

BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

**In re: Alteration of the Plat of Belle Pointe of Lake Caroline,
Phase II to make one lot out of two lots**

Scott F. Miller and Sandra Starr Miller, Petitioners

**PETITION TO ALTER THE PLAT OF BELLE POINTE OF
LAKE CAROLINE, PHASE II**

COME NOW Petitioners, **SCOTT F. MILLER AND SANDRA STARR MILLER**, pursuant to Section 17-1-23 (4) of the *Mississippi Code of 1972, Annotated, as Amended*, and file this their Petition before the Board of Supervisors of Madison County, Mississippi to alter the Plat of Belle Pointe of Lake Caroline, Phase II, and in support hereof show as follows:

1. Petitioners, **SCOTT F. MILLER AND SANDRA STARR MILLER**, reside at 137 Belle Pointe, Madison, Mississippi 39110, and are the owners of Lots 47 and 49 of Belle Pointe Lake Caroline, Phase II as evidenced by Warranty Deed dated June 29, 2017, recorded in Book 3496 at Page 219 in the office of the Chancery Clerk of Madison County, Mississippi, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference. Lots 47 and 49 are contiguous Lots.

2. Belle Pointe of Lake Caroline, Phase II is a subdivision according to a map or plat thereof on file in the office of the Chancery Clerk of Madison County, Mississippi, in Plat Cabinet C at Slide 79. Lots 47 and 49 are subject to the Declaration of Covenants, Conditions and Restrictions of Lake Caroline recorded in Book 696 at Page 609, and the Supplement to Declaration Annexing Belle Pointe of Lake Caroline, Phase II, recorded in Book 750 at Page 154, and the Declaration of Covenants, Conditions and Restrictions for Belle Pointe of Lake Caroline recorded in Book 748 at Page 261, all in the records of the Chancery Clerk of Madison

County, Mississippi.

3. The Lake Caroline Covenants state in Section 12 of Article XI:

No lot shall be subdivided or its boundary line changed except with the written consent of the Board of Directors and the Declarant... The provisions of this Section 12 shall not prohibit the combining of two or more contiguous lots into one larger lot or making two lots out of three or more contiguous lots, provided that each of the resulting lots larger contain a minimum lot frontage equal to or greater than their original frontage on the lot having the least frontage before combining said lots or portions thereof.

4. Petitioners show that after combining Lots 47 and 49, the minimum lot frontage requirements of Section 12, Article XI of the Lake Caroline Covenants are satisfied.

5. Pursuant to Section 12 of Article XI of the Lake Caroline Covenants, and pursuant to Section 17-1-23 (4) of the *Mississippi Code of 1972, Annotated, as Amended*, the only parties interested in the subject matter of this Petition are:

- a. Petitioners;
- b. Lake Caroline Owner's Association, Inc.;
- c. Lake Caroline, Inc. (Declarant of Belle Pointe of Lake Caroline);
- d. Belle Pointe Owner's Association, Inc.

All of such interested parties join in this Petition.

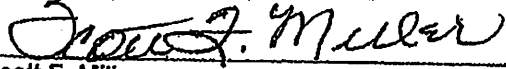
6. That this Board should approve the combining of Lots 47 and 49 and should reflect same on its minutes and by marginal notation on the Plat of Belle Pointe of Lake Caroline, Phase II.

WHEREFORE, PREMISES CONSIDERED Petitioners respectfully request that this Petition be received, and that after consideration, that the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Belle Pointe of Lake Caroline, Phase II to reflect that Lots 47 and 49 thereon are to be classified as one Lot.

FURTHER, that Petitioners request that the Board of Supervisors of Madison County, Mississippi grant any other relief to which Petitioners may be entitled.

THIS the 9th day of November 2017.

Respectfully submitted,

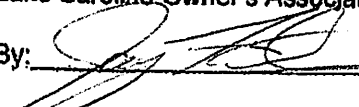


Scott F. Miller



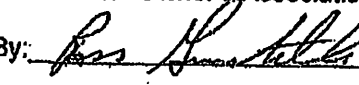
Sandra Starr Miller

Lake Carolina Owner's Association, Inc.

