of a jury is waived by all parties; that the MISSISSIPPI TRANSPORTATION COMMISSION is hereby awarded title and possession of the lands described in Exhibit "A" attached hereto upon the payment of Three Thousand Five Hundred Fifty Dollars (\$3,500.00), to Defendants, Russell Kyle, Merchants & Farmers Bank and L. Scott Pickle, Trustee; and the parties shall be bound by this Agreed Judgment the same as if there had been a jury trial and a decision rendered accordingly; that this Agreed Judgment shall be duly recorded in the Land Deed Records of DeSoto County, Mississippi, confirming title to said lands to the MISSISSIPPI TRANSPORTATION COMMISSION; and that all costs of court are assessed to Plaintiff.

**IT IS FURTHER ORDERED AND ADJUDGED** that the MISSISSIPPI TRANSPORTATION COMMISSION already deposited with the Court the sum of \$2,125.00, on March 10, 2011; that the MISSISSIPPI TRANSPORTATION COMMISSION has deposited an additional \$1,375.00, into the registry of the Circuit Court on \_\_\_\_\_, 2011, totaling \$3,500.00, and the Circuit Court Clerk of DeSoto County,

Mississippi is hereby ordered to disburse the total sum of \$3,500.00, to Russell Kyle, Merchants & Farmers Bank and L. Scott Pickle, Trustee, without further Order of this Court.

SO ORDERED AND ADJUDGED, this the 13<sup>th</sup> day of ~~June~~<sup>July</sup>, A.D., 2011



JUDGE, SPECIAL COURT OF EMINENT DOMAIN

SUBMITTED BY:

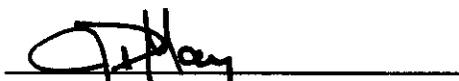


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Special Counsel for Mississippi Transportation Commission

\*

APPROVED:

\_\_\_\_\_  
RUSSELL KYLE, Defendant

  
\_\_\_\_\_  
J. D. MAY, Senior Vice-President  
for Merchants & Farmers Bank

Mississippi is hereby ordered to disburse the total sum of \$3,500.00, to Russell Kyle, Merchants & Farmers Bank and L. Scott Pickle, Trustee, without further Order of this Court.

SO ORDERED AND ADJUDGED, this the \_\_\_\_ day of June, A.D., 2011.

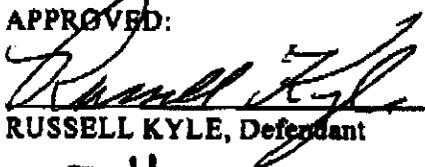
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

SUBMITTED BY:



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Special Counsel for Mississippi Transportation Commission

APPROVED:

  
RUSSELL KYLE, Defendant  
J. D. MAY, Senior Vice-President  
for Merchants & Farmers Bank

070-1-00-W; 070-1-00-T; 070-0-00-Q; 070-0-01-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN  
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2712 C1

RUSSELL KYLE, ET AL

DEFENDANTS

## EXHIBIT "A"

INDEXING INSTRUCTIONS: NE 1/4 of the NE 1/4 of Section 32, T-2-S, R-6-W, Desoto County, Mississippi.  
(Part of Lot 2 of Pickens Place Subdivision)

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .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 as defined by said project.

PARCEL 1  
RIGHT OF WAY

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence run thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County and being the **Point of Beginning** of the herein described parcel;

- From said **Point of Beginning** continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property;
- thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road;
- thence run along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment) along a non-tangential curve to the left a distance of 105.83 feet, having a radius of 2784.79 feet, and a chord bearing North 00 degrees 20 minutes 47 seconds East for 105.83 feet, also having a delta angle of 2 degrees 10 minutes 39 seconds, to a 3/4 inch rebar found 80 feet left of the Ross Road centerline station 35+98.78;
- thence run North 00 degrees 44 minutes 32 seconds West a distance of 1.40 feet to a 1/2 inch rebar set on the north line of the Defendant's property;

- thence run along the north line of Defendant's property South 89 degrees 52 minutes 47 seconds East a distance of 41.09 feet to the **Point of Beginning**, containing 3935 square feet (0.09 acres), more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

And an easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement is hereby designated as PARCEL 2.

**PARCEL 2**  
**TEMPORARY EASEMENT**

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County; thence continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property; thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road and the **Point of Beginning** of the herein described easement;

- From the **Point of Beginning** run thence along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment), along a non-tangential curve to the left a distance of 34.11 feet, having a radius of 2784.79 feet, and a chord bearing North 01 degrees 05 minutes 03 seconds East for 34.11 feet, also having a delta angle of 2 degrees 03 minutes 27 seconds, to a 1/2 inch rebar set 80 feet left of the Ross Road realignment centerline station 35+25;
- thence run North 89 degrees 16 minutes 00 seconds West a distance of 45.00 feet to a 1/2 inch rebar set 125 feet left of the centerline of the Ross Road realignment at station 35+25;
- Thence run South 01 degree 29 minutes 00 seconds West a distance of 64.00 feet to a 1/2 inch rebar set on the Defendant's south property line;
- Thence run along the south line of Defendant's property North 57 degrees 30 minutes 23 seconds East a distance of 54.55 feet to the **Point of Beginning**, containing 2216 square feet, more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.