
RECORDING COVER SHEET
DEFAULT JUDGMENT

Prepared by and after recording, return to:

Select Title & Escrow, LLC

* Almon M. Ellis, Jr., Staff Attorney (MS Bar#101914)

7145 Swinnea Road, Suite 2

Southaven, MS 38671

(662) 349-3930

File #07-1119

**Indexing Instructions: Lots 30 and 31, Northwood Subdivision, Part 1, in Section 13,
Township 3 South, Range 8 West, Plat Book 4, Page 22, DeSoto County, Mississippi**

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI
THIRD JUDICIAL DISTRICT

HSBC Bank USA, National Association,
As Indenture Trustee of the Fieldstone Mortgage
Investment Trust, Series 2005-3

PLAINTIFF

VS.

NO. 11-03-0444

CHERYL NABORS and
KAREN S. WILLS

DEFENDANTS

DEFAULT JUDGMENT QUIETING AND CONFIRMING TITLE

This cause coming on Counter-Plaintiff's *Answer and Defenses To Complaint To Confirm Title and For Other Relief And Counter Complaint To Confirm Title and For Other Relief* and upon Counter-Plaintiff's *Motion for Default Judgment* pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, and Counter-Defendant having been duly served in the time and manner prescribed by law, and not being infants, or incompetent persons, nor in military service, and having failed to plead or otherwise defend, and Counter-Defendant's Default having been duly entered by the Clerk, and Counter-Defendant HSBC Bank USA, National Association, As Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3 having taken no proceeding since such default was entered, and the Court, being advised in the premises, does find and Order as follows:

1. That this Court has jurisdiction of the subject matter and of the parties.
2. That Counter-Plaintiff, Karen S. Wills is the record holder of the title and in possession of the following described parcel of real estate situated in DeSoto County,

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W E DAVIS, CLERK

Mississippi, to-wit:

Lot 31 and the west 12 feet of Lot 30, in Northwood Subdivision, Part 1, in Section 13, Township 3 South, Range 8 West, DeSoto County, Mississippi, as per plat thereof recorded in Plat Book 4, Page 22, in the office of the Chancery Clerk of DeSoto County, Mississippi.

3. That Counter-Plaintiff Wills acquired title to said property by Warranty Deed from Carl A. Lemmons and Cindy Lemmons, said deed dated April 27, 2007, filed for record on April 27, 2007 at 3:26 p.m., and recorded in Deed Book 557, Page 29, in the office of the Chancery Clerk of DeSoto County, Mississippi.

4. That title to said property was obtained by Carl A. Lemmons and Cindy Lemmons by virtue of a Warranty Deed executed by J.C. Sartain , J.E. Sartain and J.P. Sartain to George Spangler, Jr. and wife Eula D. Spangler was executed on March 17, 1967 and filed on March 21, 1967 at 11:00 a.m. at Deed Book 68, Page 513 in the office of the Chancery Clerk of Desoto County.

5. That title to said property was obtained by George Spangler, Jr. and wife Eula D. Spangler by virtue of a Warranty Deed executed by J.C. Sartain , J.E. Sartain and J.P. Sartain on March 17, 1967 and filed on March 21, 1967 at 11:00 a.m. at Deed Book 68, Page 513 in the office of the Chancery Clerk of Desoto County.

6. That on or about March 22, 1966, J.C. Sartain , J.E. Sartain and J.P. Sartain filed their Plat of Northwood Subdivision, Part 1 in Plat Book 4, Page 22. Said Subdivision consists of 32 lots numbered from 1 through 32 inclusive, and includes the property which is the subject of this chain of title. J.C. Sartain , J.E. Sartain and J.P. Sartain are the common source of title for both Lot 30 and Lot 31 of Northwood Subdivision, Part 1. All Deeds immediately following the

formation of said subdivision convey the west 12 feet of Lot 30 along with Lot 31, *not Lot 30*. All Deeds associated with Lot 31 include the west 12 feet of Lot 30, and the earliest deeds associated with Lot 30 exclude the west 12 feet of said lot.

7. That the error lies within the Deeds to Lot 30, in that over the course of time, stopped excluding the West 12 feet of Lot 30.

8. That it is not the responsibility of Counter-Plaintiff Wills to correct a problem with Lot 30, as she is the owner of Lot 31.

9. That any cloud on the title of Lot 31 and the west 12 feet of Lot 30 caused by this proceeding shall be removed, and that Counter-Plaintiff Wills, as owner of Lot 31, and the west 12 feet of Lot 30, shall now have a quiet and confirmed title as to this property.

10. That because Counter-Defendant HSBC Bank USA, National Association, As Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3 initiated this action, and failed to respond to Counter-Plaintiff's *Answer and Defenses To Complaint To Confirm Title and For Other Relief And Counter Complaint To Confirm Title and For Other Relief*, Counter-Defendant HSBC Bank USA, National Association, As Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3 shall be required to pay Counter-Plaintiff's reasonable attorney's fee, costs, and interest, totaling two-thousand, one hundred and seventy-five dollars (\$2,175.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this Court hereby enters its decree removing any cloud of title as to Lot 31 and the west 12 feet of Lot 30 of Northwood Subdivision, and quieting and confirming title to said real estate described in the *Answer and Defenses To Complaint To Confirm Title and For Other Relief And Counter*

Complaint To Confirm Title and For Other Relief to Counter-Plaintiff Karen S. Wills, as to HSBC Bank USA, National Association, as Indenture Trustee of the Fieldstone Mortgage Investment Trust, Series 2005-3.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Chancery Clerk of DeSoto County, Mississippi be and he is hereby requested and directed to file this decree in the appropriate deed records in his office (indexing Lot 30 AND Lot 31 of Northwood Subdivision), and to make the appropriate marginal notations on the face of the recorded instruments affected by the entry of this decree.

SO ORDERED, ADJUDGED AND DECREED this the 5th day of January

2012

Vicki B. Cobb

CHANCELLOR

Presented By:

Almon M. Ellis

Almon M. Ellis
Attorney for Defendant and
Counter-Plaintiff Karen S. Wills
Mississippi Bar No. 101914
504 Canal Avenue
Cleveland, MS 38732
Tel. (662) 719-8120



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 5th day of Jan, 2012
W.E. Davis, Clerk of the Chancery Court
By S. Patrick D.C.