

BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

**In re: Alteration of the Plat of Katherine Pointe of Lake Caroline, Phase II-
Part One**

Michael E. McGee and Sarah M. McGee, Petitioners

**PETITION TO ALTER THE PLAT OF KATHERINE POINTE OF LAKE CAROLINE,
PHASE II-PART ONE**

COME NOW Petitioners, **MICHAEL E. MCGEE AND SARAH M. MCGEE**, 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 Katherine Pointe of Lake Caroline, Phase II-Part One, and in support hereof show as follows:

1. Petitioners, **MICHAEL E. MCGEE AND SARAH M. MCGEE**, are adult resident citizens of Madison County, Mississippi, whose address is 104 Pembroke Pointe Drive, Madison, Mississippi 39110.

2. Petitioners are the owners of Lot 28, Katherine Pointe of Lake Caroline, Phase II, less a .0026 triangular portion off the South end of the Lot as evidenced by Warranty Deed dated September 29, 2017 and recorded in Book 3528 at Page 80 in the records in the office of the Chancery Clerk of Madison County, Mississippi. A copy of the Warranty Deed is attached hereto as Exhibit "A" and incorporated herein by reference.

3. Katherine Pointe of Lake Caroline, Phase II-Part One is a subdivision according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Madison County, Mississippi, in Plat Cabinet C, Slides 87 and 88. Lot 28 is 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 Katherine Pointe of Lake Caroline, Phase II, recorded in Book 764 at Page 126 and Book 764 at Page 496 all in the records of the office of the Chancery Clerk of Madison County, Mississippi.

4. 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 Supervisors 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.

5. Petitioners show that they desire to alter Lot 28 by surveying out a portion of Lot 28 being 3831 ± square feet as depicted on Survey Plat attached hereto as Exhibit "B" so that such portion may be conveyed to Sylvia White Mars who owns Lot 31 of Pembroke Cove, Part 1 of Lake Caroline. Sylvia White Mars will then own lakefront property. Sylvia White Mars joins in this Petition.

6. 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.
- d. Katherine Pointe Owner's Association, Inc.
- e. Pembroke Cove Owners Association, Inc.;

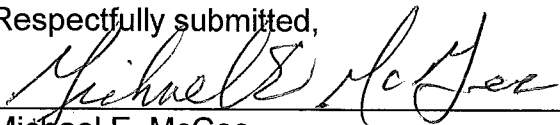
7. All of such interested parties join in this Petition.
8. This Board should approve the Petition and should reflect the change on its Minutes and by marginal notation on the plat of Katherine Pointe of Lake Caroline, Phase II-Part One.

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this Petition be received, and that after consideration, the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Katherine Pointe, Phase II-Part One to reflect the 3831 ± square feet out of Lot 28 has its own accepted legal description.


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 _____ day of March 2019.

Respectfully submitted,

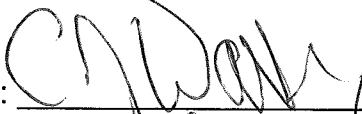


Michael E. McGee



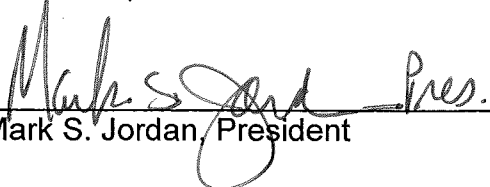
Sarah M. McGee

Lake Caroline Owner's Association, Inc.

By: 

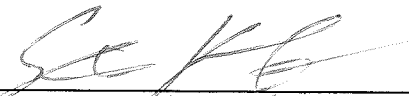
Name: CHRIS J. NALIPER
Its: President

Lake Caroline, Inc.


By: 


Mark S. Jordan, President

Katherine Pointe Owner's Association, Inc.

By: 
Name: Steve Hendrix
Its: President

Pembroke Cove Owners Association, Inc.

By: 
Name: JOHNNY BARLOW
Its: President


Sylvia White Mars

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
Email: Dmcgraw@montgomerymcgraw.com
Attorney for Petitioners

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INDEXING: Part of Lot 28, Katherine Pointe of Lake Caroline, Phase II - Part 1, Madison County, Mississippi.