By: 

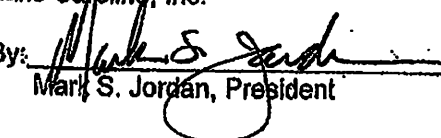
President

Belle Pointe Owner's Association, Inc.

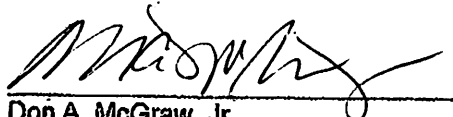
By: 

President

Lake Carolina, Inc.

By: 

Mark S. Jordan, President



Don A. McGraw, Jr.
Montgomery McGraw, PLLC
P.O. Box 1039
151 W. Peace Street
Canton, MS 39046
Telephone: 601-859-3616
Facsimile: 601-859-3622
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Attorney for Scott F. Miller and Sandra Starr Miller

Prepared by/Return to:
William M. Welch, II
MSB# 101515
300 Belle Meade Pointe, Ste. A
Flowood, MS 39232
601-992-6969

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1200
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EXHIBIT "A"

INDEXING: Lots 47 and 49, Belle Pointe of Lake Caroline, Phase II, Madison County, MS

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, I,

Bobby E. Benton

306 Captains Walk
Houston TX 77079
281-799-6834

do hereby sell, convey and warrant unto

**Scott F. Miller and Sandra Starr Miller,
as joint tenants with full rights of survivorship and not as tenants in common**

137 Belle Pointe
Madison MS 39116
601-427-5799

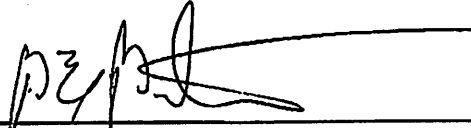
the following described property located and situated in Madison County, Mississippi, to-wit:

Lots 47 and 49, Belle Pointe of Lake Caroline, Phase II, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Madison County at Canton, Mississippi, in Plat Cabinet C at Slide 79 thereof, reference to which is hereby made in aid of and as a part of this description.

EXCEPTED from the warranty hereof are all easements, rights of way, zoning ordinances, and restrictive and protective covenants of record which may affect subject property.

IT IS AGREED and understood that the taxes for the current year have been prorated between Grantor and Grantee as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to the Grantee or its assigns, any amount which is a deficit on an actual proration and likewise, the Grantee agrees

2017.


Bobby E. Benton

STATE OF Ms

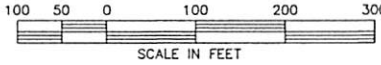
COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in for the County/Parish and State aforesaid, on this 29 day of June, 2017, within my jurisdiction the within named **Bobby E. Benton**, who acknowledged he executed the above and foregoing instrument on the day and year therein mentioned .


NOTARY PUBLIC

My Commission Expires:



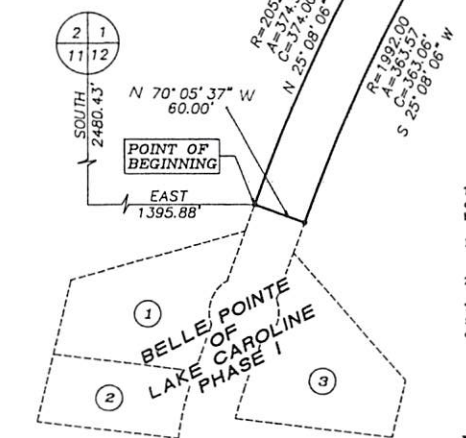


WE, ROBERT W. STOCKETT, JR., President and JOHN H. LOUIS, Secretary of LAKE CAROLINE, INC., A MISSISSIPPI CORPORATION, do hereby certify that the aforementioned is the owner of the property shown on the plat and described in the Certificate of Robert B. Barnes, Registered Land Surveyor, appearing hereon, and that, as President and Secretary, respectively, of said corporation, we have caused the same to be subdivided, platted, named, and designated as shown herein, and hereby adopt this Plat of Subdivision as the free act and deed of said corporation, and have designated certain areas of land as a private drive intended for use by the lot owners in Belle Pointe of Lake Caroline Phase II, and all additional phases, which are annexed as a part of the Belle Pointe Community and subject to the Declaration of Covenants, Conditions, and Restrictions for Belle Pointe of Lake Caroline applicable thereto. The areas designated as private drive and Belle Pointe Common Area are not dedicated hereby for use by the general public, but are dedicated to the common use and enjoyment of the lot owners in Belle Pointe of Lake Caroline as more fully provided in the aforesaid Declaration of Covenants, Conditions and Restrictions for Belle Pointe of Lake Caroline. All utilities, utility easements, and other easements are as designated and defined hereon and in the Declaration of Lake Caroline, of record in Deed Book 536 at Page 609, reference to which is hereby made.

WITNESS THE SIGNATURES of the undersigned, on this the 13th day of August, 1991.

PERSONALLY appeared before me, the undersigned authority in and for the County and State, on this 13th day of August, 1991, within jurisdiction, the within named ROBERT W. STOCKETT, JR. and JOHN H. LOUIS, who acknowledged that they are President and Secretary, respectively, of LAKE CAROLINE, INC., A MISSISSIPPI CORPORATION, and that for and on behalf of said corporation, and as its act and deed, they executed and delivered this plat and certificate thereon, on the day and year herein mentioned.

My Commission Expires May 13, 1998



SCHEDULE OF EASEMENTS (UNLESS NOTED OTHERWISE) The following utility and drainage easements are hereby reserved on over and across all lots, which easements are not denoted hereon. 1. Ten foot (10') easement off of and across each side of lot which is adjacent to a street right-of-way. 2. Ten foot (10') easement adjacent to each interior lot line. The property shown hereon is located in zone "C" according to flood insurance rate map - community panel number 280228 0190 B, dated January 2, 1980.

RESERVATION The Owners as named below, for themselves, their successors and assigns, do hereby except from the dedication of the property and do hereby reserve the exclusive right to construct, reconstruct, alter, maintain, and operate a water and sewer distribution and collection system, together with a natural gas distribution system, TV cable, or other communication cable system and appurtenances, except telephonic, in all of the easements, and in rights of way, streets, avenues and boulevards shown on this plat; provided, however, the exercise of rights herein reserved in said easements, rights of way, streets, avenues, and boulevards shall first be approved by the Board of Supervisors of Madison County, Mississippi. The approval of this subdivision plat by the said Board of Supervisors shall be approval of said rights. Owners do hereby expressly retain ownership for themselves, their successors or assigns, any and all sewer lines, water lines, connections, taps, manholes, pipes, valves, fittings and any and all other items that may be used in connection with or attached to said water or sewer distribution and collection system, and any and all of such lines, connections, fittings, and all other items that may be used in connection with or attached to or used in said natural gas distribution system, or TV cable, or other communication cable system, and appurtenances, except telephonic, and placed in, on, or under said easements, rights of way, streets, avenues, boulevards, private drive, and Belle Pointe Common Area as shown on said plat.

ATTEST: JOHN H. LOUIS, Secretary

LAKE CAROLINE, A MISSISSIPPI CORPORATION BY: ROBERT W. STOCKETT, JR., President

SURVEYED & MAPPED BY ROBERT B. BARNES CIVIL ENGINEER & LAND SURVEYOR JACKSON, MISSISSIPPI

BELLE POINTE OF LAKE CAROLINE PHASE II

SITUATED IN THE NORTH 1/2 OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI

SURVEYOR'S CERTIFICATE STATE OF MISSISSIPPI COUNTY OF MADISON

I, Robert B. Barnes, Registered Land Surveyor, do hereby certify that at the request of the Owner being shown and named under the Owner's Certificate hereon, I have subdivided and platted the following described land being situated in the North 1/2 of Section 12, Township 8 North, Range 1 East, Madison County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

