

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

BETTYE V. ANTHONY

PLAINTIFF

VS.

CAUSE NO. 11-cv-2361

UNKNOWN HEIRS OF REBECCA ANTHONY,
WILLIE ANTHONY, SR., CHARITY ANTHONY
AND ALL PERSONS HAVING OR CLAIMING ANY
INTEREST, LEGAL OR EQUITABLE IN THE
REAL PROPERTY DESCRIBED HEREIN

DEFENDANTS

DECREE QUIETING & CONFIRMING TITLE AND OTHER RELIEF

This day this cause came on to be heard upon the Plaintiff's Complaint to Quiet and Confirm Title and Other Relief, filed herein against the unknown heirs of Rebecca Anthony, Willie Anthony, Sr., Charity Anthony and all persons having or claiming any interest, legal or equitable in the real property described herein, the prayer of said Complaint being for the confirmation of the Plaintiffs' title to the real property hereinafter described, and upon legal service of process on all of said Defendants.

And it appearing to the satisfaction of the Court that all of said Defendants were duly served with process in the manner and for the time required by law so as to require an appearance or answer by all of said Defendant prior to the entry of Default herein; and that no appearance nor answer nor other action has been taken by any Defendants in this cause; and that the Court has jurisdiction of the parties and the subject matter and is entitled to proceed herein.

And the Court having reviewed all the papers on file herein and having received proof in support of said Complaint having found therefrom that BETTYE V. ANTHONY is entitled to the relief prayed for in her said Complaint to Confirm and Quiet Title and Other Relief, as hereinafter granted:

FILED
JAN 03 2012
W E DAVIS, CLERK

Debbie Phillips

The Court now being fully advised in the premises does hereby find as follows:

That the Plaintiff, BETTYE V. ANTHONY, is an adult resident citizen of the State of Wisconsin whose address is 2821 North 6th Street, Milwaukee, Wisconsin 53121.

Pursuant to Section 11-17-29, Miss Code Ann. 1972, as amended, Plaintiff names as defendants herein all persons having or claiming any legal or equitable interest in and to the real property which is the subject of this suit, to-wit:

Lot "E" of the Anthony Subdivision being part of the west half of Section 13, Township 2 South, Range 9 West, DeSoto County, Mississippi, described by the plat recorded in Plat Book 14, Page 21, in the office of the Chancery Clerk, described by metes and bounds as follows: Commencing at the west quarter corner of Section 13, Township 2 South, Range 9 West, DeSoto County, Mississippi; thence South 89°39'30" East along the south line of the Anthony subdivision, a distance of 2667.27 feet to the north line of said section; thence South 90°00'00" East along said north line and Austin Road, a distance of 194.79 feet; thence South 00°24'15" East, a distance of 2668.43 feet; thence North 89°39'30" West, a distance of 194.81 feet to the POINT OF BEGINNING; said described tract containing 11.93 acres, more or less.

Also known and referenced as:

Parcel E of the Anthony Subdivision as shown by plat recorded in Plat Book 14, at Page 21 in the Deed Record of the Chancery Clerk of DeSoto County, Mississippi, and being located in the North West Quarter of Section 13, Township 2, Range 9 containing 11.93 acres more or less and less and except land on the north used for road purposes.

Pursuant to MRCP 4(c)4(D) the Plaintiff so states and affirms that all the heirs of Rebecca

Anthony, Willie Anthony, Sr., and Charity Anthony are unknown to the Plaintiff after diligent search and inquiry. The post office and street address of the heirs referenced herein are unknown after diligent search and inquiry.

That Willie Anthony, Jr. is the deceased spouse of the Plaintiff herein. That Willie Anthony, Jr. died intestate June 16, 1987 leaving as his sole and only heirs at law, his spouse, BETTYE V. ANTHONY, the Plaintiff herein, and two children, Alexis J. Anthony and Audra C. Anthony.

