

BEFORE THE MADISON COUNTY, MISSISSIPPI BOARD OF SUPERVISORS

**IN RE: ALTERATION OF THE PLAT OF LOT 10, CHARLTON PLACE, PHASE ONE,
REVISED**

JUSTIN B. JONES AND BRITTANY T. JONES, PETITIONERS

**PETITION TO ALTER THE PLAT OF CHARLTON PLACE,
PHASE ONE, REVISED**

COME NOW Petitioners, **JUSTIN B. JONES AND BRITTANY T. JONES**, 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 Charlton Place, Phase One, Revised, and in support hereof show as follows:

1. Petitioners, **JUSTIN B. JONES AND BRITTANY T. JONES**, are the owners of Lot 10, Charlton Place, Phase One, Revised, as evidenced by Warranty Deed dated April 12, 2018, recorded in Book 3589 at Page 925 in the records 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. Charlton Place, Phase One, Revised, 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 E at Slide 146A and 146B, and is subject to the Amended Declaration of Covenants, Conditions and Restrictions of Charlton Place recorded in Book 2369 at Page 609, and the Amendment and Supplement to Charlton Place Covenants dated October 1, 2013, recorded in Book 3034 at Page 731, all in the records in the office of the Chancery Clerk of Madison County, Mississippi.

3. The Amendment and Supplement to the Restated Declaration of Covenants, Conditions and Restrictions of Charlton Place provides in paragraph 3, thereof as follows:

The area which is shown as proposed Lots 1-17, inclusive on the Charlton Plat and located within Charlton Place on the South Lake shall not be subdivided and/or platted into parcels containing not less than 3 acres, including any portion contained within the South Lake.

4. Petitioners show that Lot 10 contains a total of 8.0747 acres. Petitioners desire to divide Lot 10 with the North portion of the Lot being 5.0747 acres and the South portion of the Lot being 3.0 acres. That the legal description and plat of the division are attached hereto as Exhibit "B".

5. Petitioners show that after division of the Lot, the minimum of the Lot size requirements of the Amendment and Supplement to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Charlton Place shall be complied with.

6. Pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Charlton Place and Amendment and Supplement thereto, and 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, Justin B. Jones and wife, Brittany T. Jones.
- b. Highway 22 Property, LLC, the Declarant/Developer.
- c. Charlton Place Property Owner's Association, Inc.

All of such interested parties join in this Petition.

7. That the Board should approve the division of Lot 10 in accordance with the description shown on Exhibit "B" attached hereto.

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this Petition be received, and that after due consideration, the Board of Supervisors of Madison County, Mississippi will enter its Order Altering the Plat of Charlton Place, Phase One, Revised to reflect that Lot 10 thereof is divided into 2 Lots in accordance with the Plat and Legal Description attached hereto as **Exhibit "B."**

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 20 day of August 2021.

Respectfully submitted,



Justin B. Jones


Brittany T. Jones

Highway 22 Property, LLC, a Mississippi Limited Liability Company

By: 
Rodney F. Triplett, Jr., Manager/Member

Charlton Place Property Owner's Association, Inc.,
a Mississippi Corporation

By: 
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: Dmcgraw@montgomerymcgraw.com
Attorney for Petitioners

PREPARED BY:

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(601) 707-5460**

RETURN TO:

**Simpkins Law Firm, PLLC
Monty Simpkins
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Madison, MS 39110
(601) 707-5460**

118-12²

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 considerations, not herein mentioned, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

**ALAN WAYNE POTTS and ROBYN KERR POTTS
105 Longleaf Lane
Madison, MS 39110
(601)-832-2730**

Grantors, do hereby sell, convey and warrant unto,

**JUSTIN B. JONES and BRITTANY T. JONES
109 Windermere Blvd.
Madison, MS 39110
(662)-299-7714**

Grantees, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property lying and being situated in Madison County, Mississippi, to-wit:

Lot 10, Charlton Place, Phase One, Revised, 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 E at Slide 146A & 146B, reference to which is hereby made in aid of and as a part of this description.

**INDEXING INSTRUCTIONS: Lot 10, Charlton Place, Phase One, Revised
Madison County, MS**

This conveyance is subject to any and all applicable building restrictions, restrictive covenants, easements and mineral reservations of record.