Commence at the Northwest corner of the said Section 12 and run thence due South for a distance of 2480.43 feet; thence run due East for a distance of 1395.88 feet to the most Northern corner of Belle Pointe of Lake Caroline, Phase One, a subdivision, the map or plat of which is recorded in Plat Cabinet "C" at Slide 78-79 of the records of maps and plats of land in Madison County, Mississippi, said corner being the POINT OF BEGINNING for the parcel herein described; thence run 374.32 feet along the arc of a 2052.0 foot radius curve to the right, said arc having a 374.0 foot chord which bears North 25° 08' 06" East; thence North 19° 47' 21" East for a distance of 347.12 feet; thence North 43° 23' 03" East for a distance of 422.49 feet; thence North 61° 47' 37" East for a distance of 164.63 feet; thence South 89° 15' 47" East for a distance of 121.58 feet; thence South 78° 08' 15" East for a distance of 241.08 feet; thence South 64° 52' 38" East for a distance of 455.10 feet; thence South 72° 32' 01" East for a distance of 442.91 feet; thence South 02° 50' 00" West for a distance of 133.32 feet; thence South 81° 00' 14" West for a distance of 202.89 feet; thence South 87° 25' 24" West for a distance of 527.89 feet; thence North 69° 21' 14" West for a distance of 329.89 feet; thence South 48° 25' 48" West for a distance of 314.0 feet; thence South 79° 31' 51" West for a distance of 168.76 feet; thence South 73° 05' 44" West for a distance of 290.69 feet; thence run 363.37 feet along the arc of a 1792.0 foot radius curve to the left, said arc having a 363.06 foot chord which bears South 25° 08' 06" West; thence North 70° 05' 37" West for a distance of 60.0 feet to the POINT OF BEGINNING, containing 15,9266 acres more or less.

WITNESS MY SIGNATURE on this the 13th day of August, 1991.

ACKNOWLEDGMENT STATE OF MISSISSIPPI COUNTY OF MADISON

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ROBERT B. BARNES, Registered Land Surveyor, who acknowledged to me that he signed and delivered this plat and certificate thereon as his act and deed on the date and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 13th day of August, 1991.

My Commission Expires May 13, 1994

CERTIFICATE OF COMPARISON STATE OF MISSISSIPPI COUNTY OF MADISON

WE, Billy V. Cooper, Chancery Clerk, and Robert B. Barnes, Registered Land Surveyor, do hereby certify that we have carefully compared this plat of BELLE POINTE OF LAKE CAROLINE PHASE II, with the original thereof, as made by the said Robert B. Barnes, Registered Land Surveyor, and find it to be a true and correct copy of said plat.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this the 13th day of August, 1991.

Billy V. Cooper, Chancery Clerk; Robert B. Barnes, Registered Land Surveyor

FILING AND RECORDATION STATE OF MISSISSIPPI COUNTY OF MADISON

I, Billy V. Cooper, Clerk of the Chancery Court in and for said County and State, do hereby certify that this plat of BELLE POINTE OF LAKE CAROLINE PHASE II, was filed for record in my office on the 13th day of August, 1991, and was duly recorded in Plat Cabinet "C" at slide 79 of the records of maps and plats of land in Madison County, Mississippi.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this the 13th day of August, 1991.

