

**BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS**

**IN RE: ALTERATION OF THE PLAT OF GARDEN HOMES OF LAKE CAROLINE**

**BRECK TYLER AND DENISE TYLER, PETITIONERS**

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**PETITION TO ALTER THE PLAT OF GARDEN HOMES  
OF LAKE CAROLINE**

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**COME NOW** Petitioners, **BRECK TYLER AND DENISE TYLER**, 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 Garden Homes of Lake Caroline, and in support hereof show as follows:

1. Petitioners, **BRECK TYLER AND DENISE TYLER**, are the owners of Lot 35 of Garden Homes of Lake Caroline, as evidenced by Warranty Deed dated August 21, 1991, recorded in Book 288 at Page 171 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.

2. Garden Homes of Lake Caroline, 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 at Slide 62, and 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 Garden Homes of Lake Caroline, recorded in Book 716 at Page 447.

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 they desire to divide Lot 35 into an East ½ and a West ½ as depicted on Survey Plat attached hereto as **Exhibit "B."** That Daron Keith Hutchison and Carole W. Hutchison are the owners of Lot 34, Garden Homes of Lake Caroline which would join the West ½ of Lot 35 and they have agreed to purchase the West ½ of Lot 35 from Petitioners. That George Smith and wife, Linda G. Smith are the owners of Lot 36 which joins the East ½ of Lot 35 and they have agreed to purchase the East ½ of Lot 35 from Petitioners. That Daron Keith Hutchison and Carole W. Hutchison, George L. Smith, and Linda G. Smith join in this Petition.

5. Petitioners show that after dividing Lot 35 and combining the West ½ of Lot 35 with Lot 34 and combining the East ½ of Lot 35 with Lot 36, the minimum lot footage requirements in Section 12, Article XI of 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, Breck Tyler and wife, Denise Tyler;
- b. Daron Keith Hutchison and wife, Carole W. Hutchison.
- c. George L. Smith and wife, Linda G. Smith.

- d. Lake Caroline Owner's Association, Inc.
- e. Lake Caroline, Inc.

All of such interested parties join in this Petition.

6. That this Board should approve the division of Lot 35 and the combining into the East ½ and West ½ and the combining of the West ½ of Lot 35 with Lot 34 and combining the East ½ of Lot 36 with 35 and should reflect such approval by recording it in the minutes of the Board of Supervisors and by marginal notation on the Plat of Garden Homes of Lake Caroline.

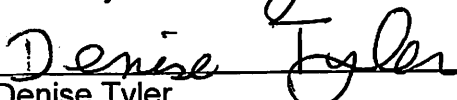
**WHEREFORE, PREMISES CONSIDERED** Petitioners respectfully request that this Petition be received, and that after due consideration, that the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Garden Homes of Lake Caroline, to reflect that the East ½ of Lot 36 shall be combined with the East ½ of Lot 35 shall be combined with Lot 36 shall be classified as one Lot and that the West ½ of Lot 35 shall be combined with Lot 34 and 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 21<sup>st</sup> day of May 2021.

Respectfully submitted,

  
\_\_\_\_\_  
Breck Tyler

  
\_\_\_\_\_  
Denise Tyler

  
\_\_\_\_\_  
Deron Keith Hutchison

  
\_\_\_\_\_  
Carole W. Hutchison

George Smith  
George Smith  
Linda G. Smith  
Linda G. Smith

Lake Caroline Owner's Association, Inc.  
By: [Signature] President

Lake Caroline, Inc.  
By: [Signature]  
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  
Email: [Dmccgraw@montgomerymcgraw.com](mailto:Dmccgraw@montgomerymcgraw.com)  
Attorney for Petitioners

WARRANTY DEED

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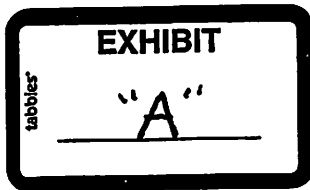
FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid; and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned LAKE CAROLINE, INC., A MISSISSIPPI CORPORATION, does hereby sell, convey, and warrant unto BRECK W. TYLER and wife, DENISE C. TYLER, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property lying and being situate in Madison County, Mississippi, and being more particularly described as follows, to-wit:

Lot 35, GARDEN HOMES OF LAKE CAROLINE, 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 62.

IT IS AGREED AND UNDERSTOOD that advalorem taxes for the current year have not been determined and when a determination has been made, Grantees agree to contribute to Grantor or its assigns, their prorata share of said taxes on or before January 31, 1992.