That said land described in paragraph 2 above was granted and patented by the United States of America to No-Cha-Ah said patent being now of record in the land deed records of DeSoto County, Mississippi recorded in Deed Book 26, Page 297.

On August 18, 1908, T.W. Murry and J.W. Branan conveyed to Tobe Ford, John Anthony and Ruben Ford by Warranty Deed, the following described property in DeSoto County, Mississippi:

All of the North West quarter of section Thirteen (13); except a strip of 15 acres of equal width off of the East side of said quarter section, containing 145 acres more or less; and also all the East half of the South west quarter of said section 13, except a strip of 15 acres of even width off the East side of said quarter section, containing 65 acres, more or less and containing in all 210 acres, more or less, all in Township Two (2), Range 9 west.

Said Warranty Deed is recorded in Book 15 at page 318 of the deed records of DeSoto County, Mississippi.

On March 27, 1913, Tobe Ford conveyed to Ruben Ford his 1/3 interest by Warranty Deed, the following described property in DeSoto County, Mississippi:

All of the North West quarter of section Thirteen (13); except a strip of 15 acres of equal width off of the East side of said quarter section, containing 145 acres more or less; and also all the East half of the South west quarter of said section 13, except a strip of 15 acres of even width off the East side of said quarter section, containing 65 acres, more or less and containing in all 210 acres, more or less, all in Township Two (2), Range 9 west.

Said Warranty Deed is recorded in Book 17 at page 209 of the deed records of DeSoto County, Mississippi.

On February 26, 1916, Ruben Ford and Millie Ford conveyed to John Anthony and Rebecca Anthony by Warranty Deed, the following described property in DeSoto County, Mississippi:

70 acres of land described as follows, to-wit: Beginning at the North West corner of Section Thirteen (13) Township two (2), Range nine (9), thence due South 40 chains to a stake, thence East 14 chains and 85 links to a stake, thence due South 24 chains and 20 links to a stake, thence due East 1 chain and 58 links to a stake, thence due North 64 chains and 20 links to a stake, thence due West 16 chains and 43 links to the point of beginning. All of said land is in Section 13, Township 2, Range 9 DeSoto County, Mississippi.

Said Warranty Deed is recorded in Book 18 at page 418 of the deed records of DeSoto County, Mississippi.

That Rebecca Anthony died intestate in 1926 leaving as her sole and only heirs at law her husband, John Anthony and their six children, namely: Chester Anthony, Major Anthony, Richard Anthony, Willie Anthony, Rena Anthony Wallace, and Mary Anthony Tate.

That John Anthony died intestate in April 1929 and his estate was probated in DeSoto County Chancery Court Cause No. 5454. It was adjudicated in his estate that his sole and only heirs at law were his second wife, Mary Underwood Anthony, and his six children with his first wife, Rebecca Anthony, namely: Chester Anthony, Major Anthony, Richard Anthony, Willie Anthony, Rena Anthony Wallace, and Mary Anthony Tate.

On December 2, 1929, Mary Anthony conveyed to Chester Anthony, Major Anthony, Richard Anthony, Willie Anthony, Rena Wallace, Mary Tate by Warranty Deed, the following described property in DeSoto County, Mississippi:

70 acres of land described as follows, to-wit: Beginning at the North West corner of Section Thirteen (13) Township two (2), Range nine (9), thence due South 40 chains to a stake, thence East 14 chains and 85 links to a stake, thence due South 24 chains and 20 links to a stake, thence due East 1 chain and 58 links to a stake, thence due North 64 chains and 20 links to a stake, thence due West 16 chains and 43 links to the point of beginning. All of said land is in Section 13, Township 2, Range 9 DeSoto County, Mississippi.

Said Warranty Deed is recorded in Book 22 at page 409 of the deed records of DeSoto County, Mississippi.

