

Department of Engineering  
Tim Bryan, P.E., County Engineer

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**MEMORANDUM**

May 25, 2023

To: Sheila Jones, Supervisor, District I  
Trey Baxter, Supervisor, District II  
Gerald Steen, Supervisor, District III  
Karl Banks, Supervisor, District IV  
Paul Griffin, Supervisor, District V

From: Tim Bryan, P.E., PTOE  
County Engineer

Re: Acknowledge Court Order  
Immediate Title and Possession  
Madison County vs. Frederick Saddler, Mattie Saddler & US Bank National Association

The Engineering Department is requesting the Board acknowledge the attached Court Order awarding immediate title and possession of property needed for the Bozeman Road Widening project for a sum of \$4,974.05 from Frederick Saddler, Mattie Saddler & US Bank National Association. This order also requires that the Board of Supervisors deposit 85% of this amount (\$4,227.95) to the Court Clerk.

It is also requested that the County Comptroller be authorized to issue a check for this fee to the Circuit Court Clerk.

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SHEILA JONES  
District One

TREY BAXTER  
District Two

GERALD STEEN  
District Three

KARL BANKS  
District Four

PAUL GRIFFIN  
District Five

IN THE SPECIAL COURT OF EMINENT DOMAIN  
MADISON COUNTY, MISSISSIPPI

MADISON COUNTY, MISSISSIPPI, a body politic

PLAINTIFF

VS.

CIVIL ACTION NO. CO-2023-0148-JH

FREDERICK D. SADDLER; MATTIE E. SADDLER; U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS INDENTURE TRUSTEE FOR THE CIM TRUST 2017-8 MORTGAGE-BACKED NOTES SERIES 2017-8 BY NATIONSTAR MORTGAGE LLC d/b/a MR. COOPER; SHAPIRO & BROWN, LLC, TRUSTEE; AND CITIBANK (South Dakota) N.A.

**FILED**  
MADISON COUNTY

MAY 18 2023

ANITA WRAY, CIRCUIT CLERK

BY *[Signature]* D.C.

DEFENDANTS

**ORDER GRANTING PLAINTIFF RIGHT OF  
IMMEDIATE TITLE AND POSSESSION**

This day this Cause having come on to be heard on the motion, ore tenus, of Plaintiff, Madison County, Mississippi, for an order granting said Plaintiff the right of immediate title and possession and entry upon the land being condemned and as described in Exhibit "A" attached hereto and incorporated herein. The Court finds that Robert R. Morrow, Certified General Real Estate Appraiser, was appointed by Orders of this Court dated March 27, 2023, to appraise the property which is the subject of this cause, and the Court finds that said appraiser has filed with this Court and the Clerk of the Court the requisite number of copies of the Appraisal Report herein which is subject to the review of this Court.

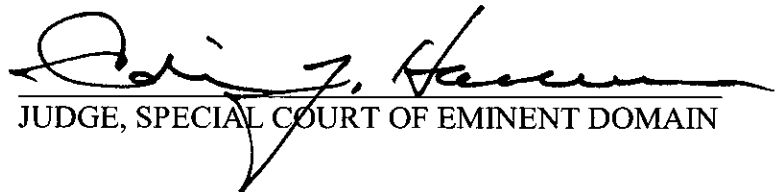
The Court further finds that the report of the Court-appointed appraiser shows the sum of Four Thousand Nine Hundred Seventy-Four and 05/100 Dollars (\$4,974.05) as total compensation and damages for the taking of the Defendants' land, that proper notice of said appraisal report has been given to the Court and to the parties as required by law, and the Court having reviewed the

*141/617*

Court-appointed appraisal finds that the appraisal conforms to that which was ordered by this Court; and the court making a judicial determination of public use, finds that said Motion is well-taken and Plaintiff is entitled to immediate title and possession of and entry upon the land described in Exhibit "A" attached hereto.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff, Madison County, Mississippi be and it is hereby granted immediate title to the property sought to be condemned as described in Exhibit "A" attached hereto and in the complaint filed herein, less and except all oil, gas and other minerals which may be produced through a well bore, and the right to immediate entry upon the lands, provided that said Plaintiff deposit with the Clerk of this Court an amount not less than Four Thousand Two Hundred Twenty-Seven Dollars and 95/100 (\$4,227.95), being eight-five percent (85%) of compensation and damages due Defendant as determined by said court-appointed appraisal and that said deposited funds will be disbursed only upon further order of this Court.

SO ORDERED AND ADJUDGED on this the 18<sup>th</sup> day of May, 2023.

  
JUDGE, SPECIAL COURT OF EMINENT DOMAIN

Prepared and Presented By:

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Barry S. Zirulnik (M.B. #6681)  
Price & Zirulnik, PLLC  
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Ridgeland, MS 39157  
Telephone: 601-353-3000

055-00-00-W  
Frederick D. Sadler and Mattie E. Sadler

Indexing Instructions: SE/4 of the SE/4 of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi.

