

BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

**In re: Alteration of the Plat of Northshore of Lake Caroline,
Part Two to make one lot out of two lots**

Mark J. Windham and Shirley S. Windham, Petitioners

**PETITION TO ALTER THE PLAT OF NORTHSORE OF
LAKE CAROLINE, PHASE TWO**

COME NOW Petitioners, **MARK J. WINDHAM AND SHIRLEY S. WINDHAM**, 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 Northshore of Lake Caroline, Part Two, and in support hereof show as follows:

1. Petitioners, **MARK J. WINDHAM AND SHIRLEY S. WINDHAM**, reside at 109 Hickory Glen, Madison, Mississippi 39110, and are the owners of Lots 64 and 65 of Northshore of Lake Caroline, Part Two as evidenced by Warranty Deeds recorded in Book 479 at Page 738 and in Book 3724 at Page 637, in the records in the office of the Chancery Clerk of Madison County, Mississippi, copies of which are attached hereto as **Exhibits "A" and "B"** and incorporated herein by reference. Lots 64 and 65 are contiguous Lots.

2. Northshore of Lake Caroline, Part Two 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 D at Slide 20-21. Lots 64 and 65 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 Northshore of Lake Caroline, Part Two, recorded in Book 750 at Page 154, and the Declaration of Covenants, Conditions and Restrictions for Northshore of Lake Caroline recorded in Book 1110 at Page 716, all in the records in the office 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 64 and 65, 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.
- d. Northshore Owner's Association, Inc.
- e. JRJ Development, LLC.

All of such interested parties join in this Petition.

6. That this Board should approve the combining of Lots 64 and 65 and should reflect same on its minutes and by marginal notation on the Plat of Northshore of Lake Caroline, Part Two.

7. That upon the combining of Lots 64 and 65 all easements along the common Lot lines of the 2 Lots shall be abandoned.

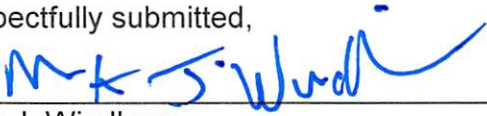
WHEREFORE, PREMISES CONSIDERED Petitioners respectfully request that this Petition be received, and that after consideration, that the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Northshore of Lake Caroline, Part

Two to reflect that Lots 64 and 65 thereon are to be classified as one Lot.

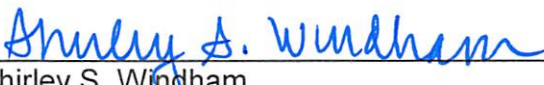
FURTHER, that Petitioners request that the Board of Supervisors of Madison County, Mississippi grant any other relief to which Petitioners may be entitled.

THIS the 12th day of September 2019.

Respectfully submitted,

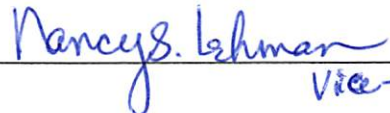


Mark J. Windham



Shirley S. Windham

Lake Caroline Owner's Association, Inc.

By: 

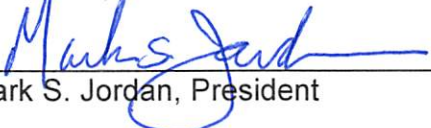
Vice-President

Northshore Owner's Association, Inc.

By: 

President


Lake Caroline, Inc.

By: 

Mark S. Jordan, President

JRJ Development, LLC

By: see following page



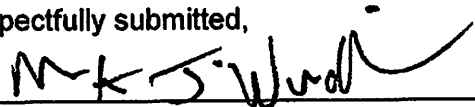
Don A. McGraw, Jr.
Montgomery McGraw, PLLC
P.O. Box 1039
151 W. Peace Street
Canton, MS 39046
Telephone: 601-859-3616
Facsimile: 601-859-3622
Email: Dmcgraw@montgomerymcgraw.com
Attorney for Mark J. Windham and Shirley S. Windham

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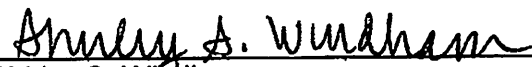
FURTHER, that Petitioners request that the Board of Supervisors of Madison County, Mississippi grant any other relief to which Petitioners may be entitled.

THIS the 12th day of September 2019.