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

WARRANTY DEED

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

GRANTORS:

GERALD WOLVERTON AND LORESEL. WOLVERTON, Trustees of THE GERALD AND LORESE L. WOLVERTON REVOCABLE TRUST, dated the 20th day of October, 2008
105 Belle Pointe
Madison, MS 39110
Phone: 601-594-5502

do hereby sell, convey and warrant unto

GRANTEES:

MICHAEL E. MCGEE AND WIFE, SARAH M. MCGEE
as joint tenants with full rights of survivorship and not as tenants in common
104 Pembroke Pointe Drive
Madison, MS 39110
Phone: 601-573-9135

the following described real property lying and being situated in Madison County, Mississippi, to wit:

Lot 28, Katherine Pointe of Lake Caroline, Phase II - Part 1, 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, Slides 87 and 88 reference to which is hereby made in aid of and as a part of this description.

LESS AND EXCEPT:

Being a part of Lot 28 of Katherine Pointe of Lake Caroline, Phase II - Part 1, a subdivision, the map or plat of which is recorded in Plat Cabinet C at Slides 87 and 88 of the Chancery Records of Madison County at Canton, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

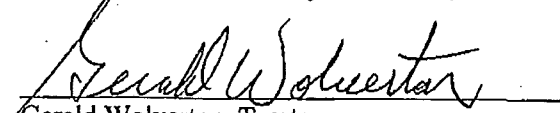
Commence at the most southerly corner of the said Lot 28, said corner being the Point of Beginning for the parcel herein described; thence North 04° 27' 16" West for a distance of 30.00 feet along the eastern line of the said Lot 28; thence South 85° 32' 44" West for a distance of 7.69 feet to a 5/8" iron pin (set) at the western line of the said Lot 28; thence run 30.97 feet along the arc of a 644.78 foot radius curve to the right along the said western line of Lot 28, said arc having a 30.97 foot chord which bears South 18° 49' 26" East to the Point of Beginning, containing 0.0026 acres, more or less.

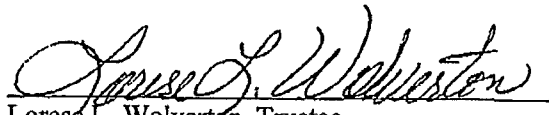
WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

1. County of Madison, Mississippi, ad valorem taxes for the year 2017, which are liens, but are not yet due or payable, which shall be prorated to the date hereof.
2. County of Madison, Mississippi, Zoning and Subdivision Regulations and Ordinances, as amended.
3. Rights-of-way and easements for roads, power lines, drainage, and other utilities.
4. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property.

WITNESS OUR SIGNATURES on this the 29th day of September, 2017.

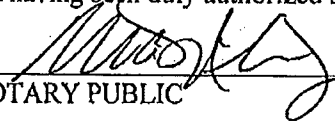
GERALD WOLVERTON AND LORESE L. WOLVERTON, Trustees of THE GERALD AND LORESE L. WOLVERTON REVOCABLE TRUST, dated the 20th day of October, 2008