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated 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 Grantors agree to pay the Grantees or their assigns any amount which is deficit on an actual proration and likewise, the Grantees agree to pay the Grantors any amount overpaid by them.

Exhibit A

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Witness the signature of the Grantors on this the 12th day of April, 2018.

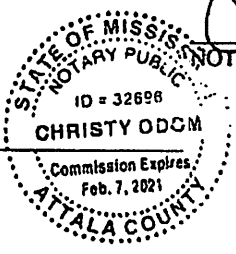
Alan Wayne Potts
ALAN WAYNE POTTS
Robyn Kerr Potts
ROBYN KERR POTTS

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

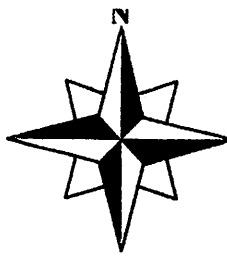
PERSONALLY came and appeared before me, the undersigned authority in and for said County and State, the within named, Alan Wayne Potts and Robyn Kerr Potts, who acknowledged on oath that they signed, executed and delivered the above and foregoing instrument on the day and year therein mentioned as their own free voluntary act and deed.

Witness my signature and seal of office on this the 12th day of April, 2018.

Christy ODCM
NOTARY PUBLIC



MY COMMISSION EXPIRES: _____



LEGAL DESCRIPTION
PART OF LOT 10, CHARLTON PLACE
PHASE ONE, REVISED

A parcel of land being situated in the Northeast 1/4 of Section 3, Township 8 North, Range 1 East, Madison County, Mississippi and being a part of Lot 10 of Charlton Place, Phase One Revised as recorded in Plat Cabinet E at Slides 146A & 146B in the Chancery Records of Madison County at Canton, Mississippi and being more particularly described by metes and bounds as follows, to wit:

Commence at a 5/8" iron pin found which marks the southeast corner of the said Lot 10, the western right of way line of Windermere Boulevard, and also marks the **POINT OF BEGINNING** for the parcel herein described; thence run North 83° 12' 07" West for a distance of 329.09 feet along the southern line of the said Lot 10 to a 5/8" iron pin found; thence South 63° 04' 35" West for a distance of 137.20 feet along the southern line of Lot 10 to a 5/8" iron pin found at the southwest corner thereof; thence North 20° 58' 09" West for a distance of 280.30 feet along the western line of the said Lot 10 to a 5/8" iron pin set; thence leave said western line and run North 84° 29' 22" East for a distance of 567.28 feet to a 5/8" iron pin set at a point on the said western right of way line of Windermere Boulevard; thence run 293.66 feet along the arc of a 2,202.29 foot radius curve to the right along the said western right of way line, said arc having a 293.44 foot chord which bears South 02° 58' 41" West to the **POINT OF BEGINNING**, containing 3.00 acres (130,680 square feet), more or less.

The reference meridian for the above description is based on the recorded plat of Charlton Place, Phase One Revised.

Exhibit B
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PLAT SHOWING
PART OF LOT 10
CHARLTON PLACE
PHASE ONE REVISED
MADISON COUNTY, MISSISSIPPI

