

IN THE CIRCUIT COURT OF _____ COUNTY, _____

PLAINTIFF

V.

NAME OF DEFENDANT

NO. _____

COMPLAINT TO VACATE AND/OR ALTER A RECORDED PLAT
AND FOR OTHER RELIEF

COME NOW the plaintiffs, _____ and _____, and bring this Complaint to vacate and/or alter a recorded plat and for other relief and would respectfully show unto the Court the following facts:

1. The plaintiff, _____, is an adult resident citizen of _____ County, _____.

2. The plaintiff, _____, is a _____ corporation, whose principal place of business is in _____ County, _____.

3. Defendants are those named persons and/or entities shown on Exhibit "A" attached hereto that may be adversely affected or directly interested in these proceedings.

4. _____ subdivision is a duly mapped and platted subdivision recorded in Plat Book ____ at page ____ in the Chancery Clerk's office of _____ County, _____. A true and correct copy of said plat is attached hereto as Exhibit "B". Protective Covenants on said subdivision are dated _____, _____, and filed on _____, _____, and recorded in Book ____ at page ____ in the Chancery Clerk's office of _____ County, _____. A true and correct copy of said covenants is attached hereto as Exhibit "C"

5. Plaintiff _____ is the fee owner of Lots _____ and _____ subdivision. Plaintiff _____ has contracted with Plaintiff _____ to purchase the lots described above and therefore has an interest in these proceedings.

6. Pursuant to _____ Code Ann Section _____, the plaintiffs desire to vacate and/or alter that part of the recorded map or plat of _____ subdivision which is more particularly described in the legal description and plat attached hereto as Exhibit "D" Additionally, Plaintiff _____ desires to include that part of the plat of _____ subdivision described in Exhibit "D" hereto in a subdivision it proposes to develop adjacent to _____ subdivision, which would be a more beneficial part of the land.

7. Plaintiffs further desire to terminate the Protective Covenants of _____ subdivision insofar as they may apply to that part of the plat of _____ subdivision that plaintiffs desire to vacate and/or alter herein. (Exhibit "D" hereto.)

8. Upon the vacation and/or alteration of the plat of _____ subdivision as requested herein, the real property identified as dedicated streets in that part of the plat of _____ subdivision described in Exhibit "D" hereto, should be decreed as being abandoned streets and should revert, by order of the Court, to the respective abutting land owners. The streets identified as _____ Drive and _____ Street as shown on the recorded map or plat have never been utilized as public streets, have never been traveled upon by the general public and have never been used as a means of ingress or egress by the City of _____, _____ County, or any citizens of the City or County since the map or plat was recorded in _____, that no utilities have been installed or constructed to service the lots. That no improvements have ever been made to any of the land comprising the streets and lots since the map or plat was recorded in _____. That due to the nonuse of _____ Drive and _____ Street, said streets have been abandoned through nonuse by the City of _____ and by _____ County.

9. The landowners of the land that abuts _____ Drive and _____ Street consist of the Plaintiff _____, Defendants _____ and _____ and Defendant _____ of _____, _____. Each of said defendants have conveyed their respective interest in the right-of-way of said streets to the Plaintiff _____ herein by Quitclaim Deed. Therefore, all of the real property identified as dedicated streets in that part of _____ subdivision described in Exhibit "D" attached hereto, should be decreed as being abandoned streets and all of said property should revert, by order of the Court, to Plaintiff _____, the only abutting landowner.

10. The plaintiffs further name as interested parties herein any and all persons who own or claim any right, title or interest in or to that part of the plat of _____ subdivision that the plaintiffs desire to vacate and/or alter, said persons' identities, places of residence and addresses being unknown to the plaintiffs after diligent search and inquiry.

WHEREFORE, the plaintiffs respectfully request the following relief:

a. That all of the foregoing persons and entities adversely affected by, or interested in, the vacation and/or alteration of the plat of _____ subdivision as requested herein, together with all other interested parties who own or claim any right, title or interest in or to that part of the plat of _____ subdivision that the plaintiffs desire to vacate and/or alter, be summoned as provided by law to be and appear at a hearing to be set on a date certain by the Court on this petition.

b. That the plat of _____ subdivision be vacated and/or altered so that the real property described in Exhibit "D" attached hereto be removed or otherwise stricken from the plat of _____ subdivision.

c. That the Protective Covenants of _____ subdivision be terminated as to that part of _____ subdivision described in Exhibit "D" attached hereto.

d. That the Court decree and order that the real property identified as dedicated streets in that part of the plat of _____ subdivision described in Exhibit "D" hereto to be abandoned streets and that all of said real property should revert to the respective abutting land owner, Plaintiff _____.

e. Plaintiffs request such other and further relief and order in the premises as may be deemed just and proper.

Respectfully submitted,