Gerald Wolverton, Trustee

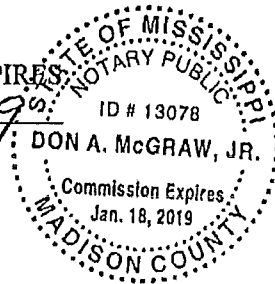

Lorese L. Wolverton, Trustee

STATE OF MISSISSIPPI
COUNTY OF MADISON

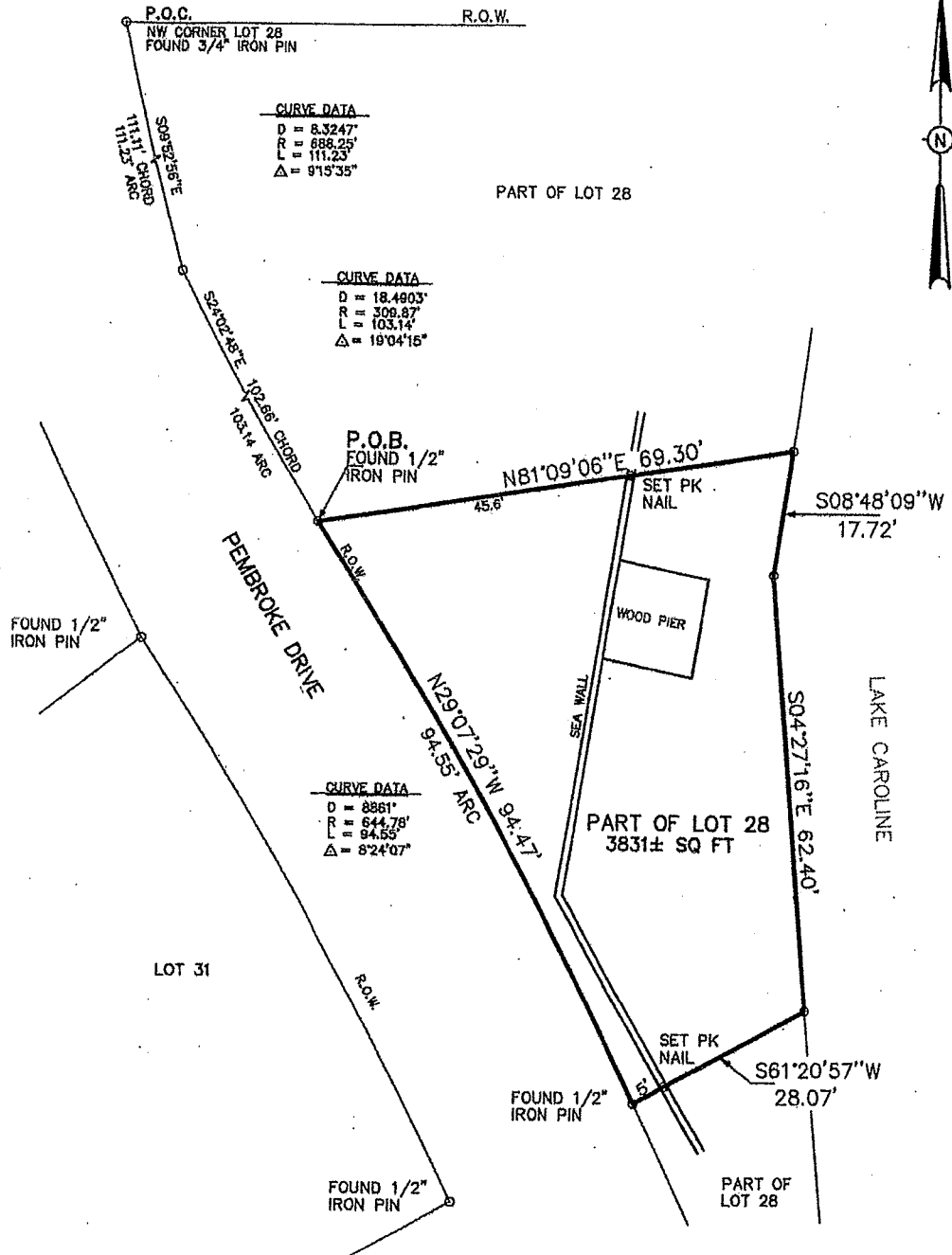
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 29th day of September, 2017, within my jurisdiction, the within named Gerald Wolverton and Lorese L. Wolverton, who acknowledged that they are Trustees of the Gerald and Lorese L. Wolverton Revocable Trust, dated the 20th day of October, 2008, and that in said representative capacity they executed the above and foregoing instrument after first having been duly authorized so to do.