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83 (2011) epoch 2010.00, grid values, U. S. Survey feet, using a scale factor of 0.999954045 and a grid to geodetic azimuth angle of (+) 00 degrees 06 minutes 12.67957 seconds developed at the below described commencing point used for Project Number STP-6985-00(001) LPA/106993-701000. It is the intent of this description to convey that portion of the grantors property that lies with the proposed right-of-way as defined by said project:

Commencing at a found #3 rebar located at the Northeast corner of the Ingleside II Subdivision, Part I, Plat Cabinet C, Slide 5, records of the Office of Chancery Clerk, Madison County, Mississippi, having a coordinate value of N 1086750.79, E 2356013.16, on the above reference coordinate system, thence run North 13 degrees 21 minutes 59 seconds East for a distance of 11112.02 feet to a #5 rebar with plastic cap located at the intersection of the proposed west right-of-way line of Bozeman Road and the grantors north property line as described in Book 214, Page 676, records of the Office of Chancery Clerk, Madison County, Mississippi, being 45.00 feet left of and perpendicular to proposed Catlett Road alignment at project centerline station 181+20.00, having a coordinate value of N 1097561.81, E 2358582.00, on the above reference coordinate system, and being referred to hereinafter as the Point of Beginning;

From the Point of Beginning thence along said north property line run, South 89 degrees 37 minutes 44 seconds East for a distance of 24.36 feet to a #5 rebar with cap located on the existing west right-of-way line of Catlett Road;

thence along said existing west right-of-way line run, South 00 degrees 22 minutes 19 seconds West for a distance of 134.05 feet to a #5 rebar with plastic cap located at the intersection of said existing west right-of-way line and the existing north right-of-way line of Gluckstadt Road;

thence along said existing north right-of-way line run, North 89 degrees 37 minutes 44 seconds West for a distance of 41.03 feet to a #5 rebar with plastic cap located at the intersection of said existing north right-of-way line and the proposed west right-of-way line of Catlett Road;

thence along said proposed west right-of-way line run, North 10 degrees 23 minutes 11 seconds East for a distance of 95.54 feet to a #5 rebar with cap;

thence continue along said proposed west right-of-way line run, North 00 degrees 27 minutes 22 seconds East for a distance of 40.00 feet back to the Point of Beginning, containing 0.09 acres (4054 square feet), more or less, and being situated in the Southeast Quarter of the Southeast Quarter of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi.



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055-00-00-T  
Frederick D. Sadler and Mattie E. Sadler

Indexing Instructions: SE/4 of the SE/4 of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi.

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83 (2011) epoch 2010.00, grid values, U. S. Survey feet, using a scale factor of 0.999954045 and a grid to geodetic azimuth angle of (+) 00 degrees 06 minutes 12.67957 seconds developed at the below described commencing point used for Project Number STP-6985-00(001) LPA/106993-701000.

Commencing at a found #3 rebar located at the Northeast corner of the Ingleside II Subdivision, Part I, Plat Cabinet C, Slide 5, records of the Office of Chancery Clerk, Madison County, Mississippi, having a coordinate value of N 1086750.79, E 2356013.16, on the above reference coordinate system, thence run North 13 degrees 21 minutes 59 seconds East for a distance of 11112.02 feet to a #5 rebar with plastic cap located at the intersection of the proposed west right-of-way line of Catlett Road and the grantors north property line as described in Book 214, Page 676, records of the Office of Chancery Clerk, Madison County, Mississippi, being 45.00 feet left of and perpendicular to proposed Catlett Road alignment at project centerline station 181+20.00, having a coordinate value of N 1097561.81, E 2358582.00, on the above reference coordinate system, and being referred to hereinafter as the **Point of Beginning**;

From the **Point of Beginning** thence along said proposed west right-of-way line run, South 00 degrees 27 minutes 22 seconds West for a distance of 40.00 feet to a #5 rebar with cap located on said proposed west right-of-way line of Catlett Road;

Thence leaving said proposed west right-of-way line run, North 89 degrees 32 minutes 38 seconds West for a distance of 10.00 feet to a #5 rebar with plastic cap;

thence run, North 00 degrees 27 minutes 22 seconds East for a distance of 40.00 feet to a #5 rebar with plastic cap located on said grantors north property line;

thence along said north property line run, South 89 degrees 32 minutes 38 seconds East for a distance of 10.00 feet back to the **Point of Beginning**, containing 400 square feet, more or less, and being situated in the Southeast Quarter of the Southeast Quarter of Section 19, Township 8 North, Range 2 East, Madison County, Mississippi.

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