Respectfully submitted,



Mark J. Windham

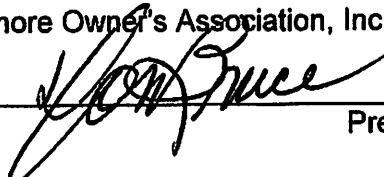


Shirley S. Windham

Lake Caroline Owner's Association, Inc.

By: _____
President

Northshore Owner's Association, Inc.

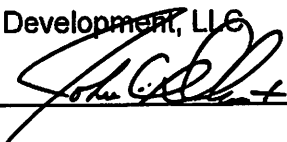
By: 

President

Lake Caroline, Inc.

By: _____
Mark S. Jordan, President

JRJ Development, LLC

By: 

Member



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 Mark J. Windham and Shirley S. Windham

INDEXING INSTRUCTIONS: Lot 65,
NORTHSHORE OF LAKE CAROLINE PART
TWO, PLAT CABINET D AT SLIDE 20-21

PREPARED BY:
William C. Smith, Jr.
Taylor, Covington, Smith
P. O. Box 3509
Jackson, MS 39207-3509
(601) 969-7817

328441

5619
BOOK 0479 PAGE 738

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, the undersigned **JRJ DEVELOPMENT, LLC, A Mississippi Limited Liability Company**, Grantor, does hereby sell, convey, and warrant unto **MARK J. WINDHAM**, Grantee, the following described land and property lying and being situate in Madison County, State of Mississippi, to-wit:

Lot 65, **NORTHSHORE OF LAKE CAROLINE PART TWO**, 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 D at Slide 20-21, reference to which is hereby made in aid of and as a part of this description.

TOGETHER WITH: All rights, privileges, and benefits incidental thereto by virtue of the Declaration of Covenants, Conditions, and Restrictions for Northshore of Lake Caroline, a Planned Community, recorded in Book 1110 at Page 716, and any supplements thereto.

IT IS AGREED AND UNDERSTOOD that ad valorem taxes for the current year have been prorated by and between the parties hereto and the Grantee assumes the payment thereof.

THIS conveyance is made subject to the following:

1. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting subject property.
2. Designation and reservation of utility easements and set-back restrictions as shown on the recorded plat of subdivision, to-wit: "Five foot (5') foot easement adjacent to each interior lot line, twenty foot (20') front set-back line, ten foot (10') side set-back line, and twenty foot (20') rear set-back line".
3. (A) Terms and conditions of, including reservation and conveyance of easements, contained in Warranty Deed from Robert N. Stockett, Jr. to Barbara Burke Stockett, et al, dated August 18, 1988, recorded in Deed Book 244 at Page 066.
(B) Terms and conditions of that certain Warranty Deed from Robert N. Stockett, Jr. to Lake Caroline, Inc., dated August 18, 1988, recorded in Book 244 at Page 073.
(C) Terms and conditions relative to use contained in the Warranty Deed from Samuel H. Stockett, et al to Lake Caroline, Inc., dated August 18, 1988, recorded in Book 244 at Page 084, said deed incorporating the terms of that certain option referred in Memorandum of Option of record in Deed Book 244 at Page 93 and in Deed Book 244 at Page 106.
(D) Mutual easements, benefits and burdens, terms and conditions of Warranty Deed executed by Barbara B. H. Stockett and Samuel H. Stockett to JRJ Development, LLC, recorded in Book 404 at Page 517.

EXHIBIT

A

tabbles

4. (A) Terms, conditions, restrictions, privileges, and obligations, including the right to create assessments, as contained in that certain Declaration of Covenants, Conditions and Restrictions for Lake Caroline, executed by Lake Caroline, Inc., dated December 4, 1989, recorded in Book 696 at Page 609, as amended by Amendment to Declaration Additional Property, dated December 30, 1996, filed December 31, 1996 at 11:20 A.M., recorded in Book 1015 at Page 372, and any supplements thereto.

(B) Restated Supplement to The Declaration of Covenants, Conditions and Restrictions for Lake Caroline Annexing Northshore of Lake Caroline Part One and Part Two, dated September 22, 1998, filed September 23, 1998 at 3:10 P.M., recorded in Book 1126 at Page 580.

