

12/02/11 8:52:06
OK W BK 670 PG 523
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

Prepared by and Return to: Austin Law Firm, P.A. 6928 Cobblestone Drive Suite 100 Southaven, MS 38672 662-890-7575 MS Bar #3412 File No: S10-11-0617	Grantors Address: 1935 Mt. Pleasant St. Hernando, MS 38632 Home: 662-429-8148 Work: N/A	Grantees Address: 2883 Highway 51 South Hernando, MS 38632 Home: N/A Work: 662-429-8200
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INDEXING INSTRUCTIONS: .33 acres in the Southeast Quarter of Section 18, Township 3 South, Range 7 West, City of Hernando, DeSoto County, Mississippi.

WARRANTY DEED

**MERRITT POWELL AND ROSE POWELL ET AL,
GRANTORS**

TO

**AQUAWORKS POOLS, LLC,
GRANTEE**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, Merritt Powell and Rose Powell, Patsy Carey, William F. Hagan, Kelly Hagan Smith, Saprena Hagan Smith, Robert P. Fuller, Tod Fuller, Katherine Ann McWilliams and Rebecca McWilliams do hereby sell, convey, and warrant unto Aquaworks Pools, LLC, a Mississippi limited liability company, the land lying and being situated in DeSoto County, Mississippi, described as follows, to-wit:

[See Attached Exhibit "A" for Legal Description]

The warranty in this deed is subject to rights of ways and easements for public roads and public utilities, to building, zoning, subdivision and health department regulations in effect in DeSoto County, Mississippi including, without limitation, that certain Right of Way in favor of MP&L recorded in Book 41 at Page 556 in the Chancery Clerk's office of DeSoto County, Mississippi.

By way of explanation, Merritt Powell and Rose Powell acquired a 1/3 undivided interest and Patsy Carey acquired a 1/3 undivided interest in the property conveyed herein by virtue of warranty deeds recorded in Book 255 at Page 119 and Book 167 at Page 535 and, further, by virtue of a quitclaim deed of record in Book 331 at Page 554, all in the Chancery Clerk's office of DeSoto County, Mississippi. The other 1/3 undivided interest was vested in Fay Hagan. Fay Hagan departed this life on or about August 25, 2007 and her estate was probated in Desoto County Chancery Cause No. 07-10-1939. Her interest in the property conveyed herein was therein left to eight heirs in equal shares: (1) William F. Hagan; (2) Robert P. Fuller as trustee for the benefit of Frances Ann Fuller; (3) Robert P. Fuller; (4) Tod Fuller; (5) Fayanne (Fuller) McWilliams; (6) Saprena Hagan Smith; (7) Kelly Hagan Smith; and (8) William F. Hagan III. That William F. Hagan III has quitclaimed his interest unto Kelly Hagan Smith.

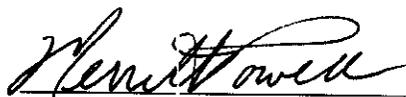
Frances Fuller departed this life in October 2007 and, by virtue of the provisions of the Estate of Fay Hagan and the trust set out therein, her interest was thereafter vested in Robert P. Fuller, Tod Fuller and Fayanne (Fuller) McWilliams in three (3) equal shares.

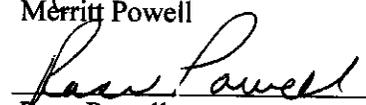
By way of further explanation, Fayanne (Fuller) McWilliams departed this life on January 21, 2008 leaving as her sole heirs at law Katherine Ann McWilliams and Rebecca McWilliams. The Estate of Fayanne Fuller McWilliams was administered in Tate County Cause No. P08-3-151 and a copy of the Order Determining Heirs is attached hereto as Exhibit "B."

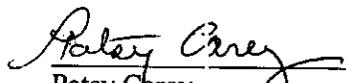
Taxes for 2011 have been prorated, and possession is given with this deed.

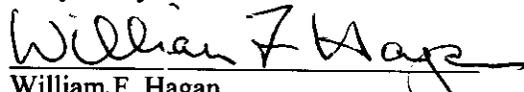
This deed may be executed in any number of counterparts that, when taken together, shall constitute a complete original.

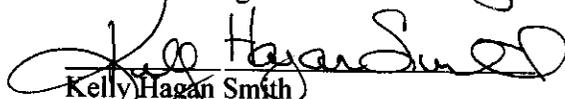
WITNESS our signature(s), this the 30th day of November, 2011.