NOTARY PUBLIC

MY COMMISSION EXPIRES
1-18-2019
(SEAL)



PEMBROKE CIRCLE
(PRIVATE DRIVE)



- NOTES:**
THIS PARCEL OF LAND MAY BE SUBJECT TO THE FOLLOWING:
1. ANY RECORDED, UNRECORDED, OR MISINDEXED INSTRUMENTS WHICH WOULD BE DISCLOSED BY A COMPETENT TITLE EXAMINATION OF SUBJECT PROPERTY.
 2. BEARINGS DERIVED FROM G.P.S. (GRID) ORIENTATION.
 3. SURVEY CLASSIFICATION "B"



PLAT OF SURVEY
FOR
SYLVIA MARS
PART OF LOT 28
KATHERINE POINTE OF LAKE CAROLINE
PHASE II - PART 1
MADISON COUNTY, MISSISSIPPI
PLAT CABINET C- SLIDES 87-88

H D LANG AND ASSOCIATES, INC.
ENGINEERS / LAND SURVEYORS
POST OFFICE BOX 18085
JACKSON, MISSISSIPPI 39236-6085
(601) 362-4886
JOB NO. 13649
SCALE: 1" = 20'
02-28-2019

EXHIBIT B. P. I

STATE OF MISSISSIPPI
COUNTY OF HINDS
CITY OF JACKSON

CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT, H D Lang and Associates, Inc. of the City of Jackson, Mississippi, has this day completed a survey standing in the name of Sylvia Mars located at Pembroke Drive, in the County of Madison aforesaid, being further described as follows, to-wit:

A certain parcel of land being part of Lot 28, Katherine Pointe of Lake Caroline, Phase II – Part 1, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Madison County at Canton, Mississippi, as now recorded in Plat Cabinet C at Slides 87-88 and being more particularly described as follows:

Commence at an existing 3/4" iron pin on the East right-of-way line Pembroke Drive marking the Northwest corner of the aforesaid Lot 28, Katherine Pointe of Lake Caroline, Phase II – Part 1; said point being on the arc of a 8.3247 degree curve bearing to the left having a central angle of 9 degrees 15 minutes 35 seconds and a radius of 688.25 feet; run thence southeasterly along said East right-of-way line of Pembroke Drive, along the West line of said Lot 28 and along the arc of said curve an arc length of 111.23 feet to a point; said curve having a chord bearing of South 09 degrees 52 minutes 56 seconds East and a chord distance of 111.11 feet; said point being the Point of Compound Curvature of a 18.4903 degree curve bearing to the left having a central angle of 19 degrees 04 minutes 15 seconds and a radius of 309.87 feet; run thence southeasterly along said East right-of-way line of Pembroke Drive, along said West line of Lot 28 and along the arc of said curve an arc length of 103.14 feet to an existing 1/2" iron pin; said curve having a chord bearing of South 24 degrees 02 minutes 48 seconds East and

AND I ALSO CERTIFY, that there are no visible encroachments by the buildings of the adjacent property owners upon the surveyed premises.

AND I FURTHER CERTIFY that all the buildings and visible improvements located on the above described property are within the boundaries of said property, subject to the exceptions shown below, if any, and that the plat hereto attached is a correct representation of the conditions as they exist on this date.

Witness my signature this the 28th day of February, 2019

H D LANG AND ASSOCIATES, INC.



By: Don F. Garner, PS

a chord distance of 102.66 feet; said ½" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING and leaving said East right-of-way line of Pembroke Drive and said West line of Lot 28, run thence North 81 degrees 09 minutes 06 seconds East for a distance of 69.30 feet to a point on the East line of said Lot 28; run thence South 08 degrees 48 minutes 09 seconds West along said East line of Lot 28 for a distance of 17.72 feet to a point; run thence South 04 degrees 27 minutes 16 seconds East along said East line of Lot 28 for a distance of 62.40 feet to a point; leaving said East line of Lot 28, run thence South 61 degrees 20 minutes 57 seconds West for a distance of 28.07 feet to an existing ½" iron pin on the aforesaid East right-of-way line of Pembroke Drive; said point also being on the aforesaid West line of Lot 28; said point further being on the arc of a 8.8861 degree curve bearing to the left having a central angle of 8 degrees 24 minutes 07 seconds and a radius of 644.78 feet; run thence northwesterly along said East right-of-way line of Pembroke Drive, along said West line of Lot 28 and along the arc of said curve an arc length of 94.55 feet to the POINT OF BEGINNING; said curve having a chord bearing of North 29 degrees 07 minutes 29 seconds West and a chord distance of 94.47 feet; said parcel of land contains 3,831 square feet, more or less.