5. Terms, conditions, restrictions, privileges, and obligations, including the right to create assessments, as contained in that certain Declaration of Covenants, Conditions and Restrictions for Northshore of Lake Caroline, a Planned Community, dated July 6, 1998, filed July 9, 1998 at 1:15 P.M., recorded in Book 1110 at Page 716.


WITNESS THE SIGNATURE OF THE UNDERSIGNED, this the 1st day of February, 2001.

JRJ DEVELOPMENT, LLC, A Mississippi Limited Liability Company

BY: [Signature]
ROBERT N. STOCKETT, III, Member

STATE OF MISSISSIPPI
COUNTY OF HINDS

PERSONALLY came and appeared before me, the undersigned authority in and for the said county and state, on this 1st day of February, 2001, within my jurisdiction, the within named ROBERT N. STOCKETT, III, Member of JRJ DEVELOPMENT, LLC, a Mississippi limited liability company, who acknowledged that for and in behalf of said company, and as its act and deed, he executed and delivered the above and foregoing instrument, after first having been duly authorized by said company so to do.

[Signature]
NOTARY PUBLIC


My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 29, 2003
BONDED THRU STEGALL NOTARY SERVICE

GRANTOR'S ADDRESS & PHONE NO.

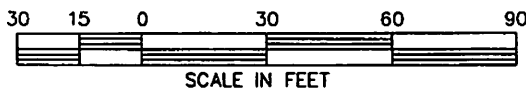
Post Office Box 751
Madison, MS 39130
(601) 853-0032

GRANTEE'S ADDRESS & PHONE NO.

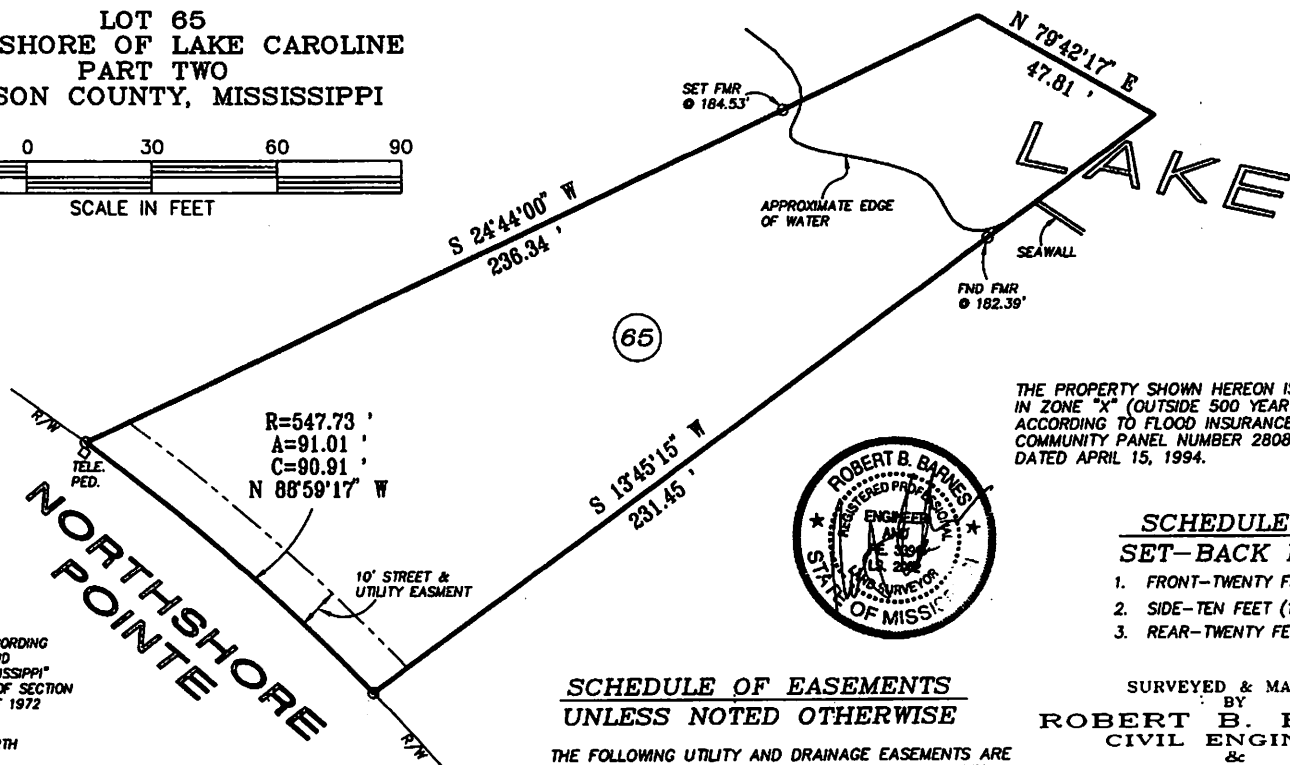
109 Hickory Glen
Madison, MS 39110
(601) 853-0758