THIS conveyance and the warranty herein contained 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 as shown on the recorded plat of subdivision.
3. Terms, conditions, easements, restrictions, privileges, and obligations, including the right to create assessments, as contained in that certain Declaration of Covenants, Conditions and Restrictions for Lake Caroline, recorded in Book 696 at Page 609; and Supplement to Declaration annexing Garden Homes of Lake Caroline of record in Deed Book 716 at Page 73; re-recorded in Deed Book 716 at Page 447.



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IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by its duly authorized officers, on this the 21<sup>st</sup> day of August, 1991.

LAKE CAROLINE, INC., A MISSISSIPPI CORPORATION

BY: [Signature]  
ROBERT N. STOCKETT, JR., President

ATTEST:  
[Signature]  
JOHN M. LOUIS, Secretary

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 21<sup>st</sup> day of August, 1991, within my jurisdiction, the within named ROBERT N. STOCKETT, JR. and JOHN M. 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 the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
My Commission Expires May 13, 1994



GRANTOR'S ADDRESS & PHONE NO.  
P. O. Box 22804  
Jackson, MS 39205  
(601) 352-7793

GRANTEES' ADDRESS & PHONE NO.  
14 Rotan Court  
Brandon, MS 39042  
(601) 825-4605



STATE OF MISSISSIPPI, County of Madison:  
I certify that the within instrument was filed for record in my office this 22 day of Aug, 1991, at 12:50 o'clock P. M., and was duly recorded on the AUG 22 1991, Book No. 288, Page 171.  
BILLY V. COOPER, CHANCERY CLERK BY: [Signature] D.C.

BT

Notes:  
 All visible utilities located  
 5' utility & drainage easement  
 around entire lot

OWNERS, BRECK & DENISE TYLER

BEING THE EAST 1/2 OF LOT 35, GARDEN HOMES OF LAKE CAROLINE ACCORDING TO A MAP OR PLAT ON FILE IN THE OFFICE OF THE CHANCERY CLERK AT CANTON, MADISON COUNTY, MISSISSIPPI IN PLAT CABINET "C" AT SLIDE "62" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, TO-WIT;  
 BEGINNING AT THE NORTHEAST CORNER OF AFORESAID LOT 35 AND RUN SOUTH 23 DEGREES 39 MINUTES 17 SECONDS WEST ALONG SAID LOT LINE A DISTANCE OF 145.95 FEET TO THE SOUTHERN MOST LOT CORNER; THENCE NORTH 61 DEGREES 33 MINUTES 48 SECONDS WEST ALONG SAID LOT LINE A DISTANCE OF 30.105 FEET; THENCE NORTH 23 DEGREES 39 MINUTES 17 SECONDS EAST A DISTANCE OF 143.514 FEET TO THE SOUTH LINE OF BRIDGEWATER DRIVE, HAVING A 50 FOOT RIGHT OF WAY; THENCE SOUTH 66 DEGREES 20 MINUTES 43 SECONDS EAST ALONG SAID RIGHT OF WAY 9.48 FEET TO THE POINT OF CURVATURE OF A CURVE BEARING TO THE RIGHT, HAVING A RADIUS OF 3,106.76 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY A CHORD BEARING AND DISTANCE OF SOUTH 66 DEGREES 17 MINUTES 21 SECONDS EAST, 20.52 FEET TO THE POINT OF BEGINNING.

BEING THE WEST 1/2 OF LOT 35, GARDEN HOMES OF LAKE CAROLINE ACCORDING TO A MAP OR PLAT ON FILE IN THE OFFICE OF THE CHANCERY CLERK AT CANTON, MADISON COUNTY, MISSISSIPPI IN PLAT CABINET "C" AT SLIDE "62" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, TO-WIT;  
 COMMENCING AT THE NORTHEAST CORNER OF AFORESAID LOT 35 AND RUN SOUTH 23 DEGREES 39 MINUTES 17 SECONDS WEST ALONG SAID LOT LINE A DISTANCE OF 145.95 FEET TO THE SOUTHERN MOST LOT CORNER; THENCE NORTH 61 DEGREES 33 MINUTES 48 SECONDS WEST ALONG SAID LOT LINE A DISTANCE OF 30.105 FEET TO THE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN; THENCE CONTINUE ALONG SAID LOT LINE NORTH 61 DEGREES 33 MINUTES 48 SECONDS WEST A DISTANCE OF 30.105 FEET TO THE WESTERN MOST CORNER OF SAID LOT; THENCE NORTH 23 DEGREES 39 MINUTES 17 SECONDS EAST ALONG SAID LOT A DISTANCE OF 141.0 FEET TO THE SOUTH LINE OF BRIDGEWATER DRIVE, HAVING A 50 FOOT RIGHT OF WAY; THENCE SOUTH 66 DEGREES 20 MINUTES 43 SECONDS EAST ALONG SAID RIGHT OF WAY 30.0 FEET; THENCE SOUTH 23 DEGREES 39 MINUTES 17 SECONDS WEST A DISTANCE OF 143.514 FEET TO THE POINT OF BEGINNING.

