

**IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI**

**DESOTO CENTRAL PROPERTIES, LLC,**

**PLAINTIFF**

**VS.**

**CAUSE NO. 09-12-2530**

**LANCE SMITH, FIRST SECURITY BANK,  
TED W. ADDISON AND CHERYL K. ADDISON,  
LAVERNE S. KELLON, AT&T,  
BILL CHRISTOPHER FRENCH AND  
ASHLEY SUZANNE FRENCH,  
CITY OF SOUTHAVEN, ENTERGY,  
ATMOS ENERGY AND ALL INTERESTED  
PARTIES IN THE PROPERTY AS STATED HEREIN,**

**DEFENDANTS**

**SECOND AMENDED ORDER TO VACATE PLAT AND DISMISS  
AMENDED COMPLAINT WITH PREJUDICE**

**THIS DAY THIS CAUSE** came on for hearing upon the **Motion of Defendant First Security Bank to Vacate Plat and Dismiss the Amended Complaint with Prejudice**, and the Court, being fully advised in the premises, does hereby find as follows, to-wit:

1. That as of the date of the First Security Bank Motion, all named Defendants and interested parties in the subject real property are properly before this Court.
2. That on May 26, 2010, Defendant First Security Bank foreclosed all or substantially all of Plaintiff DeSoto Central Properties, LLC, title and interest in the subject property, a true and correct copy of said recorded Substitute Trustee's Deeds being attached to said Motion as Collective Exhibit "A" and made a part thereof as if fully copied therein.

**FILED**

**AUG 12 2011**

**W E DAVIS, CLERK**

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3. That Defendants First Security Bank and Lance Smith did not join in the plat referred to in Paragraph 19 of the Amended Complaint, said plat being filed as Plat Book 103, at Page 15, in the Office of the Chancery Clerk of DeSoto County, Mississippi. Defendant First Security Bank requested this Court through its Motion to vacate same as an illegal plat, and to order Defendant City of Southaven to honor the immediately prior and correct plat, same being filed as Plat Book 86, at Page 36, in said Clerk's Office. Further, that if any consistencies exist in the easements, set back lines and property lines in the properly recorded plats shown in Plat Book 46, at Page 32, Plat Book 83, at Page 18, and in Plat Book 86, at Page 36, that same should also be vacated in favor of the correct easements and set back lines.

4. That Plaintiff, DeSoto Central Properties, LLC, has failed to state a claim upon which relief can be granted, and Defendant First Security Bank requests that the Amended Complaint be dismissed with prejudice and that all costs of same should be taxed to Plaintiff.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED**, as follows:

1. That the Court does hereby vacate the plat recorded in Plat Book 103, at Page 15, as an illegal plat;

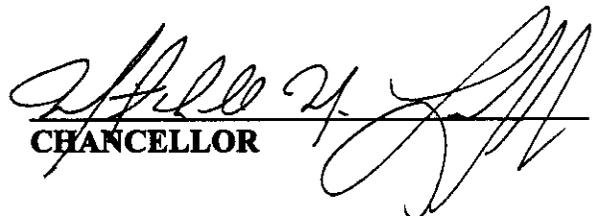
2. That Defendant City of Southaven shall honor the immediately prior and correct plat, same being filed as Plat Book 86, at Page 36, in said Clerk's Office; and that if any consistencies exist in the easements, set back lines and property lines in the properly recorded plats shown in Plat Book 46, at Page 32, Plat Book 83, at Page 18, and in Plat Book 86, at Page 36, that same should also be vacated in favor of the correct easements and set back lines;

3. That the DeSoto County Tax Assessor shall reassess the tax bills for the years 2008, 2009 and 2010 to match the prior and legal plat, being Plat Book 86, at Page 36, and forward these corrected assessments to the DeSoto County Tax Collector for correction and re-issue of the tax bills due for the years 2008, 2009 and 2010; and

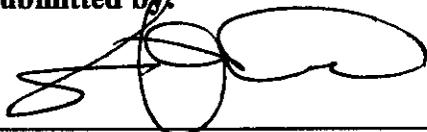
4. That this Order shall be recorded in the land records of the DeSoto County Chancery Clerk, and be specifically noted on all relevant plats in said Chancery Clerk's Office; and

5. That the Amended Complaint shall be dismissed with prejudice, taxing to the Plaintiff all costs of this action.

**ORDERED, ADJUDGED AND DECREED**, nunc pro tunc to the 9th day of November, 2010.

  
CHANCELLOR

Submitted by:



**HUGH H. ARMISTEAD, MS Bar No. 1615**  
**Attorney for Defendant, First Security Bank**  
**6879 Crumpler Boulevard, Suite 100**  
**Olive Branch, MS 38654**  
**Tel: 662-895-4844**

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 13th day of November, 2011  
W.E. Davis, Clerk of the chancery court