PLAT SHOWING CERTAIN PROPERTIES

LOT 65
NORTHSHORE OF LAKE CAROLINE
PART TWO
MADISON COUNTY, MISSISSIPPI



BOOK 0479 PAGE 740



NOTE: THE LAKE WILL ENCROACH ON THAT PART OR AREA OF THE LOT WHICH IS BELOW THE NORMAL POOL ELEVATION OF 276.00 MEAN SEA LEVEL.

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" (OUTSIDE 500 YEAR FLOOD PLAIN) ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 28089C0190 D, DATED APRIL 15, 1994.

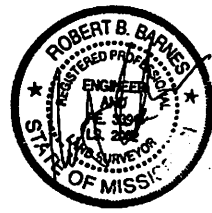
SCHEDULE OF SET-BACK LINES

1. FRONT-TWENTY FEET (20')
2. SIDE-TEN FEET (10')
3. REAR-TWENTY FEET (20')

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. FIVE FOOT (5') EASEMENT ADJACENT TO EACH INTERIOR LOT LINE.



SURVEYED & MAPPED
BY
ROBERT B. BARNES
CIVIL ENGINEER
&
LAND SURVEYOR
4 OLD RIVER PLACE
JACKSON, MISSISSIPPI 39202
JANUARY 30, 2001

STATE OF MISSISSIPPI, COUNTY OF MADISON

I certify that the within instrument was filed for record in my office this 2 day of Feb, 2001, at 3 o'clock P.M., and was duly recorded on the FEB 02 2001 Book No. 419 Page 138

STEVE DUNCAN, CHANCERY CLERK BY: Clayton D.C.



\D\LOT\65NS

THIS IS A CLASS "B" SURVEY ACCORDING TO "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI" ESTABLISHED BY THE AUTHORITY OF SECTION 73-13-15(1), MISSISSIPPI CODE OF 1972 AS AMENDED.

REFERENCE MERIDIAN - TRUE NORTH BASED ON RECORDED PLAT.

○ INDICATES FERROUS METAL ROD ALONG PROPERTY LINES OR ● PROPERTY CORNERS.

ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

Madison County, MS
I certify this
instrument was filed
on 05/28/2019 03:07:11
PM
and e-recorded in the
W
Book 3724 Page 637 -
638
INSTR#:864755
Ronny Lott, Chancery
Clerk
By:RGK

FIRST GUARANTY

Recording Fee
\$11.00
Archive Fee
\$1.00

Total
\$12.00

Record and Return To:
First Guaranty Title, Inc.
509 Cobblestone Court, Ste. B
Madison, Mississippi 39110
Telephone No. (601) 605-6626
File No. 2019052791A - Windham

STATE OF MISSISSIPPI
COUNTY OF MADISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

Barbara B. Stockett,
2973 Highway 22
Madison, MS 39130
Telephone: 601-941-5235

GRANTOR, does hereby sell, convey and warrant unto

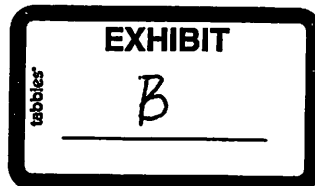
Mark J. Windham and Shirley S. Windham,
109 Hickory Glen
Madison, MS 39110
Telephone: 601 942 4087