Billy V. Cooper, Chancery Clerk

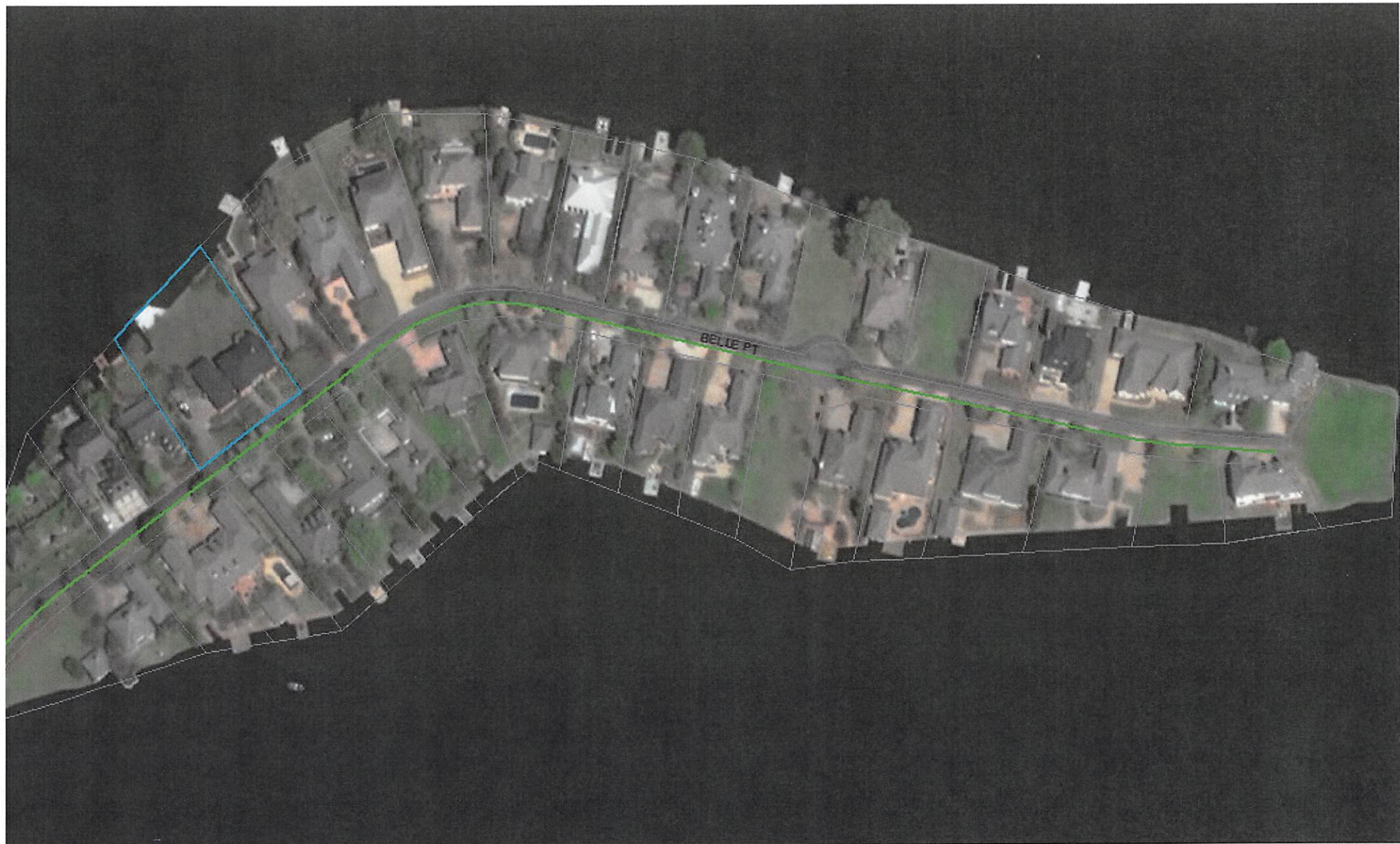
APPROVAL OF THE BOARD OF SUPERVISORS STATE OF MISSISSIPPI COUNTY OF MADISON

The above plat is hereby approved by the Board of Supervisors of Madison County, Mississippi, pursuant to the authority of an order and resolution of said Board duly adopted on the 13th day of August, 1991.