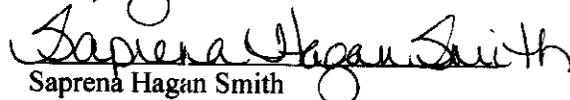

 Merritt Powell


 Rose Powell


 Patsy Carey


 William F. Hagan


 Kelly Hagan Smith


 Saprena Hagan Smith

Signatures continued from prior page, on this the 30th day of November, 2011.

Kelly Hagan Smith
Kelly Hagan Smith as attorney in fact for
Robert P. Fuller

Kelly Hagan Smith
Kelly Hagan Smith as attorney in fact for
Tod Fuller

Kelly Hagan Smith
Kelly Hagan Smith as attorney in fact for
Katherine Ann McWilliams now known
as Katherine McWilliams Addington

Kelly Hagan Smith
Kelly Hagan Smith as attorney in fact for
Rebecca McWilliams

STATE OF MISSISSIPPI
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority, in and for the aforesaid County and State, the within named Kelly Hagan Smith, who states on her oath after first being duly sworn, that she is Power of Attorney for the within named Robert P. Fuller, Tod Fuller, Katherine Ann McWilliams n/k/a Katherine McWilliams Addington, and Rebecca McWilliams and that in said representative capacities and for and on behalf of each of the said individuals, she executed the above and foregoing Warranty Deed as their act and deed and after first being authorized so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.

My commission expires:



Kimberly S. Jones
Notary Public

STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named MERRITT POWELL AND ROSE POWELL, who acknowledged that they signed and delivered the above and foregoing Deed on the day and year therein mentioned, as their free act and deed, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.

Kimberly S. Jones
Notary Public

My commission expires:



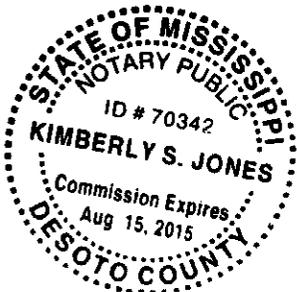
STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named PATSY CAREY, who acknowledged that she signed and delivered the above and foregoing Deed on the day and year therein mentioned, as her free act and deed, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.

Kimberly S. Jones
Notary Public

My commission expires:



STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named SAPRENA HAGAN SMITH, who acknowledged that she signed and delivered the above and foregoing Deed on the day and year therein mentioned, as her free act and deed, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.

Kimberly S. Jones
Notary Public

My commission expires:



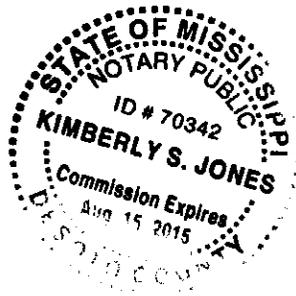
STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named KELLY HAGAN SMITH, who acknowledged that she signed and delivered the above and foregoing Deed on the day and year therein mentioned, as her free act and deed, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.

Kimberly S. Jones
Notary Public

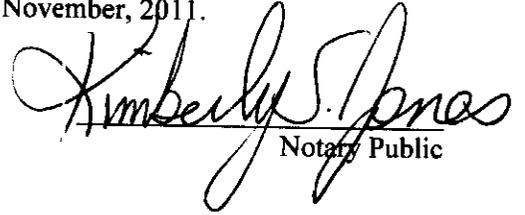
My commission expires:



STATE OF MISSISSIPPI:
COUNTY OF DESOTO:

PERSONALLY APPEARED before me, the undersigned authority at law, in and for the State and County aforesaid, the within named WILLIAM F. HAGAN, who acknowledged that he signed and delivered the above and foregoing Deed on the day and year therein mentioned, as his free act and deed, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of November, 2011.


Notary Public

My commission expires



Exhibit "A"

0.33 acres in the Southeast Quarter of Section 18, Township 3 South, Range 7 West, described as beginning at a point in the South right-of-way of Holly Springs Road (160 feet wide), said point being 1653.8 feet West of the East line of Section 18, Township 3 South, Range 7 West; thence South 100 feet to a point in the West right-of-way of McCracken Road (105 feet wide); thence South 32 degrees 03 minutes East 291.93 feet along said McCracken Road West line to the point of Beginning of the herein conveyed property; thence continuing South 32 degrees 03 minutes East 100 feet along said McCracken Road West line to the Northeast corner of the Rogers lot; thence South 84 degrees 34 minutes West 184.1 feet along the North line of the said Rogers lot; thence North 4 degrees 37 minutes West along an existing old fence line 90 feet to a point; thence North 84 degrees 34 minutes East 138.02 feet to the point of beginning, and being the same property as conveyed by Deed dated October 6, 1983 and being of record in Deed Book 167, Page 535, LESS AND EXCEPT that certain 0.41 acre lot, previously conveyed by Deed dated October 7, 1992 and being of record in Deed Book 250, Page 332.