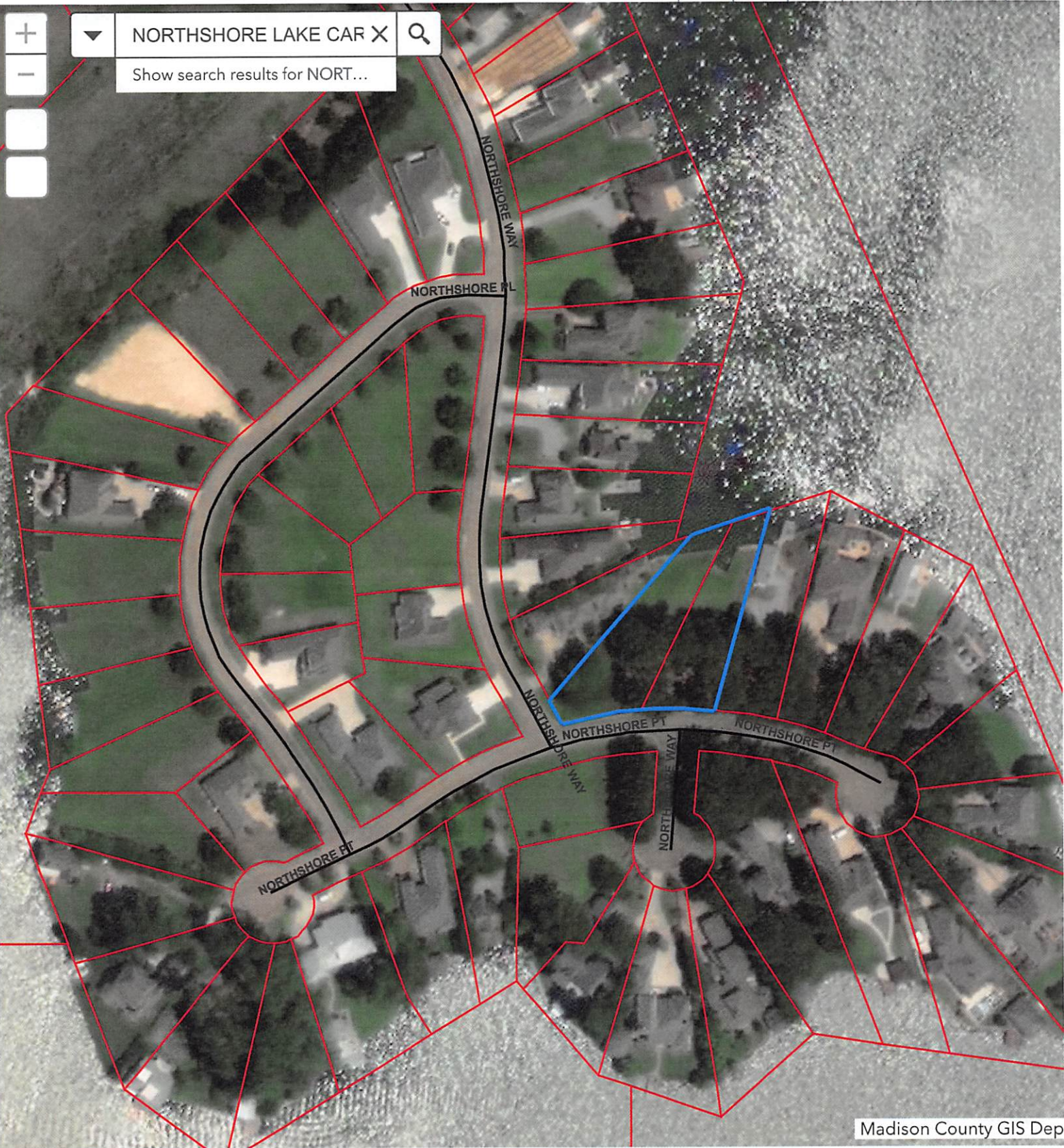
GRANTEES, as joint tenants with full rights of survivorship and not as tenants in common, the following land and property situated in the County of Madison, State of Mississippi, and being more particularly described as follows, to-wit:

Lot 64, Northshore of Lake Caroline, Part Two, a subdivision according to the 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 D at Slide 20-21, reference to which is hereby made in aid of and as a part of this description.

INDEXING: Lot 64, Northshore of Lake Caroline, Part Two, Madison County, MS

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, then the Grantors agree to pay to said Grantee or his assigns any deficit on an actual proration. Likewise, Grantee agrees to pay to said Grantors or their assigns any overpayment on an actual proration.





200ft

-90.158 32.561 Degrees