ACCEPTANCE RECOMMENDED David H. Rawardson, BOARD OF SUPERVISORS OF MADISON COUNTY, MISSISSIPPI

U. V. KEENE, Assistant County Engineer





Madison County Web Map

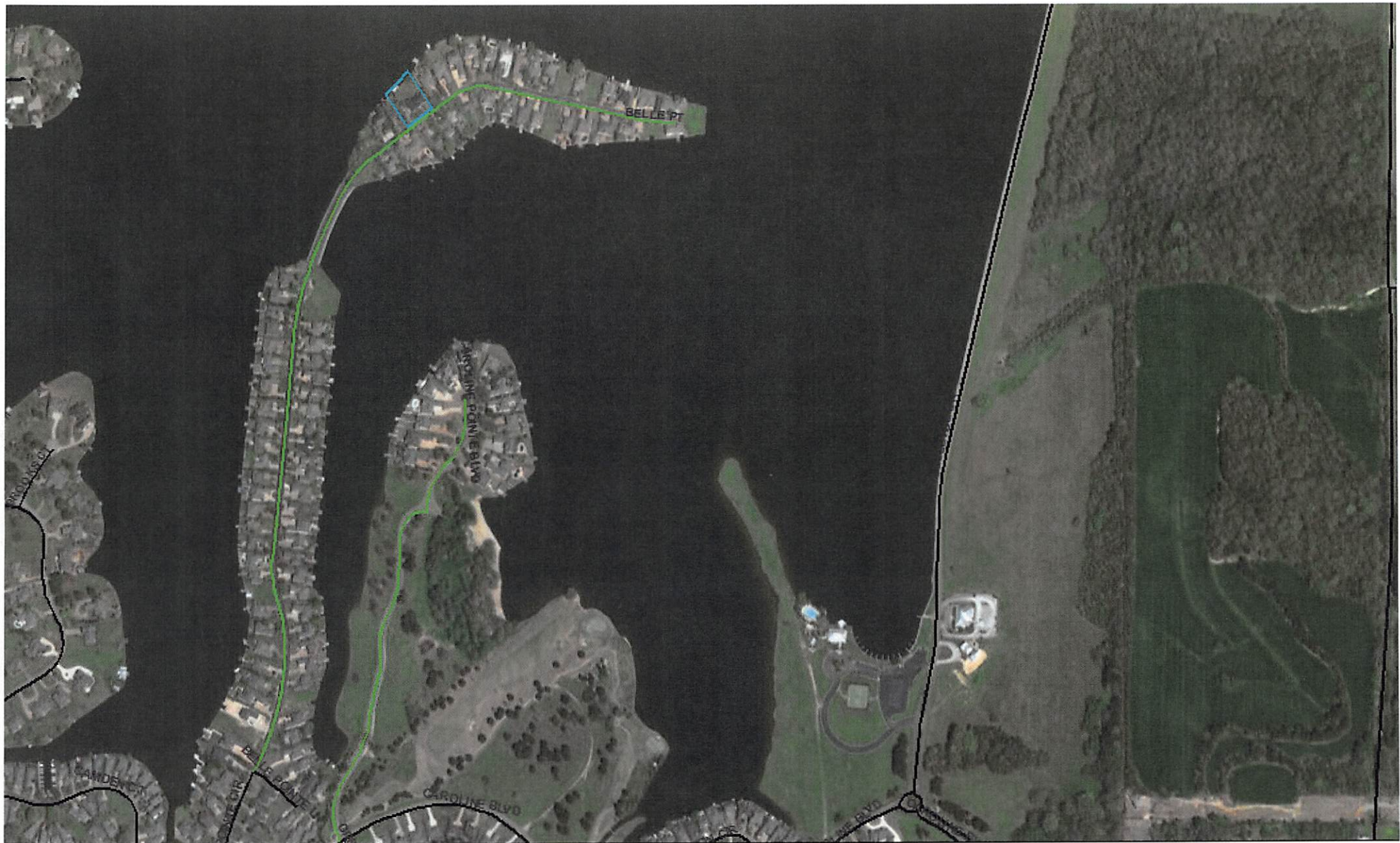
- Parcels
- Roads
- PRIVATE

*Madison
County
GIS*

1:2,257

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Madison County C



Madison County Web Map

- Roads
- Public
 - PRIVATE

Madison
County
GIS

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Madison County