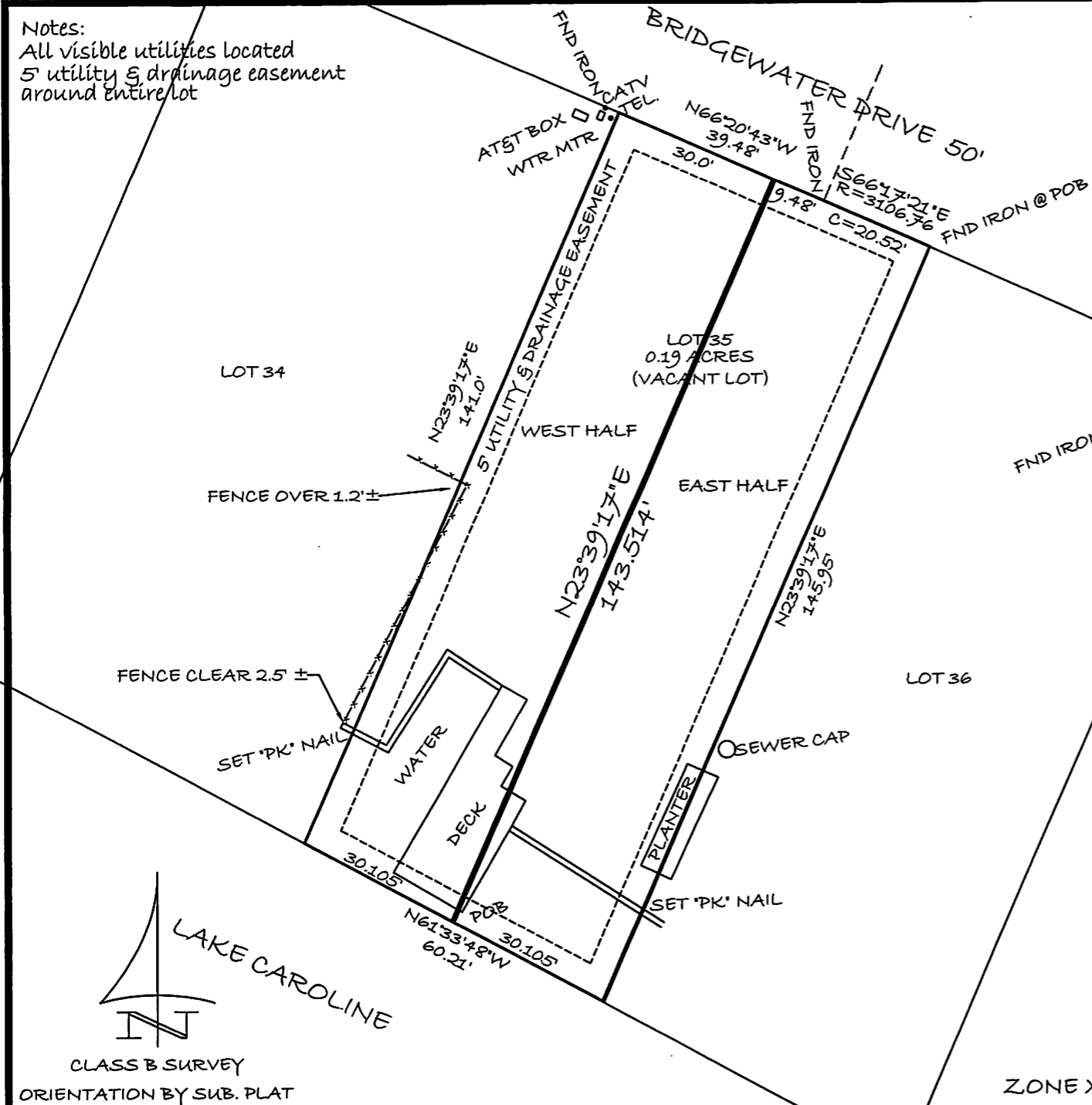
T. E. MCDONALD, INC.

registered land surveyor no. 1661  
 4016 N. State St. Jackson, MS. 39206  
 SCALE 1" = 25' 03/26/21

ZONE X, 28089C0385F, 03/17/10

P.C."C" S."62"

EXHIBIT "B"



CLASS B SURVEY  
 ORIENTATION BY SUB. PLAT