IN THE CHANCERY COURT OF TATE COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE OF
FAYANNE FULLER McWILLIAMS, deceased****PETITIONER****VS.****CAUSE NO.: P08-3-151(ML)****UNKNOWN HEIRS OF FAYANNE FULLER McWILLIAMS,**

ORDER DETERMINING HEIRS

THIS CAUSE came on for hearing upon the Petition to Determine Heirs, Close Estate and Release Kelly H. Smith; upon service of process upon any and all unknown heirs of the estate of Fayanne Fuller McWilliams, by publication as shown in this above cause number; and upon the failure of any unknown heirs to appear and make claim against the estate; and the court being fully advised in the premises, it does therefore **FIND, ORDER, ADJUDGE AND DECREE AS FOLLOWS:**

1. That Fayanne Fuller McWilliams, died on January 21, 2008, intestate, leaving no will. Letters of Administration were duly issued to Kelly H. Smith, Administratrix on the 21st day of April, 2008.
2. Notice to Creditors has been properly filed and has been published in the The Democrat, a local paper having general circulation in said jurisdiction, said notice having been run on the 5th, 12th and 19th days of October, 2010, as shown by proof of publication on file in this cause, giving notice to all persons having claims against that estate to present the same to the Clerk of this Court for probate and registration which notice has been published.
3. Notice to Creditors has been properly filed and has been published in the Clarion-Ledger, a local paper having general circulation in said jurisdiction, said notice having run on the

FILED**NOV 18 2010****WAYNE CROCKETT
CHANCERY CLERK**

2nd, 9th and 16th days of May, 2008, as shown by proof of publication on file in this cause, giving notice to all persons having claims against that estate to present the same to the Clerk of this Court for probate and registration which notice has been published.

4. The heirs of the estate are not known with specificity but are believed by the Petitioner to be as follows: Katherine Ann McWilliams and Rebecca McWilliams, in equal shares, daughters of the deceased. The deceased was unmarried at the time of her death.

5. It is necessary to make a determination of the heirs in order to proceed to close this estate.

6. That further, no claims were probated against this estate, and the time has lapsed for any claims to be probated. That all claims required by law to be probated in this cause, if any, not duly probated in the time and within the manner required by law be and the same are hereby barred.

7. The Administratrix has shown unto this Court that there are no federal or state taxes due on behalf of this Estate.

8. That according to the requirements of Sections 27-7-69 and 27-9-41 of the Mississippi Code of 1972 as Annotated and Amended, there are no State of Mississippi Estate Tax or Fiduciary accounts owing, due or payable.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

(a) That all claims required by law to be probated in this cause, if any, not duly probated in the time and within the manner required by law be and the same are hereby bared.

(b) That Katherine Ann McWilliams and Rebecca McWilliams be and are hereby declared as the sole legal heirs of the Estate of Fyanne Fuller McWilliams and all assets

of Fayanne Fuller McWilliams, real and personal, be and are hereby vested in Katherine Ann McWilliams and Rebecca McWilliams in equal shares, and all persons, entities and corporations be and are hereby ordered to deliver possession and transfer title, where appropriate of the assets, real and personal, of Fayanne Fuller McWilliams into the name(s) of Katherine Ann McWilliams and Rebecca McWilliams.

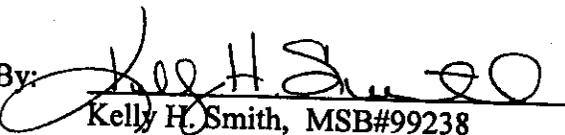
(c) That any and all real and personal property of the decedent which may exist or later be discovered vest in equal shares unto Katherine Ann McWilliams and Rebecca McWilliams.

SO ORDERED, ADJUDGED AND DECREED this the 17th day of November, 2010.


CHANCELLOR

PREPARED AND PRESENTED BY:

AUSTIN LAW FIRM, P.A.
6928 Cobblestone Drive, Suite 100
Southaven, MS 38672
662.890.7575 Phone
662.890.7576 Fax

By: 
Kelly H. Smith, MSB#99238
Administratrix



STATE OF MISSISSIPPI, TATE COUNTY

I, Wayne Crockett, Clerk of the Chancery Court in and for said county and state, hereby certify that the foregoing is a true and correct copy of the order as same appears on file or on record in Book CM 174 Page 282 of the records of Tate County, Mississippi.

Witness my hand and official seal this the 18 day of

Nov 20

Chancery Clerk, Tate County Mississippi