

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

, and

V.

, AND THE HEIRS-AT-LAW
OF , DECEASED

COMPLAINT TO CORRECT WARRANTY DEED AND TO REMOVE A CLOUD

COME NOW, (one and the same as) , and (one and the same as) (the " Grantees") and file this their complaint to correct a warranty deed and to remove a cloud against , and and the heirs-at-law of , Deceased (" Heirs"), and would show unto the Court the following:

I. PARTIES

1. , a plaintiff, is an adult resident citizen of Rankin County, Mississippi, whose address is , Brandon, Mississippi 39042.

2. , a plaintiff, is an adult resident citizen of Rankin County, Mississippi, whose address is , Brandon, Mississippi 39042-9523.

3. , a plaintiff, is an adult resident citizen of Rankin County, Mississippi, whose address is , Brandon, Mississippi 39042.

4. , a plaintiff, is an adult resident citizen of Rankin County, Mississippi, whose address is , Brandon, Mississippi 39042.

5. , a defendant, is a grandchild of is an adult resident citizen of the State of Texas, and made be served with process of this court at , San Antonio, Texas 78247.

6. , a defendant, is a grandchild of , is an adult resident citizen of the State of Florida, and made be served with process of this court at , Alta Monty, Florida 32714.

7. , the second wife of , deceased, is believed to be an heir of and cannot be found on diligent search and inquiry and the post office address of whom is not known to the plaintiffs after diligent inquiry, and made be served with process by publication pursuant to MRCP 4(c)(4).

8. Unknown heir-at-law of , defendants, are unknown to the plaintiff after diligent search and inquiry, and their post office addresses are unknown to the plaintiffs after diligent search and inquiry, and may be served with process of this court by publication pursuant to MRCP 4(c)(4).

II. FACTS

9. and , husband and wife, held property in Rankin County, Mississippi.

10. On or about November 1952, and agreed to sell approximately 80 acres of land, more or less, lying north on a public road (Hollybush Road) approximately dividing Section 36, Township 7 North, Range 3 East, Rankin County, Mississippi with Section 1, Township 6 North, Range 3 East, Rankin County, Mississippi.

11. On or about November 1952, and executed a Warranty Deed unto (one and the same as) being recorded on January 23, 1953 at 9:30 a.m. in Book 137 at Page 355 in the Office of the Chancery Clerk of Rankin County, Mississippi, a true and correct copy of which is attached as Exhibit "A."

12. Due to the southward curve of Hollybush Road near the common corner of the southeast quarter of the southeast quarter of Section 36, Township 7 North, Range 3 East, and the northeast quarter of the northeast quarter of Section 1, Township 6 North Range 3 East, the Warranty Deed from the to (one and the same as) erroneously failed to include in the legal description a small parcel of land being approximately .55 acres in the northeast quarter of the northeast quarter of Section 1, Township 6 North, Range 3 East, as shown on the partial Rankin County Tax Assessor's Plat attached as Exhibit "B."

13. It was the intention of the (the Grantors under Exhibit "A") to sell, convey and warrant the .55 acres of property to the Grantee under that Deed, but due to a mistake and/or a scrivener's error, the Deed failed to adequately describe that parcel of property. Subsequently, the conveyed their property in Section 1 "south of a county paved road" per Deed at Book 310, Page 061 (Exhibit "C"), but they never conveyed record title to the .55 acre tract to any other person or entity.

14. (one and same as) began to occupy that property described as the approximate .55 acre tract set forth above from her acquisition of that property in November 1952 until her deeding of that property on March 10, 1980. During this period of time, she exercised all rights of ownership over the property including paying the ad valorem taxes on the property and held the property in an open, hostile, on January 23, 1953 at 9:30 a.m. in Book 137 at Page 355 in the Office of the Chancery Clerk of Rankin County, Mississippi, a true and correct copy of which is attached as Exhibit "C".

15. On March 10, 1980, (one and same as) executed a Warranty Deed to her granddaughter and her granddaughter's husband (and) for a .24 acre tract, being a part of the .55 acres. A true and correct copy of that deed is attached as Exhibit "D."

16. From 1980 until the present, and exercised all rights of ownership over the property including paying the ad valorem taxes on the property and held the property in an open, hostile, continuous and notorious manner.

17. On March 10, 1980, _____ executed a Warranty Deed unto _____, her grandson, for an approximate .31 acre parcel of property, being a part of the .55 acres. A true and correct copy of that Deed is attached as Exhibit "E."

18. From his acquisition of that tract until his sale of that tract, _____ exercised all rights of ownership over the property including paying the ad valorem taxes on the property and held the property in an open, hostile, continuous and notorious manner.

19. On February 15, 1995, _____ executed a Warranty Deed for the .31 acres of property he obtained from his grandmother to his sister, _____ and her husband, _____. A true and correct copy of that Deed is attached as Exhibit "F."

20. _____ and _____ exercised all aspects of ownership over that property as described in the above referenced warranty deed, including paying the ad valorem taxes on the property and held the property in an open, hostile, continuous and notorious manner from the periods of time in which they obtained that property until present.

21. _____ and _____ are in the process of seeking a divorce from each other. During this time, they discovered that title to the property was subject to a potential claim by the heirs of _____, due to the .55 acre tract having not been included within the Warranty Deed attached as Exhibit "F."

22. The _____ Grantees have attempted to locate all the heirs of * and have discovered the following facts:

- a. _____ was married to _____.
- b. _____ predeceased _____.
- c. The Estate of _____ was administered by the Chancery Court Mississippi, as Cause No. _____.
- d. _____
- e. _____ remarried _____.
- f. _____ predeceased _____, but did not have his estate administered by any court.
- g. At the time of his death, the lawful heirs-at-law of _____ were _____, whose address is unknown after diligent search and inquiry, _____, a step-granddaughter, and _____, a step-grandson.

CORRECTION OF ERRONEOUS WARRANTY DEED

23. The _____ Grantees request that this Court correct the Warranty Deed set forth in Exhibit "A" to reflect the intentions of the parties that the .55 acre tract of property north of the

public road, described in the deeds attached as Exhibits "D," "E," and "F" be included within the legal description of the property set forth in Exhibit "A" of Rankin County,

24. Because the legal description in the Deed set forth in Exhibit "A" was erroneously prepared or failed to include the total description of land due to a scrivener's error, this Court should correct that Warranty Deed by modifying its legal description.

IV. REMOVAL OF A CLOUD

25. The Grantees have had a cloud placed upon property owned by them and presently owned by and due to the claims of the heirs-at-law of including, but not limited to, the claims of , and .

26. Because the Deed attached as Exhibit "A" failed to contain the correct legal description due to a 's error, this deed should be corrected and an order should be entered by this Court removing the cloud of , , and and any and all other heirs-at-law of , deceased.

27. No deraignment of title is necessary for this suit due to the fact that all title claims arise from the same source.

V. ADVERSE POSSESSION

28. and and their predecessors in title have held the property described in the Deeds attached as Exhibits "D," "E," and "F" in an open, hostile, continuous and notorious manner for in excess of ten years as required by Miss. Code Ann. § 15-1-13 (1972), 50 as to give them title to the property by adverse possession.

WHEREFORE, PREMISES CONSIDERED, , , , and request that this Court receive this their Complaint, serve process in a time and manner required by law, and grant and record title to the property described in Exhibits "D," "E," and "F" and grant them such other general and special relief as may be appropriate under the circumstances.

Dated this the day of , 20 .

Respectfully submitted,