3.0000 ACRES
130,680 SQ. FT.

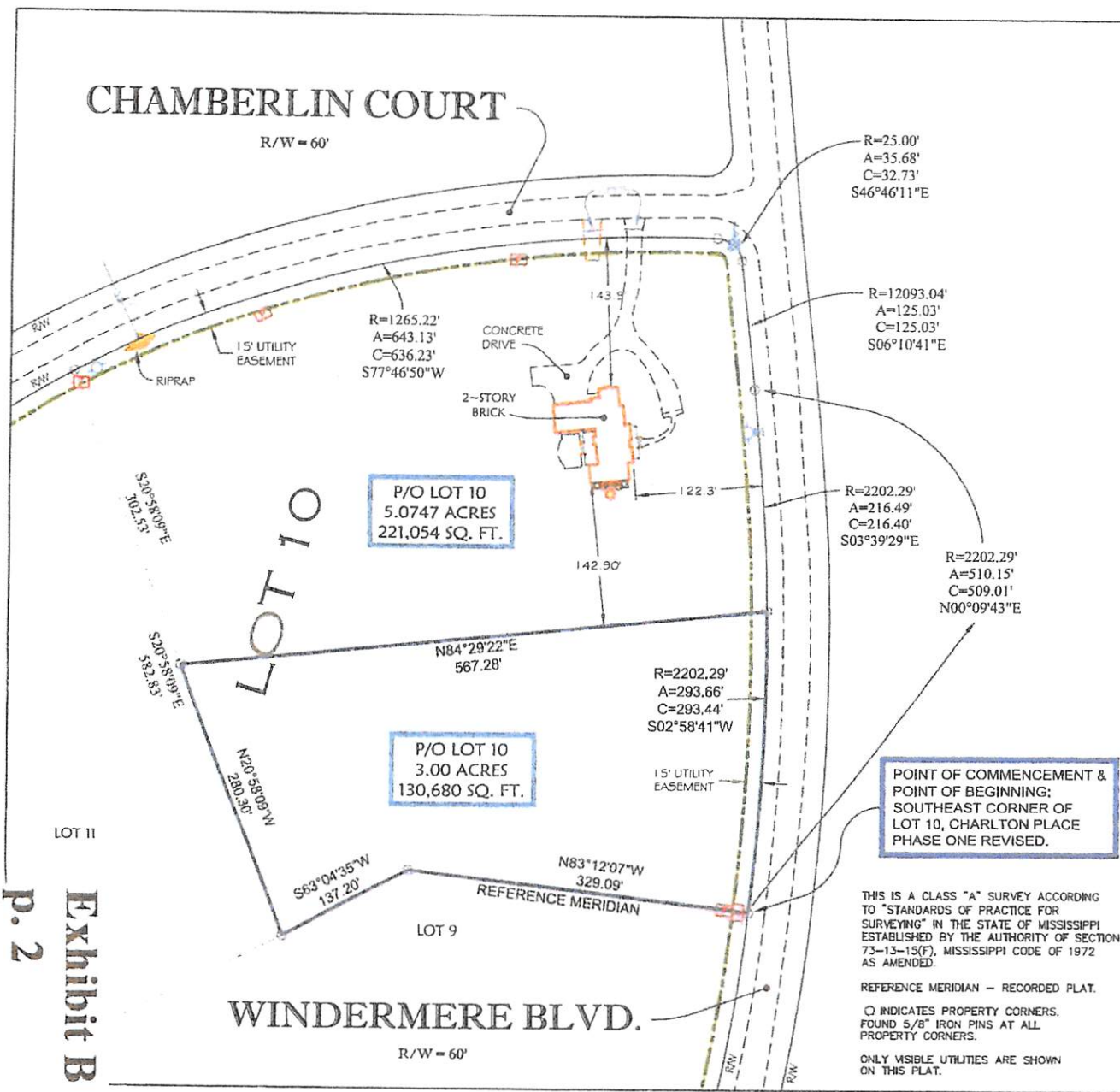
LEGEND

- TELEPHONE PEDESTAL
- POWER BOX
- COMMUNICATION BOX (AT&T)
- AC UNIT
- WATER VALVE
- FIRE HYDRANT
- SEWER TREATMENT PLANT
- GAS METER
- STP PANEL
- SET STAKE
- SIGN
- STORM DRAIN
- CURB
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- LOT LINE
- EASEMENT
- PROPERTY LINE

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.



SURVEYED & MAPPED
BY
BARNES SURVEYING, LLC
ROBERT MICHAEL BARNES
LAND SURVEYOR
272 S PERKINS ST., SUITE 400
RIDGELAND, MISSISSIPPI 39157
PHONE: 601-353-7878
EMAIL: mike@barnessurvey.com
FIELD WORK COMPLETED: JULY 24, 2021
PLAT DATE: JULY 27, 2021



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

REFERENCE MERIDIAN - RECORDED PLAT.

○ INDICATES PROPERTY CORNERS. FOUND 5/8" IRON PINS AT ALL PROPERTY CORNERS.

ONLY VISIBLE UTILITIES ARE SHOWN ON THIS PLAT.

Exhibit B
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