On July 1, 1966, William Henry Wallace (husband of Rena Anthony Wallace, deceased) conveyed to Chester Odell Anthony, Elizabeth Smith, Robert Lee Anthony, and Edward Arthur Anthony by Quitclaim Deed, the following described property in DeSoto County, Mississippi:

Beginning at the Northwest corner of Section 13, Township 2, Range 9, thence due south 40 chains to a stake, thence east 14 chains and 85 links to a stake, thence due south 24 chains and 20 links to a stake, thence due east 1 chain and 58 links to a stake, thence due north 64 chains and 20 links to a stake, thence due west 16 chains and 43 links to the point of beginning and being the sale land as shown of record in Deed Book 18 at page 418, whereby Ruben Ford, et ux conveyed said property to John Anthony, et ux of date February 26, 1916.

Said Quitclaim Deed is recorded in Book 66 at page 271 of the deed records of DeSoto County, Mississippi.

On June 11, 1965, Mary L. Tate, widow of Walter Tate, deceased) conveyed to Samuel Tate and Fronie Mae Tate by Quitclaim Deed, the following described property in DeSoto County, Mississippi:

70 acres of land described as follows, to-wit: Beginning at the North West corner of Section Thirteen (13) Township two (2), Range nine (9), thence due South 40 chains to a stake, thence East 14 chains and 85 links to a stake, thence due South 24 chains and 20 links to a stake, thence due East 1 chain and 58 links to a stake, thence due North 64 chains and 20 links to a stake, thence due West 16 chains and 43 links to the point of beginning. All of said land is in Section 13, Township 2, Range 9 DeSoto County, Mississippi.

Said Warranty Deed is recorded in Book 118 at page 93 of the deed records of DeSoto County, Mississippi.

An Affidavit of Heirship for John Anthony, deceased was filed for record August 4, 1975 and recorded in Deed Book 118 at page 643 of the land deed records of DeSoto County, Mississippi.

On November 21, 1975, Richard Anthony, Willie Anthony, Chester Odell Anthony, Robert Lee Anthony, Edward Arthur Anthony, Samuel Tate, Fronnie Mae Jackson, Jannie Anthony, Maggie Anthony, Johnny Anthony, Joseph Louis Anthony, Ruthie Mae Williams, Bernice Dennis, Dorothy Ruth Sandidge, Robert Lee Oliver, Willie G. Oliver, T.J. Oliver Anthony, and Elizabeth Cornelius Anthony conveyed to Willie Anthony and wife Charity Anthony by Partition Deed, the following described property in DeSoto County, Mississippi:

Lot number "E" of the Anthony Subdivision of which reference is hereinabove made.

A parcel of land lying in the West half of Section 13, Township 2, Range 9, DeSoto County, Mississippi and being more particularly described in a survey of the John Anthony estate which is recorded in plat book 14 page 21 in the office of the Chancery Clerk of DeSoto County, Mississippi of which reference is made thereto.

Said Partition Deed is recorded in Book 122 at page 183 of the deed records of DeSoto County, Mississippi

On December 22, 1980, Chester Odell Anthony, Robert Lee Anthony, Lonnie Anthony Kilpatrick, Johnny Anthony, Joseph Louis Anthony, Ruthie Mae Anthony, Bernice A. Dennis, Dorothy Ruth Sandidge, Robert Lee Oliver, Willie G. Oliver, T.G. Oliver, Elizabeth C. Anthony, Samuel Tate, and Fronnie Mae Jackson conveyed to Willie Anthony, Jr. and his mother, Charity Anthony by Partition Deed, the following described property in DeSoto County, Mississippi:

Parcel "E" of the Anthony Subdivision, as shown by the plat recorded in Plat Book 14, Page 21, in Section 13, Township 2, Range 9, containing 11.93 acres.

Said Partition Deed is recorded in Book 151 at page 702 of the deed records of DeSoto

County, Mississippi. Said deed recites that Willie Anthony, son of John Anthony has died since the conveyance in 1975 and his son and widow are named herein as Grantees for Parcel E.

On June 23, 1995, Alexis J. Anthony and Audra C. Anthony conveyed to BETTYE V. ANTHONY by Quitclaim Deed, the following described property in DeSoto County, Mississippi:

Parcel E of the Anthony Subdivision as shown by plat recorded in Plat Book 14, at Page 21 in the Deed Record of the Chancery Clerk of DeSoto County, Mississippi, and being located in the North West Quarter of Section 13, Township 2, Range 9 containing 11.93 acres more or less and less and except land on the north used for road purposes.

Said Quitclaim Deed is recorded in Book 287 at page 453 of the deed records of DeSoto County, Mississippi. Said deed recites that Charity Anthony died intestate on June 3, 1979 leaving her only child, Willie Anthony, Jr. and that Willie Anthony, Jr. died intestate on June 16, 1987 leaving his only heirs at law his wife, BETTYE V. ANTHONY, the Plaintiff herein and his only two children, Alexis J. Anthony and Audra C. Anthony.

That the Plaintiff should now be confirmed the fee simple owner of the subject property herein.

That pursuant to MRCP 54(b) the order in this cause should be entered as a final judgment as there is no just reason to delay said entry.

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

1. It is hereby adjudicated that the heirs at law of Rebecca Anthony were her husband, John Anthony and their six children, namely: Chester Anthony, Major Anthony, Richard Anthony, Willie Anthony, Rena Anthony Wallace, and Mary Anthony Tate;
2. It is hereby adjudicated that the heirs at law of Willie Anthony, Sr. were his wife, Charity Anthony and his only son, Willie Anthony, Jr.;

3. It is hereby adjudicated that the heirs at law of Charity Anthony was her only son, Willie Anthony, Jr.;

4. It is hereby adjudicated that the heirs at law of Willie Anthony Jr. were his wife, BETTYE V. ANTHONY, the Plaintiff herein, and his two children, Alexis J. Anthony and Audra C. Anthony;

5. That BETTYE V. ANTHONY, be and she is hereby declared to the owner of an unencumbered fee simple title to the following described real property lying and being situated in Desoto County, Mississippi, to-wit:

Lot "E" of the Anthony Subdivision being part of the west half of Section 13, Township 2 South, Range 9 West, DeSoto County, Mississippi, described by the plat recorded in Plat Book 14, Page 21, in the office of the Chancery Clerk, described by metes and bounds as follows: Commencing at the west quarter corner of Section 13, Township 2 South, Range 9 West, DeSoto County, Mississippi; thence South 89°39'30" East along the south line of the Anthony subdivision, a distance of 2667.27 feet to the north line of said section; thence South 90°00'00" East along said north line and Austin Road, a distance of 194.79 feet; thence South 00°24'15" East, a distance of 2668.43 feet; thence North 89°39'30" West, a distance of 194.81 feet to the POINT OF BEGINNING; said described tract containing 11.93 acres, more or less.

Also known and referenced as:

Parcel E of the Anthony Subdivision as shown by plat recorded in Plat Book 14, at Page 21 in the Deed Record of the Chancery Clerk of DeSoto County, Mississippi, and being located in the North West Quarter of Section 13, Township 2, Range 9 containing 11.93 acres more or less and less and except land on the north used for road purposes.

6. That a copy of this decree shall be recorded in the deed records of Desoto County Chancery Clerk's Office.

7. That pursuant to MRCP 54(b) the order in this cause is hereby entered as a final judgment as there is no just reason to delay said entry.

ORDERED, ADJUDGED AND DECREED on this the 3rd day of January, 2012.

Wike B. Cobb
CHANCELLOR

Presented by:

Rebecca S. Thompson

Rebecca S. Thompson, MSB #9765

Smith, Phillips, Mitchell, Scott & Nowak, LLP

P.O. Box 346

Hernando, MS 38632

662-429-5041



STATE OF MISSISSIPPI, COUNTY OF DESOTO
HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.

This the 3rd day of Jan, 2012

W.E. Davis, Clerk of the Chancery Court

By S. Patrick D.C